

MINUTES OF THE TWO HUNDRED AND FORTY-SECOND MEETING
September 1, 1970

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 September 1, 1970 with the key members of the staff; a representative, Mr. H. A. Harnden, of the Consulting Engineers; a representative, Mr. Robert H. Bartholomew, of the Trustee; 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, Masheter, Teagarden, Shocknessy.

Absent: Chastang.

The Chairman announced that a quorum was present. He said Mr. Chastang was in Europe.

A motion was made by Mr. Redman, seconded by Mr. Teagarden, that the minutes for the meeting of July 7, 1970 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 present responded to roll call. The vote was as follows:

Ayes: Redman, Teagarden, Masheter, Shocknessy.

Nays: None.

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

The Chairman reported that the revenue for July was \$4,377,809, a record for July. He said he was expecting August revenue to be the highest ever. He ascertained from the Comptroller, John Soller, that revenue from commercial vehicles would probably be down \$40,000 compared to the previous August and that the rate of decline was neither increasing nor improving. The Chairman said the trend should be up and the trend was down. He said that was the economy. He said the Ohio

Turnpike was the best barometer of the economy there was and the economy was not being reflected in the passenger car traffic because people continued, even if they were on unemployment compensation, going out and taking their vacations and other trips. He said the turnpike's rating as a barometer had been true for years and it responded pretty rapidly. He said the trucks were off because of the economy and the passenger traffic would eventually do the same. He said the passenger traffic had always been behind.

The Chairman reported also that the Trustee purchased \$3,803,000 bonds in August at an average price of 86.70. He said it always bothered him that the average was invariably higher than the bond price reports that he read. The Comptroller said the market crept up to the average price level prior to purchase of the bonds and then immediately after the purchase dropped about three points.

The Chairman reported also that there was one fatal accident on the turnpike in July and four in August with five deaths, and that the record for the year to date was very good by comparison with 1969.

The Chairman reported further that the Ohio Director of Highways, Mr. Masheter, and he, with the concurrence of the Governor, had concluded that the Interstate Coordinators' Conference mission was pretty well fulfilled and only two more meetings would be held, one the 21st of September and one the 26th of October. He said that for the remainder of the year the staff of the conference would be concerned with clearing out the residue of the seven and one-half years that the conference had been in business. He said he thought it was the Governor's view and he was sure it was the Director's and his that the Interstate Coordinators' Conference had served a very useful and effective purpose. He said it was also the view, he was sure, of the Federal Highway Administration that the Conference was not only an interesting innovation in government but that it was an effective innovation. He said he had had a letter from Mr. William E. Reed, the former Ohio Division Engineer of the Federal Highway Administration who was retired and living in Phoenix, Arizona and he said in his letter just that. He said Mr. Reed said he had enjoyed his years in Ohio more than any years of his whole career and had enjoyed working with the Interstate Coordinators' Conference and considered the Conference one of the most effective devices that he ever had experience with. The Chairman said the liaison engineer to the Conference, Mr. Allan V. Johnson, was working on a final report of the accomplishments of the Conference and a copy of that report would be made available for filing with the Turnpike Commission because of its interest and its part in the activity.

The Chairman said further that at the same time the Interstate Coordinators' Conference was terminated, the Freeway Conference that was held in the mayor's office in Cleveland would also be terminated. He said he never felt that the results in Cleveland were comparable to the results obtained at the Conference in Columbus but that there were many currents, principally partisan political, which affected the activities of the Cleveland Conference. He said that nevertheless he felt that the Cleveland Conference was worth the effort and it could not be overlooked it was held in the presence of a municipal administration which was subject to election every two years and it was impossible in the amount of free time between elections to accomplish the kind of thing that could be accomplished if there were no elections over-hanging all the time. He said that in the Columbus Conference it was possible to do a lot of things which might not otherwise have been possible to do had the Conference not had the benefit of the continuity of government which was provided under Governor Rhodes. He said he and Director Masheter never asked Governor Rhodes for any kind of cooperation in the Interstate Coordinators' Conference that they did not get. He said that if they wanted the Governor to appear at the conferences, lend his support or lend his advice to conferees other than themselves, he was always ready to do it and he always did it. He said he thought the next state administration had an outstanding challenge to accomplish in its time the kind of thing the Conference had been able to accomplish under Governor Rhodes.

Mr. Masheter said the Chairman's remarks were very good for the record.

The Chairman reported further that during the period of approximately two months that the Commission had not been meeting Mr. Teagarden, especially, had had some very effective conferences and it was a consolation to know, when he was ill, that he was backed up all the time by Mr. Teagarden, that business was being carried on and being carried on in a most effective, prudent way in the areas where Mr. Teagarden was exercising his quite incomparable talents. He said Mr. Teagarden had a way of infusing into groups of people a kind of cooperative spirit which everybody could not infuse.

The Chairman said further that it was a consolation always to know that the Commission was such a fine Commission. He said he thought the Commission was certainly one of the best instruments of government that he had ever been associated with. He said the Commission had a staff of people who were not only experienced but were always knowledgeable. He said he was always impressed with the way the Commission's administration in Berea handled itself. He said the

Executive Director, Russell S. Deetz, did a fine job of maintaining tranquility and effective service. He said the General Counsel, Judge Lockwood Thompson and his assistant, Francis K. Cole, had produced some outstanding documents in the form of opinions. He said he was most impressed. He said that during his illness Mr. Masheter and he had had occasion to consider one memorandum in depth with respect to the Niles-Youngstown (No. 15) Interchange matter and both of them, independent of each other, came to the same conclusion. He said they were supported and influenced by Judge Thompson's memorandum.

The Chairman said further that the Comptroller maintained the Commission's finances and the Commission's fiscal administration generally in such a professional and sophisticated manner that he found the Commission's methods were admired and envied by comparable people. He said he did not know how he would have been able to live the past 20 years without the Deputy Executive Director, James D. Hartshorne, who had been his personal support. He said Mrs. Walter O'Grady, his secretary, and Mr. Hartshorne probably knew more about how he would respond than any other two people did to the point where he practically had no privacy from them. He said they knew everything about him and everything he was likely to do. He said he wanted his associates to know how much he admired and appreciated all of them including the J. E. Greiner Company and the accomplishments the Commission had.

The Chairman said further the Commission was 21 years old in every respect of age and still had two of the same Commission Members it had in the beginning. He congratulated Mr. Deetz, Mr. Hartshorne and Mr. Soller on having spent 18 years with the Commission.

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

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

1. Traffic and Revenue Reports for June and July 1970.
2. Financial Statements as of June 30 and July 31, 1970.
3. Report on Concessionaires - First Half 1970.
4. Budget Report, First Half 1970.

5. Detail of investment transactions for July and August 1970.
6. Accountants' Report, Financial Statements, June 30, 1970.
7. Draft of the minutes of the July 7, 1970 meeting.

The Assistant Secretary-Treasurer said the Executive Director would report some plans for the pick up of tickets and money from the interchanges by turnpike personnel. He said that if that came to happen it probably would cause some adjustment in depositary arrangements. He said that on that he would have to work through the Trustee because at the depositaries the account was in the name of The Ohio National Bank of Columbus as Trustee. He said it was possible one additional location would be needed. The Chairman said he had resisted the last seven years the change from the private operators to the Commission for the pick up because of the jeopardy it would place the Commission's employees in but he could not resist any longer because the proposal of the private operator for continued service was prohibitive. He said one could not justify the kind of expense for picking up money and toll tickets that the operator was proposing to charge. The Comptroller said the operator was using its union settlement for justification. He said the Commission could either use the operator or perform the work itself, that there was no other place to turn.

The Executive Director said the operator's proposal represented about a 30 percent increase which would change the monthly rate from \$5,450 to some \$7,085, and there would be another raise the next year of about an equal amount. He said that in the beginning, in 1955, the monthly cost was \$1,800 and the new rate would represent an increase of 393 percent since that time. He said it was estimated that the Commission could do the job with its own personnel and its own equipment for no more than about \$4,000 a month, which meant a \$3,000 a month saving on the basis of the proposed increase to be effective October 30, 1970. He said the estimated cost included insurance coverage, three station wagons and personnel for operating the equipment. He said that the pick-up equipment would have Highway Patrol escort whenever it left the turnpike. He said he felt that on the turnpike there would be plenty of security.

The Executive Director said he did not think there was any danger of exposure. He said it was true there was a risk where there was money but there had been a holdup only once at a toll booth. He said the Pennsylvania Turnpike and the Indiana Toll Road picked up their money and had not experienced any trouble.

The other Members indicated their concurrence in operation of

pick-up service by Commission personnel. The Executive Director said if the Commission had no objection he would proceed to establish a pick up service. The Chairman said the Members present had all indicated their approval.

The Chairman said that in the absence of further 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, said completion of the draft of the preliminary budget of 1971 was expected within a few days and would be followed by a meeting of the committee, probably in Berea, to prepare the final draft for the October meeting of the Commission.

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 since the Commission meeting in July the new restaurant operation contracts TR-4E and TR-4G had been executed and the preliminary requirements of the restaurant operators had been met.

Mr. Teagarden said further that on August 5, 1970 the Service Plaza Committee met separately with representatives of the Howard Johnson Company and the Gladieux Food Services, Inc. to discuss for the second time the contents of the contract. He said the committee reviewed each contractual requirement. He said that as further evidence of the care with which the contract was prepared, there were very few questions by the operators as to the Commission's intent on any given requirement. He said that at the conclusion of the post-award conferences the Committee was satisfied that there could be no misunderstanding on the part of the operators about the premium the Commission placed on satisfaction with turnpike restaurants by turnpike patrons.

Mr. Teagarden said further that while the committee was optimistic about the future operation of the turnpike restaurants it was disappointed by the performance of the Ogden Food organization in the final days of the existing contract. He said that since the restaurant contract awards were announced, conditions in the four units being operated by the Greenfield Mills Company, a division of Ogden Foods, Inc., had steadily deteriorated. He said the Commission's representatives had appealed to officials of the company to maintain standards of service and maintenance but with little result.

Mr. Teagarden said further that Gladieux Food Services, Inc. had purchased the restaurant equipment in the two restaurants currently operated by Ogden Foods, Inc. which would be taken over by the Gladieux Company on October 1, 1970. He said the Howard Johnson Company did not plan to purchase the equipment in the other two restaurants operated by Ogden and which were to be taken over by the Johnson Company on October 1.

Mr. Redman suggested that a letter might be written to Ogden Foods, Inc. putting it on notice that it might suffer a suit for violation of the existing restaurant contract. The Chairman said he agreed. He said also there was an unpleasant editorial in The Toledo Blade about the Gladieux contract. He said nothing was made in the editorial of the fact that Gladieux operated or did operate for a number of years, the food facility in The Blade building. He directed that a letter written by Mr. Teagarden to The Blade in response to the editorial be included in the record of the meeting. The text of the letter follows:

"July 23, 1970

"Editor
The Blade
Toledo, Ohio 43604

"Dear Sir:

"The Blade of July 21, 1970 carried an editorial critical of the choice by the Ohio Turnpike Commission of Gladieux Food Services, Inc. of Toledo to be the operator of the eight restaurants on the western half of the Ohio Turnpike.

"This award and the award of the eight restaurants on the eastern half of the turnpike to the Howard Johnson Company were made pursuant to bids submitted by seven restaurant operating companies. There were only two bidders for the six western restaurants which Mr. Virgil A. Gladieux presently operates: the bid of Gladieux Food Services, Inc. and the bid of another restaurant company. The committee on service plazas of the Commission made inspection visits to toll roads operated by five of the bidders and the consensus concerning the present toll road operations of the bidder competing with Mr. Gladieux for the six western restaurants together with what could be ascertained of the history of that bidder in previous operations on other toll roads was, as the committee reported to the Commission: 'The committee was not favorably impressed with what it was able to learn about the company's former and present operations

on toll roads.' This left the Gladieux Food Services, Inc. as the only acceptable bidder for those six restaurants.

"There were only three bidders for contracts to operate the two restaurants which were awarded to Gladieux Food Services, Inc. in addition to the six restaurants already operated by Gladieux. One bidder was the company characterized as not favorably impressing the committee. Another bidder was the company which for a relatively short period has been operating these two restaurants and two others on the turnpike. The committee was not too happy with the experience to date with this company and for that reason disregarded its bid. The remaining bidder was Gladieux Food Services, Inc. and the award for operation of these two restaurants was made to it.

"While the two restaurants referred to above could have been awarded to the Howard Johnson Company in addition to the eight restaurants that were awarded to this company, it was the opinion of the committee that the relatively higher volume of patronage of these two restaurants, due to fortuitous location with respect to traffic patterns on the Turnpike, possibly would make it easier for Gladieux Food Services, Inc. to provide better service in its present six restaurants which, again because of traffic patterns, have always been low volume restaurants.

"Although it is the fact that over the years the Commission has had to 'nudge' Mr. Gladieux to bestir himself to keep operations at the six restaurants reasonably close to the Commission's standards for operations for all restaurants on the Turnpike, experience has shown that he can perform acceptably.

"Further, the committee was impressed by the fact that the Gladieux organization recently has appointed as manager of its Ohio Turnpike restaurants a man whose experience in toll road operation, including many years with another restaurant operator on the Ohio Turnpike, highly recommended him.

"The recommendation for award of the restaurant contracts to the Commission by the committee on service plazas was made after weeks of study, trips to operations of the bidders on other toll roads and elsewhere, and interviews with each of the bidders, and the members of the committee are convinced that our recommendation was in the best interest of the public. The committee is composed of myself as chairman and the following staff members: Executive Director Russell S. Deetz, General Counsel Lockwood Thompson, Comptroller John Soller, Deputy Executive Director James D. Hartshorne and Director of Operations Andrew R. Grace.

"As for the telephone call from Martin Janis, State Mental Hygiene Director to the chairman of the Commission, Mr. James W. Shocknessy, referred to in your editorial as possibly influencing the award to the Gladieux company, the recommendation of the committee on service plazas to the Commission was made without any knowledge whatsoever of that phone call and the recommendation of the committee was accepted by the Commission as submitted.

"Very truly yours,

"O. L. Teagarden
Chairman

"P.S. The chairman of the Commission says that it is his recollection that restaurant facilities in the Toledo Blade building were operated for many years and until very recently by the Gladieux Corporation and later by the ABC Gladieux Corporation."

Mr. Teagarden said several days before he had been informed by the president of Gladieux Food Services, Inc., Mr. Virgil A. Gladieux, that a publisher of The Blade, Paul Block, Jr., had informed him that very shortly he would be given a contract to run the concession in the Blade building because Mr. Block was unhappy with the current operator, the Ogden Company.

The Chairman said the capriciousness of The Toledo Blade was almost without parallel.

Mr. Teagarden reported also that the contract for remodeling and enlarging the rest rooms at the Commodore Perry Service Plaza was awarded in August and it was expected that work would start right after Labor Day.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

The chairman of the Committee on Employee Relations, Mr. Teagarden, reported that the Executive Director in a letter addressed to all non-supervisory employees in the Maintenance, Traffic & Safety and Toll Collections Departments under date of August 6, 1970 announced that he had accepted recommendations to him by the Committee on Employee Relations on July 30 with respect to changes in wages, working conditions and benefits. He said copies of the letter and of the recommendations of the committee were forwarded to the Members of the Commission.

Mr. Teagarden said further that the changes recommended reflected requests made by spokesmen for non-union employees last June. He said some additional requests made by representatives of Commission employees who were members of Local 20 of the Teamsters Union were not recommended by the committee because Local 20 had notified the Commission that its members who were employed by the Commission had rejected the recommendations.

Mr. Teagarden said further that the union had asked for another meeting with the committee which was scheduled for September 14, 1970.

The Chairman said the report of the Committee on Employee Relations 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 the Commission at its meeting in July expressed an interest in learning what penalties the courts were imposing on drivers arrested on the turnpike for speed of 90 miles per hour and in excess thereof. He said that at his request the Commander of the Turnpike District of the Ohio State Highway Patrol, Captain M. L. Stansbery, completed arrangements to receive such reports from the courts. He said the courts considered a forfeiture of bond the same as a fine and, accordingly, made no distinction in their reports.

The Executive Director said further that for the month of July there were 130 arrests for speed of 90 miles per hour through 121 miles per hour, the highest speed observed. He said the fines assessed ranged from a low of \$20 to a high of \$100. He said there were 108 arrests for speed of 90 miles per hour through 99 miles per hour with the fines ranging from \$20 to \$60; 19 arrests for speed of 100 miles per hour through 109 miles per hour with the fines ranging from \$40 to \$100; and three arrests for speed of 115 through 121 miles per hour with fines ranging from \$55 to \$57.50. He said the average fine assessed for speed of 90 miles per hour and in excess thereof was \$50.50.

The General Counsel said he had written a letter to Mr. Chastang and sent a copy to the Chairman which picked up the question Mr. Chastang addressed to him at the previous meeting as to whether or not the Commission could set a minimum amount of fine for speeding. He said he called to Mr. Chastang's attention the section of the Turnpike Act which said that for the first offense \$50 was the maximum. He said that on a second offense the fine could go to \$500. The Chairman said he had a feeling that the next General Assembly ought to be asked to change that section of the act. The Executive Director said some drivers were charged under state

law rather than under the turnpike rules and regulations. The Chairman asked that copies of the letter to Mr. Chastang be sent to all Members.

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 representatives of the Department of Highways, State of Ohio, and the Ohio Turnpike Commission had throughout the past eight years considered plans for a crossing of the turnpike as part of the construction of relocated State Route US20 in North Ridgeville, Lorain County at turnpike Milepost 152. He said the crossing would necessitate the construction of a pair of bridges and approaches over the turnpike. He said all details of construction and the handling of traffic had been resolved. He said the cost of the crossing would be payable by the State of Ohio without participation by the Commission. He said the interchange of traffic between the new State Route US20 and the turnpike would be via existing State Route 10 and the North Olmsted-Cleveland Interchange No. 9 on the turnpike.

The Executive Director said further that a form of agreement had been drafted setting forth the terms and conditions of the construction and providing that the cost should be payable by the State. He said representatives of the Department had reviewed the draft and by letter under date July 23, 1970 informed the Commission that it was acceptable to the Department. He said the draft had been reviewed by the Commission's staff and Consulting Engineers and had been approved as to form by General Counsel. He said a resolution had been prepared by General Counsel for consideration by the Commission. He said it was his recommendation that the Commission take favorable action on the resolution prepared for the purpose of approving contract with the State of Ohio for the construction of State Route US20 over the Ohio Turnpike.

A resolution approving contract with the State of Ohio for road construction to cause State Route No. US20 to cross over the Ohio Turnpike including a pair of bridges and approaches in North Ridgeville at Milepost 152.0 in Lorain County, Ohio was moved for adoption by Mr. Redman, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 26-1970

"WHEREAS the State of Ohio proposes certain road construction to cause State Route No. US20 to cross over the Ohio Turnpike Project No. 1 at a point in North Ridgeville, Lorain County, Ohio, at Ohio Turnpike Mile-

post 152.0, said construction including the construction of a pair of bridges and approaches over the Ohio Turnpike at the point of crossing of the Ohio Turnpike by State Route No. US20;

"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."

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

Ayes: Redman, Teagarden, Masheter, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 26-1970.

The Executive Director reported further that on March 1, 1970 the Turnpike District of the State Highway Patrol began using an aircraft as standard equipment in patrolling the Ohio Turnpike thus entering into a completely new phase of operation. He said the aircraft was assigned to the Turnpike District pursuant to the provision of a supplemental agreement between the Ohio Turnpike Commission and the Ohio State Highway Patrol calling for a six-month experimental period which terminated on August 31, 1970.

The Executive Director said further that aircraft enforcement on the turnpike was responsible during the first five months of the experimental period for the apprehension of 526 commercial vehicle drivers and 1,684 passenger car drivers for violation of the traffic rules and regulations. He said approximately 90 percent of those violations were for speed in excess of the limits. He said the aircraft pilot averaged 129.5 air hours per month patrolling the turnpike. He said that in addition to enforcement the aircraft was used in a variety of assignments including the April truck strike, Cedar Point traffic problems, and other heavy-traffic volume problems.

The Executive Director said further that the Commander of the Turnpike District by letter under date August 6, 1970 said the Patrol heartily recommended that the aircraft be added permanently to the equipment used for control and regulation of traffic on the turnpike. He said the Commission's operational staff and Consulting Engineers concurred in the recommendation. He said the expense for the aircraft would be approximately \$15,000 per year except that a savings to patrol car mileage amounting to approximately \$1,000 per month for the experimental period could effect a savings to the Commission of \$12,000 per year thus resulting in an actual incurred cost of only \$3,000 per year.

The Executive Director said further that unless the Commission should have some objection it was his intention to complete arrangements with the Director of the Department of Highway Safety for the use of an aircraft on a continuing basis on the Ohio Turnpike.

The Members indicated their concurrence with the intention of the Executive Director.

The Executive Director reported also that the bridge which carried the eastbound roadway of the Ohio Turnpike over State Route 99 in Erie County at turnpike Milepost 111.2 was severely damaged when an over height vehicle and load struck the exterior beam of the bridge as it was traveling under the turnpike on State Route 99. He said the work of repairing the bridge was completed August 25 and the bridge was back in full service and traffic over the bridge was normal.

The Executive Director reported also that currently there were six construction contracts in progress, and seven contracts on which final papers were being prepared. He said the resurfacing contracts had all been completed for 1970. He said the major construction project currently in progress was the enlargement of rest rooms at Commodore Perry Service Plaza.

The Executive Director reported also that an application had been received for increased sick leave benefit from Mr. Joseph Staab, a toll collector employed at Stony Ridge-Toledo (No. 5) Interchange, who suffered a stroke on or about April 14, 1970. He said Mr. Staab began his employment with the Commission on September 23, 1955 and had a total accumulation of 229 days sick leave of which 90 days had already been granted. He said that prior to his current illness Mr. Staab had used only four days of sick leave in more than fourteen years of employment - truly an exceptional job attendance record.

The Executive Director said further that granting of additional sick leave of 30 days to a maximum of 120 days but not more than the employee's earned sick leave credit as provided for in the Commission's Employee Manual required only the concurrence of the Commission and in the absence of any objection he would grant the additional 30 days to Mr. Staab, who had hopes of complete recovery.

The Members indicated that they had no objection to the action proposed by the Executive Director.

The Executive Director reported also that the Ohio Department of Highways opened that day that portion of Interstate Routes 80S and 80 between SR 534 and SR 46 in Mahoning County but not the new Niles-Youngstown (No. 15) Interchange for connection with the Ohio Turnpike nor the section of Interstate Route 80 between SR US 422 and SR 193 in the Girard area. He said it was expected that the section of I-80 in Girard would be open to traffic on September 15, 1970. He said Interstate Route 80 across the State of Pennsylvania was open in its entirety.

The Executive Director said further that the new interchange between I-80S and I-80 and the Ohio Turnpike would not be opened to traffic currently because a preliminary injunction issued by the Court of Common Pleas of Mahoning County restrained the Commission from closing the existing Niles-Youngstown (No. 15) Interchange. He said that for reasons of safety arising out of the close proximity (620 feet at one point) of the existing Interchange No. 15 and the new Interchange No. 15, the Commission decided at its meeting the past June that the existing interchange should be closed simultaneously with the opening of the new interchange. He said that since the existing interchange could not be closed currently the opening of the new interchange should be deferred for the same safety reasons.

The Executive Director said further that the Highway Department would continue to maintain a temporary routing for westbound traffic on

I-80 between Girard, Ohio and the turnpike via SR 193, SR 82, and SR 5 to the Ohio Turnpike Warren (No. 14) Interchange. He said the Highway Department would establish a new temporary routing for westbound traffic desiring to follow I-680, I-80 and the turnpike from Youngstown to the west via SR 46 and SR 18 and the existing Niles-Youngstown (No. 15) Interchange and for traffic desiring to follow I-80S eastbound from the Lake Milton area the Highway Department would set up a temporary routing via SR 534 and SR 18 to the existing Niles-Youngstown (No. 15) Interchange.

The Executive Director said further that traffic following I-80 and I-80S on the turnpike would be directed by signs to use the existing Niles-Youngstown (No. 15) Interchange. He said routing slips were available at the existing Niles-Youngstown (No. 15) Interchange showing the temporary routing to be followed to continue travel on I-80 or I-80S.

Mr. Masheter said he felt the Members were in agreement that the new interchange not be permitted to be used. He said the Director of Highways had had a communication from the County Engineer in Mahoning County with the suggestion that a connection be constructed between the old and new interchanges.

The Chairman said he understood Mr. Masheter did not have in mind any improvisation. He said the court gave a temporary order on the basis of time being made available for the Director of Highways to make a determination on whether or not there would be an improvisation.

In response to a question by Mr. Teagarden, the General Counsel said every angle of the matter had been given careful examination. He said a memorandum which was prepared by the Commission's Staff Counsel, James C. McGrath, went into the question of who should pay for a county road and who decided whether a county road should be built. He said what Mr. McGrath had in mind was a connection which would be a new county road. The General Counsel said the connection would not be a state highway, that it would be an inter-connection for the benefit of the people living on State Route 18 to get to the new Ohio Turnpike interchange within a short distance -- perhaps less than a mile instead of about five or six miles. He said it did not appear to him that the plaintiff in the case which resulted in the injunction could possibly mandamus the highway director directly to build such a road.

The General Counsel said further that the injunction did not mention the new Niles-Youngstown (No. 15) Interchange. He said the injunction merely said the Commission had to keep the existing interchange open.

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 General Counsel would be received.

The General Counsel reported that Mr. Masheter as Director of Highways had assigned Mr. James L. Stegmeier of the Division of Right-of-Way as a legal representative with whom the Commission's legal staff might discuss the matter and who could bring other staff information from the Highway Department. He said Mr. Stegmeier had worked for the Commission at one time. He said he always had had a very high regard for Mr. Stegmeier. The Chairman said Mr. Stegmeier was very competent. He said he was entirely satisfied with the way the matter was being handled.

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

The Director of Information and Research, Mr. Hartshorne, reported that preparations had been made to reissue the Commission's map folder and bids for printing a million copies had been advertised for just prior to the filing of the injunction proceeding in Mahoning County Common Pleas Court and the court handed down its order the day after the bids were opened. He said it was decided that since the situation with respect to the Niles-Youngstown (No. 15) Interchange could not be shown properly on the map the maps should not be printed. He said that in the interim the Commission's own printing shop would turn out a map folder of letter paper size with a cover and a map of northern Ohio and the Turnpike and with a mileage table, safety tips and service information which would be used until the situation with respect to the interchange had been more definitely determined.

The Chairman directed that the letter rejecting bids for printing the map which was sent to all the bidders be included in the record of the meeting. The text of the letter follows:

"August 21, 1970

"Gentlemen:

"All bids submitted in response to Invitation No. 1078, for the furnishing of Printed Lithographic Leaflets, Entitled 'Ohio Turnpike Map' have been rejected. Accordingly, we are returning your check No. ****,

in the amount of *****.

"The Commission regrets the necessity for rejection which is made necessary by the fact that presently it is not possible to show accurately on the map of the Ohio Turnpike the situation with respect to connecting highways at the Niles-Youngstown (No. 15) Interchange. This situation exists as a result of a suit filed in the Mahoning County (Ohio) Common Pleas Court after advertisement of Invitation No. 1078 and the issuance of a restraining order by the Court on August 6, 1970, the day after bids on this Invitation were opened requiring the Commission not to close the existing Niles-Youngstown (No. 15) Interchange which connects with State Route 18 as it had planned to do simultaneously with the opening of a new Niles-Youngstown (No. 15) Interchange which connects with Interstate Route 80 and 80S. We cannot ascertain when this legal situation will evolve to the point at which the status of the two interchanges can be determined.

"Invitations to bid for printed leaflets will be furnished to you at the time bids are resolicited.

"Very truly yours,

"Forest E. Fletcher
Purchasing Agent"

The Chairman said the report of the Director of Information and Research was accepted as offered.

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

RESOLUTION NO. 27-1970

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on July 7, 1970, and the Commission has duly reviewed and considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on July 7, 1970 hereby are ratified, approved and confirmed."

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

Ayes: Teagarden, Redman, Masheter, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 27-1970.

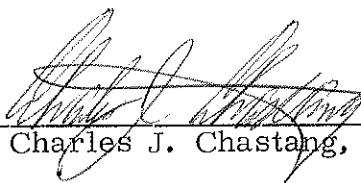
There being no further business to come before the Commission, a motion was made by Mr. Masheter, seconded by Mr. Teagarden, that the meeting adjourn until October 13, 1970, subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Masheter, Teagarden, Redman, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:36 P. M.

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



Charles J. Chastang, Secretary-Treasurer