

MINUTES OF THE TWO HUNDRED AND FORTY-THIRD MEETING
October 13, 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 11:20 A.M. on October 13, 1970 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; members of the press; Allan V. Johnson, 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. Chastang, seconded by Mr. Redman, that the minutes for the meeting of September 1, 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 responded to roll call. The vote was as follows:

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

Nays: None.

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

The Chairman reported that at that time on the agenda it was customary for the Chairman to make a report but that morning he wanted to do more than make a report. He said that on behalf of the Commission, and for the record, he wanted to say that the Commission had been saddened and grieved by the death since the last meeting of Russell S. Deetz. He said that Russell, as Executive Director of the Commission and as a long-term executive in other capacities before he was Executive Director, and as an employee of the Ohio Department of Highways from his very

youth until his death, made a record of a truly good man. He said Russell was a competent man, an industrious man, and a very modest, humble man. He said he had all the humility that good men who were also competent were prone to have. He said the Director of Highways, who was a member of the Commission, knew him from the time he was a young college graduate who was employed by the Highway Department.

The Chairman said the Commission's former Executive Director, Major General Robert S. Beightler, USA (Ret.), and beloved friend was Highway Director and always took credit for sending Russell to Yale University when Russell went there to do some post graduate work. He said General Beightler expressed his sorrow at the loss of Russell as one would express sorrow for the loss of a beloved son. He said he knew the current Director of Highways also felt very close to Russell. He said he wanted to express on his own and on the Commission's behalf not only their sorrow at his loss but their admiration for him in his lifetime. He said he wanted the widow and sons to know that the Commission missed him. He said he knew that when the Commission met last and Russell sat there in his chair it would not have occurred to anyone present that he would never be back. The Chairman said Russell gave good service not only to the State of Ohio and the Highway Department but to his country. He said he was a U. S. Army Reserve officer with many years seniority before he retired from the Reserve and was proud of his position. He said Russell always was the soldier in every capacity in which he served and he wanted the record to show the Commission's appreciation of him and also to show the tributes that were paid to him at the Interstate Coordinators' Conference meeting on the 21st of September.

Excerpt from the word-for-word transcript of the meeting of the Interstate Coordinators' Conference in Columbus on September 21, 1970 follows:

"Mr. Shocknessy:

All right. Looks like we've got a good attendance, as the Director has indicated. I'm glad we do because the first thing I want to mention is that I come here today more than a little bit grieved because since our last meeting, we lost Russ Deetz as Executive Director of the Ohio Turnpike. Russell Deetz was a truly fine representative of the engineering profession. He was a fine representative of men and women in public service. He worked with most of you during the years of his employment with the Ohio Highway Department and he worked as an associate of the Director's for many years. He's been with us at the Turnpike Commission for eighteen years. We just made that point at the last meeting.

"Mr. Masheter: Yes, we did.

"Mr. Shocknessy: He made a place for himself in the highway industry, as well as in public service, and I want to pay tribute to him. The Director very kindly went up to Berea and made a call at the funeral home a week ago yesterday, before Russell's funeral a week ago today. Many others from the Highway Department and associates of his were there. Were you up there (asked of Mr. Sours)?

"Mr. Sours: No, I was out of town.

"Mr. Shocknessy: Somebody from your family was there.

"Mr. Sours: My son went up.

"Mr. Shocknessy: Yes, And (C. W.) Red Hartford was there (former Executive Director of Ohio Turnpike Commission). I wasn't able to go up because I'm still not making any - I was going to say long trips, but we don't consider that a long trip anymore. But I'm still not making trips that long by motor and so I wasn't able to go up. But I'm personally grateful to the Director for going and for conveying my expressions of sympathy to the family. There's nothing much that I can say that's adequate to express my admiration and affection for Russell. I think all of you in the Highway Department can take pride in his accomplishments. I want to read for this record an editorial which appeared in The News Sun in Berea last week (Thursday, September 17, 1970 and attached herewith as Exhibit 'A'). It's entitled, 'We'll Miss Russ Deetz'.

'Our area has lost an active civic leader in the sudden passing of Russell S. Deetz, executive director of the Ohio Turnpike Commission.

'He will be missed in many circles where he contributed generously of his leadership, but most of all, we'll miss Russ' understanding and his warm attitude toward all people and all things.

'Russ had the unique ability to combine an engineer's analytical solution of a problem with a humanitarian's rational approach to good will among men.

'We'll miss Russ.

'He was a good citizen among us.'

That is an editorial from the community where he lived for fifteen years and it's indicative of the place that he had taken in the community and the affection that he'd earned from his activities as civic leader and a member of that community. I want this record to show that we at this Conference and the Director here for the Department, as well as the Conference, pay tribute to Russell.

Now we'll go ahead with the business of the meeting. You know (said to Director Masheter), I had hoped that Russell would see us through the Turnpike Commission, at his age, but it wasn't to be so."

The Chairman said further he had received letters concerning Russell Deetz' death and read one from Howard Johnson, president of Howard Johnson Company, which he said was typical, as follows:

"September 22, 1970

"Mr. James W. Shocknessy, Chairman
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio

"Dear Mr. Shocknessy:

"We at Howard Johnson Company were shocked and saddened at the sudden death of Mr. Deetz. I know what an irreparable loss you have suffered, and wish to extend to you and the members of the Ohio Turnpike Commission, our deep sympathy.

"Sincerely,

"Howard"

A resolution expressing Commission's sorrow and extending sympathy to the widow and three sons upon the death of the Executive Director, Russell S. Deetz, was offered by the Chairman as a unanimous expression of the Commission for incorporation in the record of the business of the day, as follows:

RESOLUTION NO. 28-1970

"WHEREAS the Commission has suffered a grievous and most unexpected loss in the death on September 11, 1970 of its highly competent and popular executive director, Russell S. Deetz;

"WHEREAS Russell S. Deetz came to the Commission during the early construction days in Columbus, serving as a member of the engineering staff and developing many operational procedures which he was subsequently to carry into practice as project manager of the Eastgate Section of 22 miles which opened on December 1, 1954, and which, under his pilot leadership, successfully installed practices which proved of immense value in application to the Ohio Turnpike generally when it opened in its full length of 241 miles on October 1, 1955;

"WHEREAS he thereafter served first as project manager for the entire Turnpike, then as deputy executive director from his appointment to that position in 1957 until his subsequent appointment as executive director in July of 1968, in which key position he served until his untimely death; and

"WHEREAS his loss is shared likewise by the wider circle of his home community where his interest in and contribution to civic betterment have been substantial;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, in recognition of its loss and the sorrow of its members and expressing likewise the grief of all employees of the Commission who were so warmly devoted to their executive director and equally found themselves sorrowing, hereby tenders to Mrs. Audrey L. Deetz, his widow, and his three fine sons, its most sincere sympathy in their tragic loss; and

"FURTHER RESOLVED that this resolution be forwarded to Mrs. Audrey L. Deetz as expression of the sorrow experienced by Commission members and employees who so warmly appreciated the performance of the Commission's late executive director, Russell S. Deetz."

The resolution was identified as No. 28-1970.

The Acting Executive Director, James D. Hartshorne, said he thought the Commission would like to know briefly that Russell's last conscious act exemplified his response to responsibility. He said Russell was stricken when he was returning from Lake Erie to the marina where he docked his boat in the Vermilion River at Vermilion and was preparing to dock. He said Russell was sitting on a chair behind the wheel of his boat and he said that his left arm had gone dead and his wife saw his mouth draw down on the left side and she thought to herself "My God, he is having a stroke." He said that instead of proceeding to his dock, Russell pulled into the nearest dock and Mrs. Deetz and Russell's daughter-in-law, Mrs. Christopher Deetz, jumped out and secured the stern mooring line and his son Chris secured the bow mooring line and Russell's last intelligible expression - his speech was fast thickening - was "Are we tied up?" He said Russell lapsed into unconsciousness very shortly thereafter.

The Chairman said further that on the day of Russell's death he was advised that it had occurred. He said he had known for several days that it was likely to occur. He said Russell had never regained consciousness and the stroke was of great severity. He said Russell's wife had been given no hope in his recovery and it was apparent his death was imminent. The Chairman said that accordingly on the day of his death, pursuant to the bylaws which made the Chairman chief executive officer between meetings, he designated on behalf of the Commission Mr. Hartshorne, the Commission's long-time executive who had been serving as Deputy Executive Director and Executive Assistant to the Chairman and Director of Information and Research as Acting Executive Director. He said he could not have designated anyone who might have been more suitable and even the newspapers which recognized it as a temporary appointment took note of it and The Plain Dealer published a familiar, friendly story and a picture of Mr. Hartshorne, the old employee and associate of The Plain Dealer. He said Mr. Hartshorne had been carrying on since.

A resolution approving the action of the Chairman designating James D. Hartshorne as Acting Executive Director was moved for adoption by Mr. Chastang, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 29-1970

"WHEREAS by virtue of the decease of the executive director, Russell S. Deetz, under date of September 11, 1970, and the exigency thereby created, it became necessary to designate an acting executive

director until such time as there should be a meeting of the Commission;
and

"WHEREAS pursuant to said exigency, the Chairman of the Commission, pursuant to the Bylaws and upon consultation with the other Commission members, designated the deputy executive director, James D. Hartshorne, as acting executive director, with all the rights and duties incident thereto, in addition to his other duties, effective September 11, 1970 and continuing until the appointment and qualification of a new executive director;

"NOW, THEREFORE, BE IT

"RESOLVED that the action of the Chairman, pursuant to the Bylaws, in designating James D. Hartshorne as acting executive director commencing September 11, 1970 be, and hereby it is, approved; and

"FURTHER RESOLVED that the official actions of James D. Hartshorne as acting executive director since September 11, 1970 hereby are ratified and approved."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 29-1970.

The Chairman said the Commission thanked Mr. Hartshorne for what he had been doing and would rely on him to carry on for the remainder of his tenure as Acting Executive Director and to orient and indoctrinate the new Executive Director.

The Chairman reported also that revenue for September was an estimated \$3,480,000 and exceeded by \$92,000 the best previous revenue for September, which was 1969. He said he thought it was remarkable that the revenue had held up as it had particularly in view of the strike in the automobile industry.

The Chairman reported also that one of the real triumphs the Commission had enjoyed over its years was the result the General Counsel,

Judge Lockwood Thompson, and his able assistant, Francis K. Cole, had achieved in the litigation in Youngstown on the Niles-Youngstown (No. 15) Interchange. He said he wanted to congratulate Judge Thompson and Mr. Cole as well with the result that had been achieved. He said Judge Thompson had been congratulated not only by the Commission but by others who got in touch with the Chairman as to how pleased they were with the result. He said the Director of Highways was ready to open the interchange as soon as the time had elapsed for perfection of an appeal. He said everybody was ready to close the old interchange and open the new one when it could be done within the terms of the court's orders. He said Judge Thompson had done a good job.

The Chairman said further that he had asked Mr. Hartford to confer at Berea with General Counsel in Russell Deetz' absence after his death. He said Mr. Hartford had been prepared to testify in the event testimony in lieu of Russell's testimony was needed but Judge Thompson, as an able lawyer who took calculated risks, took a calculated risk and entered a motion to dismiss the action on the basis that the plaintiff had not set forth a case against the Commission and Mr. Hartford's testimony was not required but he was there. He said the case was well presented, obviously, and Judge Thompson could tell Judge Clyde W. Osborne of the Mahoning County Common Pleas Court that attendants at the Commission meeting took note of the fact that he was a good judge.

The Chairman reported also that bonds in the amount of \$4,086,000 were purchased by the Trustee on October 6 at an average price of 85.06, bringing total purchases during 1970 to \$12,865,000 and reducing the outstanding bonds to \$193,277,000. He said the bonds might get down to \$190,000,000 in December and \$190,000,000 meant the Commission had paid off \$136,000,000 in bonds. He said there were not many public authorities that had had that kind of a record and the Commission could well be proud of it.

The Chairman reported also that the new restaurant contracts which were accepted on bid by the Commission after Mr. Teagarden and his Committee on Service Plazas did a monumental job in their development went into effect at 12:01 on October 1 except as to that part of the new Howard Johnson contract which is effective January 14, 1971.

The Chairman reported also that the Commission had had another sad occurrence since the last meeting. He said that on September 17 there was a tragic accident involving three of the Commission's maintenance workers who were working on a bridge and, as far as he could tell, the vehicle that hit them was out of control for no discernable reason and two were killed and a third was seriously injured. He said traffic was controlled for miles at the time by posting and cones.

The Chief Engineer, Frank A. Dutton, said the driver of the vehicle which struck the men was tailgating another truck carrying half of

a house and the truck in front slowed down. He said the driver of the tail-gating truck swung out to miss and as he swung out he was right on the bridge and into the work zone.

The Chairman said it was just an inexcusable act. He said one of those killed was a young boy 19 years of age doing summer work and was going to complete his service the next day and go back to school. The Chairman said he felt so sad for his parents. He said Mr. Hartshorne and Mr. Dutton went to the funeral home and saw the parents and expressed the Commission's sympathy but there was little the Commission could say that was adequate.

The Chairman reported also that there were two other fatal accidents in September, which brought the total for the first nine months to 17, but it still was the lowest total for the period since 1963.

The Chairman reported also that the Interstate Coordinators' Conference was phasing out and would hold its last meeting on October 26 when the Highway Director and he and the Governor would express their gratitude to the Commission for its cooperation and to all those who had been associated with the Conference in the years of its existence and at the same time would take note of the service given by Mr. Allan V. Johnson who, the Chairman had announced after consultation with all Members of the Commission, would be named Executive Director that day. The Chairman said he had worked with Mr. Johnson for the past seven and one-half years. He said he met Mr. Johnson first when he came to Columbus to speak to the Interstate Coordinators' Conference as a representative of Division 12 of the Highway Department. He said he was very favorably impressed with Mr. Johnson as a competent engineer at that time and he had been continuing to develop admiration for Mr. Johnson's ability and industry over the years. He said Mr. Johnson was one of the most industrious men he had ever known. He said Mr. Johnson had imagination in his job and he had respect from all those with whom he was associated. He said Mr. Masheter had known Mr. Johnson longer than he had and he was sure Mr. Masheter would not have advised the Commission that it was his belief Mr. Johnson could do the job that had to be done if he did not know it from his experience with him. The Chairman said he had talked to every Member of the Commission about a successor to Russell Deetz and Mr. Johnson's name came up almost spontaneously. He said that when he first talked to Mr. Masheter about filling the vacancy the latter told him that he had expected him to mention Mr. Johnson. He said he understood that Mr. Teagarden, before he talked to him, had already said that he thought Mr. Johnson should be considered. He said he talked to Mr. Redman who indicated that he did not know Mr. Johnson as well as the rest of the Members but based upon what he did

know he was willing to accept him. The Chairman said he had to wait until Mr. Chastang returned from Europe before he could talk to him and Mr. Chastang said that he thought Mr. Johnson would be a very good choice for the Commission's Executive Director. The Chairman said that Mr. Johnson, as the Commission adopted the resolution for his employment, would be assuming responsibilities of a big job. He said he would be succeeding an acting director who had probably forgotten more about the turnpike just casually than anybody else including Mr. Johnson would ever know. He said he would be succeeding men of great ability. He said he would be succeeding Russell Deetz who spent 17 years with the Highway Department and 18 with the Commission. He said he would be succeeding "Red" Hartford who also spent many years in the Highway Department and like Russell came to the Turnpike Commission early and was with it until he took his retirement a couple of years before. The Chairman said Mr. Johnson would be succeeding General Beightler who also had come to the Turnpike Commission soon after it was financed and who had a rich experience in highway construction in the years of his life. He said Mr. Johnson would be succeeding Frank C. Dunbar who was with the Commission from the beginning. He said the Commission had one other man who served as Executive Director for a short while. He said Mr. Johnson would be succeeding them all. He said Mr. Johnson was only the second one who had come to the Commission without any previous experience with the Commission. He said Mr. Johnson had had rich experience with the Highway Department and he had had the best guidance from Mr. Masheter that a young man could have. He said he had no hesitancy in offering Mr. Johnson as the Commission's Executive Director. He said that if the Commission did not have with it people of maturity and experience over the years as it had who could be of great assistance to him, he would be apprehensive but he gave Mr. Johnson and the Members his personal assurance that if it was necessary for him to get into the harness from time to time to do some of the things that he used to do years before that he had not had to do in recent years in order to help Mr. Johnson get established, he would do it. He said he knew everybody else present would do the same.

Mr. Masheter said he could only add that he felt the Highway Department was suffering a loss which it would be hard to replace. He said that in the seven and one-half years the Interstate Coordinators' Conference had existed Mr. Johnson had worked diligently - as Mr. Shocknessy had stated - to keep the group informed at all times and to serve it in a manner of getting things done. He said that in selecting Mr. Johnson the Commission had paid him the signal honor of appointing him to one of the more important executive posts in any group in the country. He said Mr. Johnson's record was outstanding and he was sure he would continue to do those things necessary to keep his record good. He said he was sure that everyone in the Highway Department would join

with Mr. Shocknessy in helping at any time that they could to make Mr. Johnson's tenure of office more effective. He said the job needed executive skill which could be acquired chiefly by experience but people in the Highway Department were very happy that Mr. Johnson had been given the opportunity to prove himself to be the engineer of distinction which they knew he was.

Mr. Redman said that he did not know Mr. Johnson but he would rely completely upon the other Members' estimates of his abilities from the places he had filled up to then. Mr. Chastang said he had the same feeling. He said he had observed Mr. Johnson before at several meetings. He said Mr. Shocknessy's and Mr. Masheter's observations were from working with Mr. Johnson and he was sure the Commission had a good man.

Mr. Teagarden said that he had not been personally acquainted with Mr. Johnson but had kept pretty well informed through the Chairman's discussions at Commission meetings concerning his work with Mr. Johnson. He said he had two committees which he considered quite important - the Committee on Service Plazas and the Committee on Employee Relations - which would be very happy at any time to acquaint him with their job. He said he went along with what the other Commissioners had said.

The Chairman said he wanted to say once again that the Turnpike Commission was indebted to the Highway Department. He said the Commission employees over the years with few exceptions had been trained in the Highway Department which he considered one of the great agencies of government in the United States. He said he took opportunity once again to congratulate Mr. Masheter as Director.

Mr. Masheter thanked the Chairman for his kind words. He said there was one thing that made it less hard for him in losing Mr. Johnson and that was that while the Ohio Turnpike Commission was not an agency of the State per se, it was a separate authority and there was the interrelation between the Highway Department and the Commission that had existed and he was sure would continue to exist and to be mutually advantageous.

A resolution appointing Executive Director was moved for adoption by Mr. Masheter, seconded by all Members, as follows:

RESOLUTION NO. 30-1970

"RESOLVED that Allan V. Johnson be, and hereby he is, appointed executive director of the Commission effective November 1, 1970, to serve

at his and the Commission's mutual pleasure, that his compensation shall be at the rate of \$22,000 per annum, and that the Commission recognize the sick leave credit accumulated by him during his employment by the Department of Highways of the State of Ohio."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 30-1970.

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

1. Traffic & Revenue Report for August 1970.
2. Draft of the minutes of the September 1, 1970 meeting.
3. Financial Statements as of August 31, 1970.
4. Detail of investment transactions for September 1970.

The Assistant Secretary-Treasurer reported also that copies of the Fifteenth Annual Report prepared by the J. E. Greiner Company were sent to the principal underwriters in compliance with the Trust Agreement.

The Assistant Secretary-Treasurer reported also that Brink's, Incorporated had been given notice of cancellation of its contract with its last pick-up on November 12. He said the Commission would be prepared to duplicate the work with its own personnel at that time.

In response to a question by Mr. Chastang, the Assistant Secretary-Treasurer said that the necessary insurance would be effective with the start of pick-up by the Commission's own forces.

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

The chairman of the Committee on Budget and Finance, Mr. Redman, reported that the preliminary budget of income and expenses for 1971 contained an income estimate of \$37,500,000 even in view of the fact that for the twelve months ending August 31, 1970 the total income was \$38,248,823 with the thought that if there should be an economic down turn the Commission would not have overestimated its income. He said the total of current expenses in the new budget was \$9,737,240, which was 11.4 percent greater than the budget of current expenses for 1970. He said the original budget submitted by the staff was considerably more and the Committee used an axe on it and came up with the figures being submitted. He said the staff felt it could live within those figures. He said a great amount of the increase was the result of increases in wages and salaries.

A resolution adopting preliminary budget for the fiscal year 1971 was moved for adoption by Mr. Redman, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 31-1970

"WHEREAS it is provided by Section 505 of the trust agreement dated June 1, 1952, between the Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank, New York), as co-trustee, that, on or before the 20th day of October in each fiscal year, the Commission will adopt a preliminary budget of income and current expenses for the ensuing fiscal year;

"WHEREAS the Commission's acting executive director and controller have submitted a preliminary budget of income and current expenses for the fiscal year 1971 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission; and

"WHEREAS all reasonable requests of the consulting engineer as to the classifications in which such budget shall be prepared have been complied with, and the consulting engineer has advised the Commission that said budget classifications meet with its approval and that it has no further requests with respect to said classifications;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following:

Preliminary Budget of Income and Current Expenses
1971

Income	\$37,500,000
Current Expenses	
Administration & Insurance	1,666,230
Operations	7,914,810
Trust Indenture Expense	<u>156,200</u>
Total Current Expenses	\$ 9,737,240

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said budget with the trustee and to mail copies thereof to the consulting engineer and to the principal underwriters forthwith."

Mr. Harnden said that he recommended passage of the resolution. He said Greiner Company representatives sat in on the meetings of the Committee on Budget and Finance. He said the budget as represented by the resolution corresponded exactly with the Greiner Company's estimate of the cost of operation as contained in its annual report.

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 31-1970.

In response to a question Mr. Redman said the total amount recommended by the Greiner Company to be placed in the Maintenance Reserve Fund for 1971 was \$9,000,000.

The Chairman said in the absence of further questions 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 at midnight on Wednesday, September 30, the original TR-2 and TR-3 restaurant contracts expired and operation of the four restaurants formerly exercised by the ABC Vending Corporation was transferred - two to the Howard Johnson Company and two to Gladieux Food Services, Inc. - under the terms of the new TR-4 Contract. He said the changeover in operation of the two restaurants acquired by Gladieux Food Services, Inc. was without problem since Gladieux purchased all the equipment, furniture and inventory from ABC Vending and in addition hired most of their employees. He said the changeover of the two restaurants acquired by the Howard Johnson Company was more complex since Howard Johnson did not purchase any of ABC Vending's equipment or hire any of their employees.

Mr. Teagarden said further that, in spite of the fact that Howard Johnson's started their new operations in completely stripped buildings, two and one-half hours after the start of the new contract they were serving hot and cold sandwiches and hot and cold beverages. He said the renovation of the Middle Ridge and Vermilion Valley Service Plaza restaurants was progressing satisfactorily and it was expected that Howard Johnson's would be offering a full menu at those locations by November 1.

Mr. Teagarden said further that on September 9 the Service Plaza Committee met with representatives of the Howard Johnson Company, at the request of the latter, to discuss plans for the complete renovation of the two service plaza buildings being acquired by the Company. He said Howard Johnson asked that the Commission assist in the renovation by assuming responsibility for removing certain walls in the kitchen areas, placing tile on certain portions of floors left bare when the outgoing operator should remove the carpeting, and upgrading the exterior landscaping at all Howard Johnson operated service plazas to include curbing along the sidewalk in addition to new plantings and new turf. He said the Committee agreed that the Commission's forces would remove certain kitchen walls. He said the request for landscaping was referred to the Commission's landscape consultant for submission of a program. He said the request with respect to tiling was still pending.

The Chairman said the Commission had known for many years that the time would come when there would likely be a change. He said he had thought he would be getting the same kind of calls and same complaints from the public and from members of the Legislature that the Commission got any time it experienced any dislocation. He said there had not been any complaints, which was remarkable. He said he thought it was to everybody's credit and that the turnpike staff did a great job of cooperating and providing the necessary support that the restaurant operators needed in effecting the changes. He said once again he paid tribute to Mr. Teagarden and all he

had done. He said it was positively remarkable - the reception the Commission got. He said the press release the Commission put out on the change got good coverage, even The Lorain Journal published it almost in its entirety. He said it was just remarkable that the change had moved along as smoothly as it did.

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 committee met with representatives of Local 20 of the Teamsters Union on September 30 at Berea at the request of the union. He said certain changes were requested by the union in the wage settlement announced by the executive director on August 6, 1970. He said the committee did not agree to those changes. He said the committee, however, did agree to certain changes in working conditions involving overtime, transfer, safety, uniforms and working schedules of toll collectors. He said those changes presumably were being submitted by the union to its membership for consideration.

The Chairman congratulated all of the Commission people who had taken part in the matter reported by Mr. Teagarden. He said he wanted to take note also of the effectiveness of Mr. W. C. Hartman, special counsel to the committee.

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 Acting Executive Director, Mr. Hartshorne, reported for the Committee on Safety that, with respect to the accident which involved the deaths of two maintenance workers, the Ohio State Highway Patrol had made quite a complete investigation and its investigator was of the opinion that one of the major factors in the accident was lack of experience on the part of the driver of the truck which struck the workers in operating that type of vehicle. He said the driver was charged by the Highway Patrol with failure to maintain assured clear distance and with second degree homicide by vehicle. He said he was released on \$2,525 bond and entered innocent pleas to both charges. He said the case was continued until October 15.

The Acting Executive Director reported also that on September 23 the driver of a passenger car carrying four persons lost control on a wet pavement and struck the guard rail. He said one passenger was killed. He said the Highway Patrol reported the rear tires of the vehicle were well worn.

The Acting Executive Director reported also that on September 28 a truck, a passenger car, and a truck, in that order, were in the exit lane westbound at Westgate Terminal when another truck rammed into the rear vehicle of the three. He said the driver of the ramming truck was killed. He said the Highway Patrol report indicated the driver may have fallen asleep as he approached the terminal. He said there was no evidence of braking or of evasive action on the driver's part prior to impact.

In response to a question by Mr. Chastang, as to whether accident investigations included determination of how long a driver was at the wheel, the Acting Executive Director said the accident reports usually included that information, if it could be determined.

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

The Acting Executive Director reported that currently the only construction contract in progress on the turnpike was the addition of rest room facilities at the Commodore Perry Service Plaza which was approximately 15 percent complete. He said maintenance work currently was being conducted by contractors on four landscape contracts and was 60 percent complete.

The Acting Executive Director said further that final papers were being processed on four construction contracts, two of which involved roadway resurfacing, one was for installation of an additional lane at the Lorain-Elyria (No. 8) Interchange, and the fourth involved furnishing hot water heaters at Great Lakes and Towpath Service Plazas. He said the repair of the Tinkers Creek Bridge deck had been completed by the maintenance forces, which work involved approximately 5,400 square yards of the bridge deck. He said the project was begun by a private contractor whose work was not acceptable.

The Acting Executive Director reported also that the report of the Fifteenth Annual - 1970 - Inspection of the Ohio Turnpike required to be submitted under the terms of the Trust Agreement on or before the first day of October was submitted by the J. E. Greiner Company under date September 25, 1970. He said copies of the report had been furnished to Members of the Commission, staff members, appropriate supervisory personnel and to the Trustee and Co-Trustee and principal underwriters.

The Acting Executive Director said further that the 1970 inspection

found that the project continued to be well maintained within reasonable economic limits, to provide comfort and safety to the traveling public and to be successful financially. He said the report indicated that the work schedule for 1971 should include a continuation of the pavement repair and resurfacing program, continuation of a program for modifications and resurfacing of service plaza driveways and parking areas, initiation of a program for resurfacing interchanges, continuation of a program of roadway sign replacement to conform to Interstate Highway Standards, continuation of the landscaping program and construction of a third lane on the Humm Road hill.

In response to a question by the Chairman, the Chief Engineer said the Commission's maintenance forces repaired the ramp bridge over the turnpike at the Cleveland (No. 11) Interchange and the Highway Department resurfaced the deck of the bridge with asphalt. He said the bridge was in very good condition.

In response to a question by the Chairman concerning the pavement at Milepost 15, the Chief Engineer said there was a little bit of a problem there. He said there had been no activity in that area for some time until early in 1970 when there began to be a separation in the pavement and apparently some settlement in the eastbound lane. He said there was no change in the westbound lane. He said currently the situation was not serious enough to require any action.

Mr. Harnden said he thought the condition was beginning to stabilize. He said the surveys taken by the Chief Engineer indicated very slight settlement. He said he did not think any further remedy was indicated.

In response to a question by Mr. Chastang about resurfacing, Mr. Harnden said 149 miles of the turnpike had been resurfaced and another 24 miles were scheduled for resurfacing during 1971 at an estimated cost of \$5,500,000.

The Chairman said that in the absence of further questions the report of the Acting Executive Director was accepted as offered. He ascertained there would be no report by the Director of Highways. He said the report of the General Counsel would be received.

The General Counsel reported that the ruling the Commission had from Judge Osborne of Mahoning County Common Pleas Court in re Youngstown Motel No. 2 Associates vs. Ohio Turnpike Commission granting the Commission's motion to dismiss was filed on October 9, 1970. He said the journal entry that had gone on was not the final but was a preliminary find-

ing.. He said the question was whether the injunction was on or was not. He said it seemed to him that the injunction was not on because the hearing had been held and Judge Osborne had found in the Commission's favor. Judge Thompson said Judge Osborne thought the injunction was on until the final entry and also thought that there was a recent rule which required that he wait 14 days in order to give lawyers on both sides time to request findings of fact - Rule 52 of the Civil Procedure. He said opposing counsel and Judge Osborne were going to thrash out the matter the next day.

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 wanted to express confidence that the Commission had made a wise selection for Executive Director. He said he assured Mr. Johnson of cooperation and willingness to help him in any way.

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

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

RESOLUTION NO. 32-1970

"WHEREAS the executive director, acting executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on September 1, 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 September 1, 1970 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. 32-1970.

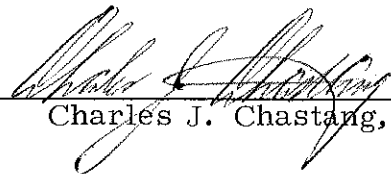
There being no further business to come before the Commission, a motion was made by Mr. Redman, seconded by Mr. Chastang, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:58 P. M.

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



Charles J. Chastang, Secretary-Treasurer