

MINUTES OF THE TWO HUNDRED AND FIFTIETH MEETING
May 4, 1971

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 May 4, 1971 with the key members of the staff; a representative, Mr. John A. Blum, of the Office of the Auditor of State; a representative, Mr. H. A. Harnden, of the Consulting Engineers; a representative, Mr. John C. Ruetty, of the Trustee; members of the press and others in attendance.

The meeting was called to order by the Chairman. With the agreement of the Secretary-Treasurer, Mr. Chastang, and the rest of the Commission he said the Deputy Executive Director, James D. Hartshorne, would be designated Assistant Secretary-Treasurer for the duration of the meeting. He directed attention to the fact that the Assistant General Counsel, Francis K. Cole, would be Counsel in the absence of Lockwood Thompson. The roll was called and the attendance was reported to be as follows:

Present: Teagarden, Chastang, Redman, Richley, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Chastang, seconded by Mr. Teagarden, that the minutes for the meeting of April 6, 1971 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, Teagarden, Redman, Richley, Shocknessy.

Nays: None.

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

The Chairman reported that at the last meeting there were a

number of things discussed or mentioned to which he wished to advert in his report, especially those matters upon which work had been done since the last meeting.

The Chairman reported also that revenue for April was approximately \$3,200,000 which was \$562,00, or 21 per cent, more than for April 1970 and was the best April revenue the Commission had ever had. He said the revenue reflected one of the highest rates of increase over any corresponding month of the previous year. He said the former record April occurred in 1969 and was \$2,989,000. He said income to date in 1971 was \$10,687,000, or \$574,000 more than the previous period in 1969, which was the best previous similar period.

The Chairman said further that April income had been improved by the incidence of Easter in the early part of the month and an unexpected increase in truck traffic resulting, as some of the trade publications had reported, due to stockpiling of steel in anticipation of possibilities which the Commission hoped did not occur.

The Chairman reported also that there had been one fatal accident in April, bringing the total to seven.

The Chairman reported also that on April 27, 1971 the Executive Director, Allan V. Johnson, wrote a letter to the Superintendent of the Ohio State Highway Patrol, Colonel Robert M. Chiaramonte, in which he discussed the matter of signing on the Ohio Turnpike. He said Mr. Johnson's letter also discussed some correspondence Colonel Chiaramonte had received, correspondence to which the Commission had taken some exception. The Chairman read the letter as follows:

"April 27, 1971

"Colonel Robert M. Chiaramonte
Superintendent
Ohio State Highway Patrol
660 East Main Street
Columbus, Ohio 43205

"Dear Colonel Chiaramonte:

"I enjoyed attending the recent graduation ceremony at the Patrol Academy and was pleased to see such a large, impressive-looking class and also to learn that five of these new patrolmen have been assigned to the Ohio Turnpike.

"I also appreciated the opportunity to discuss briefly with you the contents of your letter of March 17, 1971, to Mr. Frank Siedel, concerning the speed signs erected on the Turnpike by the Commission during inclement weather. After my discussion with you, this matter was discussed more fully with Major Manly and Captain Stansbery and I wanted you to know the outcome of that discussion.

"I expressed my concern over your statement that, 'The 40 mile per hour signs as erected by the Commission do not conform to the standard for Regulatory signs and are not therefore, subject to enforcement.' While it is true that these signs do not conform to the Manual of Uniform Traffic Control Devices prepared by the Ohio Department of Highways, it is also true that our regular speed signs do not conform fully with the standards in the Manual but it is our position that all of the signs as erected on the Turnpike are part of the traffic rules and regulations of the Commission which you are obligated to enforce under the terms of our contract.

"Furthermore, under Paragraph 2.3, Speed Regulations, of the Rules and Regulations for the Control and Regulation of Traffic on the Ohio Turnpike, there is a provision which states, 'Wherever a speed limit is posted, no person shall operate a motor vehicle within the posted area in excess of such posted speed limit.' It is my position that the 40 mile per hour speed can be enforced under this provision but I recognize that the manner in which these signs are posted is awkward and therefore I have expressed a willingness to review the use of these signs in the future. Furthermore, I indicated to Major Manly and to Captain Stansbery my willingness to consider changing the color of our regular speed limit signs so that they will be uniform with other signs throughout the State as soon as funds will permit. Our current budget has been severely strained partly by your increased salaries and patrol car costs.

"Until such time as such changes can be made, it was agreed by Major Manly and Captain Stansbery that you will continue to enforce the existing rules and regulations of the Commission.

"Very truly yours,

"Allan V. Johnson
Executive Director"

The Chairman said further that he had never had any question but that the rules and regulations of the Commission with respect to speed as authorized and as with respect to other things, as authorized by the

statute of creation, and subsequent enactments, were enforceable as law and the courts had so held. He said he did not know how there had happened to be any question between the Patrol and the Commission as to whether or not the Patrol enforced reduced speed limits but apparently they had some concern and Mr. Johnson wrote the letter. He said he had talked to Colonel Chiaramonte the day before - he wanted to clear with Colonel Chiaramonte that the letter had been received and that Colonel Chiaramonte had read it and that it was satisfactory to the Patrol and a true statement of the facts. He said that Colonel Chiaramonte had authorized him to tell the Commission that the letter was representative of his understanding of the facts and law and that the Chairman told him he would so report and that the minutes of the current meeting would so state.

In response to a question by Mr. Chastang, the Chairman said that the point at issue was the color of signs. He said that the Commission color was green and the Manual of Uniform Traffic Control specified another color. He said the Commission had not used that color because it had used a color characteristic of the turnpike. The Chairman said that it was the view of the Commission that anything that any safety agency recommended should be considered. He said that Mr. Johnson had limited himself to saying that he would be willing to consider a change. The Chairman said he for one was willing to consider any recommendation that was made by any agency which was concerned for safety and it had always been the purpose of the Commission to so conform.

The Chairman reported also with respect to the Lorain County interchange matter, which had been discussed at the last meeting, that Mr. Richley, as he had said he would, had handled the matter by letter to Mr. Richard C. Dunn, President of Lorain County Regional Planning Commission, under date of April 21, 1971. The Chairman read the letter as follows:

"Mr. Richard C. Dunn
President,
Lorain County Regional Planning Commission
21 Turner Block
Court Street
Elyria, Ohio 44035

"Dear Mr. Dunn:

"At our meeting on March 23, 1971 we agreed to review your report entitled, 'Study for an Expressway Connector and Full Interchange with the Ohio Turnpike,' and to respond within 30 days.

"We have completed our review of the report and have discussed the matter with representatives of the Ohio Turnpike Commission. Our conclusions follow closely our preliminary comments offered at the meeting in that we do not consider the proposed connector road and interchange with the Turnpike to be feasible and practical within the immediate future for two primary reasons. First, the proposed connector is not on the State Highway System, and even if it were there is no available financing apparent within the next five years. Secondly, the proposed interchange with the Turnpike is unwieldy, would require two toll facilities and would require two movements not using the Turnpike to pass through a toll booth. As such it would be unacceptable to the Turnpike Commission.

"These conclusions, however, should not be construed as a failure on our part to recognize the need for a facility such as the proposed connector route. The need for relief for S. R. 57 and its interchange with the Turnpike are well documented in the report, and it is our desire to alleviate that situation to the greatest extent possible and as quickly as possible within the framework of available financing.

"As the first step in that endeavor we have studied the feasibility of providing a full interchange at the point where I-90 and S. R. 2 separate. This would satisfy one function of your proposed interchange and connector road in that it would provide Turnpike traffic to and from the west access to the area without using the S. R. 57 - Turnpike Interchange.

"We have found such an interchange to be physically feasible and practical, and upon your approval, we would be willing to recommend it to the Federal Highway Administration. However, such a recommendation would have to be documented as to need, which will require design traffic assignments. Apparently you have the appropriate assignments available, but due to the configuration of your proposed interchange we are unable to separate them. A preliminary plan for the additional movements in the I-90-S. R. 2 Interchange is enclosed.

"Long range planning for a north-south facility which would provide for the needs cited in your report should be kept active. However, it is believed that planning for a future interchange with the Turnpike should be shifted from the area proposed in the report westwardly possibly to S. R. 58 or Baumhart Road.

"We will await your advice prior to taking further action in this matter.

"Very truly yours,

"J. Phillip Richley
Director"

The Chairman said the Commission considered the letter a very satisfactory disposition of the matter and that it was certainly in conformity with the methods and procedures that the Commission had followed in the past in dealing with such matters with the Director of Highways.

The Chairman said further that at the last meeting there had been a brief reference to a request which was expected to come from Erie County for an interchange. He said that at that time the Commission had assumed that it would be handled exactly as the Lorain County matter. He said that the Commission had received a letter from the Commissioners of Erie County on April 8, 1971 that the Commission give consideration to constructing an interchange between the Ohio Turnpike and State Route 60 south of Vermilion. He said that, in accordance with the understanding reached at the last meeting, the Commission referred the request to the Director of Highways and at the same time the Commission wrote to the Erie County Commissioners and enclosed a copy of the Commission's letter to the Director of Highways. He read the letter as follows:

"April 14, 1971

"Erie County Commissioners
Court House
Sandusky, Ohio 44870

"Dear Sirs:

"This is to acknowledge your letter of April 8, 1971, in which you request consideration of an interchange between the Ohio Turnpike and State Route 60 in Erie County.

"The jurisdiction over new interchanges on the Ohio Turnpike is by law a joint decision of the Ohio Turnpike Commission and the Director of the Ohio Department of Highways. The Ohio Turnpike Commission, however, is not in a position to evaluate whether traffic outside of the Turnpike would warrant such an interchange. Therefore, since you are requesting consideration of a new interchange involving a State highway, I shall call your request to the attention of the Highway Director and suggest that you discuss this matter with the Highway Department.

"Very truly yours,

"Allan V. Johnson
Executive Director"

The Chairman said further that on the same day Mr. Johnson wrote a letter to the Director of Highways as follows:

"April 14, 1971

"Mr. J. Phillip Richley, Director
Ohio Department of Highways
25 South Front Street
Columbus, Ohio 43216

"Dear Mr. Richley:

"The enclosed copies of a letter to me from the Erie County Commissioners and my reply concern a subject which was discussed at the April 6 Commission meeting. At that time, we had seen only a news article about this, but Chairman Shocknessy said the matter would be referred to you if it were presented to us.

"Very truly yours,

"Allan V. Johnson
Executive Director"

The Chairman said further that on April 29, 1971 the Commission received a letter also dated April 14 supposedly signed by the Director of Highways addressed to Erie County Commissioners, as follows:

"April 14, 1971

"Erie County Commissioners
Courthouse
Sandusky, Ohio 44870

"Attention: Eunice Conley, Clerk

"Gentlemen:

"This will acknowledge receipt of a copy of your letter to Mr. A. V. Johnson, Executive Director of the Turnpike Commission, requesting the construction of an interchange between SR 60 and the Ohio Turnpike in Erie County.

"This is a matter for decision by the Ohio Turnpike Commission. Thank you for advising us of the request.

"Very truly yours,

"J. Phillip Richley
Director"

The Chairman said further that the letter was not quite in conformity with what the Commission and Mr. Richley had agreed upon. The Chairman then asked Mr. Richley to clean the matter up.

Mr. Richley said that obviously the Highway Department would clean it up. He said that was a case in which the person who wrote the letter on his behalf was unaware of the letter from the Executive Director when the response to the Erie County Commissioners was written. He said the difficulty arose from the fact that the Erie County Commissioner's letter, of course, had been addressed to the Commission, and the letters crossed in the mail.

The Chairman reported also that in 1964 the Commission had made an agreement with the Department of Highways providing for the construction of an interchange between Interstate Route 71 and the Turnpike. He said the costs were to be shared by the Commission and by the State of Ohio. He said the interchange had been constructed and the Highway Department had billed it and that the cost was \$1,999,371.14. He said that according to the formula, which was rather complex, the Commission's share was \$1,002,522.31, which was slightly over 50 per cent. He said the Commission had received the invoice from the Department of Highways and had had it audited. He said there had been some discussion and at the current meeting the Commission was prepared to present the Director of Highways with a letter and a check for \$891,487.27. The Chairman said \$111,035.04 of the Commission's share had already been paid in the form of engineering services provided.

Mr. Richley said that that was the largest amount the Department of Highways had received in his administration and that the Department deeply appreciated the Commission's generosity.

The Chairman said that the Commission liked to keep its bills paid promptly. He said that the Commission had therefore prepared the check and the covering letter. He asked the Director of Highways to endorse the bill showing that payment had been received. He said Mr. Richley did not know when he came to the meeting that the Commission was prepared to pay the bill. Mr. Richley agreed that he had not known. Mr. Richley said the Highway Department was in the tail end of fiscal year 1971 and that it was an appropriate time to have the check. He said receipt of the check would make unnecessary some planned transfers of funds.

The Chairman reported also that all Members had received a copy of the Executive Director's letter to Mr. Alex Gross with respect

to the limitation that was imposed on 14-foot mobile homes. He said he believed the letter to be a very good statement of the whole matter. He said Mr. Gross surprisingly had seen an awful lot of other people but he did not bother very much with the Commission and Mr. Johnson had called that fact to Mr. Gross' attention tactfully but without any excess of tact. He said that with the agreement of the Commission, he would be willing to incorporate the letter into the business of the meeting without reading. The letter was as follows:

"April 26, 1971

"Mr. Alex Gross, President
Modulage Homes
Division of Albee Industries
931 Summit Street
Niles, Ohio 44446

"Dear Mr. Gross:

"Reference is made to your letter to me dated April 21, 1971 concerning the use of the Ohio Turnpike to transport modular home units. I am somewhat puzzled by several points in your letter and the enclosures therein.

"First, while you never said so in your letter, I assume that you are concerned about our recent decision not to permit mobile homes over 12-feet wide to be transported on the Ohio Turnpike. We are aware that for some years your company has used the Ohio Turnpike to transport units up to 12-feet wide. You should be quite familiar, therefore, with two very pertinent facts: 1) that the Ohio Turnpike Commission has always classified modular type units such as those manufactured by you in the same category as 'mobile homes' for purposes of permitting them to be transported on the Ohio Turnpike; 2) every oversize vehicle and load must obtain a special permit issued by the Ohio Turnpike Commission in order to use the Ohio Turnpike. Because of your familiarity with the above, it seems strange that you have discussed the matter of transporting modular units over the Ohio Turnpike, as stated in your letter, ' . . . with the State Representatives and State Senators, Mr. Phil Richley and Governor John J. Gilligan's office . . . , ' but not also with any officials of the Ohio Turnpike prior to this.

"Second, you indicate 'The City of Toledo can loose (sic) the government grant of several million dollars as these modular units were submitted to HUD after we received approval in writing from the Highway Department.' It is not clear what approval you received. I assume that

you received approval to transport oversize modular units but, since the use of the Ohio Turnpike for transporting oversize vehicles and loads, is regulated by the Ohio Turnpike Commission as outlined above, you must have received approval to use State routes (which are under the jurisdiction of the State Highway Department) and certainly not to use the Ohio Turnpike. We are advised by the Supervisor of Permits of the Ohio Department of Highways that permits are issued for 14-foot wide mobile homes 'over state highways within the State of Ohio . . . providing a minimum of 24' wide two-lane or multiple lane highways.' Several such highways parallel the Turnpike.

"Third, I can find nothing in the plans submitted by you that indicates any approval by HUD or the City of Toledo. In fact, the plans you have included which show transport trailer units are dated so recently that I wonder whether there are any such units in existence yet. Furthermore, since you indicate the City of Toledo stands to lose several million dollars, I find it unusual that you have discussed this situation with many State officials and sent copies of your letter to me to many State officials but did not send it to anyone from the City.

"Fourth, you enclosed a brochure which shows at least 18 different models of modular type units all of which have dimensions which indicate to me that the size of the separate units are 12 feet or less in width. Apparently, it is this type of unit that you have been transporting on the Ohio Turnpike. It would also appear that you could make minor adjustments in the dimensions of your proposed unit to make it fit into a 12-foot-wide or less transportable unit which would be permitted on the Ohio Turnpike.

"Everyone is sympathetic with the goal of providing adequate housing for the families of America and the Ohio Turnpike has observed, through the heavy use of the turnpike, a substantial contribution toward that goal by the mobile home industry over the past years. The advent of units greater than 12-feet wide, however, immediately presented problems which required banning their transport on the Ohio Turnpike. The most important consideration was that such vehicles cannot be contained in the 12-foot wide travel lanes of the Turnpike and, therefore, they present a serious safety threat to other vehicles. In addition to the very important safety factor, it must be realized that the Turnpike is unique among Ohio highways in that it has toll booth lanes which will not accommodate loads wider than 12-feet, it was built using other unique design standards, and it probably carries heavier traffic than any other rural highway in Ohio.

"I'm sure that our concern for safety and the concern for adequate housing can both be satisfied if your industry will recognize that

there are limitations to what can be moved over the highways and especially the Ohio Turnpike.

"Very truly yours,

"Allan V. Johnson
Executive Director"

Mr. Richley said that in defense of Mr. Gross he thought that when Mr. Gross discussed the matter with him Mr. Gross thought that Mr. Richley was the representative of the Turnpike Commission. Mr. Richley said that he did, as a matter of fact, recommend that Mr. Gross communicate directly with the Commission.

The Chairman said that he was not complaining. He said that when he was asked he said that the Director of Highways might be considering that he was speaking as a Member of the Commission -- that the Director was speaking for the Commission, although he did not think that was a good plan because he thought that in such a situation Mr. Richley spoke as Director of Highways first and that the Commission as such should have been independently represented. Mr. Richley said that his conversation with Mr. Gross was that the latter correspond directly with the Commission, which in fact he did.

The Chairman reported also that at the last meeting the Executive Director had discussed - and the Chairman would not characterize it as a recommendation although he thought it might have been construed as a recommendation - that consideration be given to the replacement of the Commission's toll audit equipment. He said the Executive Director discussed also the attendance by a delegation of the Commission's staff to a showing which was to be given by a manufacturer in Chicago. He said Mr. Richley very properly questioned at the last meeting whether or not going to Chicago to see that manufacturer's equipment was to be construed as excluding other suppliers. The Chairman said the Commission could not exclude anybody if it were to replace the equipment. He said it was his firm belief that it would have to be done by taking bids. He said that as Chief Executive Officer of the Commission he had given quite a lot of attention to the matter after the last meeting and concluded that the Executive Director's recommendation - if it were such - was premature. The Chairman said he did not think that adequate evaluation of the existing equipment as related to its life expectancy had been given before the suggestion or recommendation was made.

The Chairman said further that he did not criticize the Executive Director alone. He said he thought the J. E. Greiner Company was also at fault in having come to the Commission and having approved the suggestion that the Commission send a delegation to Chicago to look at equipment before it had been finally determined that the life expectancy of the equipment in use was not sufficient to provide for the Commission's needs for the ensuing nine years. He said it was not his intention at the current time to repudiate either the Executive Director or the Greiner Company but he did believe that the recommendation - even to go to Chicago - was premature. He said he thought the determination first should have been made that the existing equipment could not be conformed by a process of rehabilitation or otherwise so that it might be used for the ensuing time when the Commission needed it. He said Mr. Redman made the point at the last meeting that some of the equipment was not as old as some of the rest of the equipment.

The Chairman said further that with all that in mind he had advised Mr. Johnson not to take a delegation to Chicago. He said that he had done that in his capacity as Chief Executive Officer of the Commission and he had told the Commission's Comptroller, John Soller, to go to Chicago and look at the equipment being considered by that manufacturer and make a report. He said Mr. Soller had reported that the presentation by that company was itself premature. He said Mr. Soller reported the presentation was not satisfactory and not representative of anything that might be adequate. He said Mr. Johnson was now proceeding, he hoped, pursuant to the Commission's suggestion at the last meeting and with the assistance of the Greiner Company as the Commission's Consulting Engineers to evaluate the existing equipment and to determine whether or not its life expectancy was adequate for the Commission's needs for the remainder of the period when it would be contemplated that tolls would be charged. He said that he was not responsible for what future administrations and General Assemblies would do with respect to passage of a constitutional amendment to permit charging tolls after the Commission had paid off the bonds, but the only thing that the Commission was entitled to consider was the life expectancy of that equipment as related to the Commission's responsibility to pay the bonds. He said the Commission had currently paid off all but \$188,909,000 of the bonded indebtedness. The Chairman said that every projection the Commission had made in the past ten years had shown that the bonds would be paid off probably by 1980 and that the projections had been supported by experience. He said therefore the consideration the Commission had for toll audit equipment was that the Commission had adequate toll audit equipment to provide its needs until 1980. He said he was not taking the position that it might not be necessary to replace the existing equipment. He said he did take the

position, however, that adequate determination of need and of evaluation of the existing equipment was not made before the suggestion was brought before the Commission. He said his view, and he hoped he would be supported by the Commission, was that not less than six months would be required to make the evaluation that he thought must be made and he personally would not be willing to look at anything until after an evaluation was made and a determination was made as to the economic sufficiency of what the Commission had as compared with what it might get. He said he did not think the Commission currently had anything before it that would support even consideration of new toll audit equipment. He said he thought the basic determination had not been made and he did not want any suggestion brought to the Commission that a change in the toll audit equipment be made until the basic determination had been made that the existing equipment could not serve as it might be conformed, modified, and brought up to date.

Mr. Teagarden said he was in accord with the Chairman's position as taken. He said it was the proper position and the Chairman had his full support to see that it was carried out. Mr. Richley said he agreed wholeheartedly with what the Chairman said and perhaps the Commission could expect a report in six months. Mr. Chastang said he agreed and that he was especially pleased that the Commission staff did not go to Chicago.

The Chairman said that it distressed him. He said the whole thing in the form in which it came to the Commission was a surprise to him. He said he had never in the 22 years that he had been on the Commission been surprised by anything that came to the Commission from the staff but he was taken by surprise that day.

Mr. Chastang said he hoped some good would come out of the discussion. The Chairman said he hoped so too and he did not ever want not only himself but the Commission as individual members to be surprised by so elaborate a recommendation for consideration. He said he thought if a recommendation or consideration of such magnitude were going to be presented that the Commission should have some advance preparation.

The Chairman said further that his criticism was directed to everybody that had anything to do with the matter. He said he had nothing else to say until an adequate evaluation was made of the existing equipment and its life expectancy and he did not expect anything to be brought before the Commission about it unless it broke down. (The Executive Director had prepared some data concerning companies which indicated an interest

in the turnpike toll audit system. Those companies were Peat, Marwick, Mitchell & Co., Arthur Anderson & Co., Keystone Computers Associates, Inc., McDonnell Douglas Automation Co., National Cash Register Co., and Automatic Toll Systems, Inc. All those companies had been told that the Commission was evaluating its existing system before doing anything else and that their offers of service would be considered if it should be decided to do anything further.)

In response to a question by Mr. Teagarden, the Chairman said that he suggested that the study should be done in six months. Mr. Richley asked the Executive Director whether he felt that six months was sufficient time or whether he had any other information which he would like to present.

Mr. Johnson said that he had no other information and that six months should be adequate. The Chairman asked Mr. Harnden if he also agreed.

Mr. Harnden said there was an awful lot of work involved but he certainly believed that it could be done in that length of time. Mr. Richley said he did not understand Mr. Harnden's answer. He said that the Greiner Company and the staff had been prepared to go ahead the month before and suddenly six months was not enough time.

The Chairman said he was willing to stand on the minutes as they appeared at the last meeting and he would stand and he assumed the Commission would stand on what had been said at the current meeting.

Mr. Chastang said he wanted to make a comment on the facts. He said that Mr. Johnson was relatively new on the Commission, that he had had a great deal of experience in the Highway Department but had had very little experience in the operation of toll equipment or toll booths. He said the Commission had Consulting Engineers who were probably the finest in the country and had been retained by many of the large turnpikes. He said Mr. Johnson ought to press and insist upon and seek a great deal of advice in the area of toll collection especially because of his unfamiliarity with respect to toll equipment and operation, cost and use, lifetime service, modifications, and alterations. Mr. Teagarden said he felt Mr. Johnson might lack experience but was learning very fast.

In the absence of further questions the Chairman said the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer would be received.

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

1. Traffic & Revenue Report for March 1971.
2. Financial Statements as of March 31, 1971.
3. Expense and Budget Report - First Quarter 1971.
4. Detail of investment transactions for April 1971.
5. Draft of the minutes of the April 6, 1971 meeting.

Mr. Chastang reported also that the Commission minutes from beginning -- September 8, 1949 -- through page 5316, being the end of the meeting of March 2, 1971, had been microfilmed. He said that all the pages of the Journal from page 1 through page 1361 -- through the meeting of March 2, 1971 -- had also been microfilmed. He said the microfilming had been done on a borrowed machine so that the Commission's only cost was for the film. He said that when the films had been processed and returned to the Commission they would be deposited in some safe place apart from the Minute Books and Journal. He said the Commission should give some direction to the Secretary-Treasurer as to the storage of the film. He said he would suggest depositing them with the Trustee.

The Chairman asked Mr. Ruetty if the Trustee would be willing to accept them. Mr. Ruetty said that the Trustee would be glad to accept the microfilm and put it in safekeeping.

A resolution directing that microfilmed reproductions of the Commission's records be stored with the Ohio National Bank was moved for adoption by Mr. Chastang, seconded by Mr. Richley, as follows:

RESOLUTION NO. 9-1971

"WHEREAS the Commission has heretofore caused, and may hereafter cause, certain of its records to be reproduced on microfilm, including but not limited to the Commission's Journal, minutes of the Commission's meetings and as-built plans of completed construction;

"WHEREAS said reproductions on microfilm should be stored at a place separate and apart from the records so reproduced; and

"WHEREAS The Ohio National Bank of Columbus, Trustee

under 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, has indicated its willingness to accept said reproductions for safekeeping as a courtesy to the Commission, and the Commission desires that said reproductions be stored with said bank until the Commission shall request their return;

"NOW, THEREFORE, BE IT

"RESOLVED that the secretary-treasurer and the assistant secretary-treasurer, and each of them, be and hereby they are, directed to transmit a set of all microfilmed reproductions of the Commission's records heretofore or hereafter made to The Ohio National Bank of Columbus for safekeeping, subject to withdrawal and return to the possession of the Commission upon demand."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 9-1971.

In the absence of further questions 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 Commission's expenses for the first quarter of 1971 were \$191,401, or about seven per cent, over budget. He said the entire overage was in operation, with snow and ice removal \$115,000 over budget. He said that Patrol costs were \$29,359 over budget. He said that it was Mr. Soller's judgment that the Commission would not be able to make up the deficit by year end. He said the Commission probably would have to make some transfers.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. At this point Mr. Redman left the meeting. The Chairman said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that during the Easter holiday new records for sales were established as throngs of people stopped to patronize the turnpike restaurants and service stations. He said the concessionaires had increased their staffs in anticipation of heavy traffic and they were not disappointed. He said members of the Patron Services Department visited most of the plazas during the holiday week end and they reported that there were no service problems and sanitary conditions were satisfactorily maintained.

Mr. Teagarden reported also that on April 15 the representatives of Gladioux Food Services, Inc. met with members of the committee to submit plans for remodeling the snack bar areas at the Erie Islands and Commodore Perry Service Plazas. He said that while the expense of the remodeling was to be borne by Gladioux Food Services, Inc., the committee did agree to participate to the extent that Commission's maintenance forces would remove certain room dividers and make openings in certain nonload bearing walls. He said it was expected that the remodeling would be completed prior to the Memorial Day week end.

The Chairman said 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 Director of Highways would be received.

Mr. Richley reported that he wished to reiterate his department's thanks to the members of the Commission for the payment received at the present meeting. He said it came at a very appropriate time.

Mr. Richley reported also that his Department would respond to the request of the Commission with respect to the Erie County correspondence about an interchange. He said that he noticed that someone had drawn the Lorain County interchange on the blackboard in the room and that he would add to the sketch the two ramps proposed by the Highway Department. He said the Highway Department was considering the alternates he had just drawn to serve western Lorain County. The Chairman said the proposal was something the Commission could live with. Mr. Richley said that the change had absolutely no effect on the turnpike interchange facility. He said the proposal he had outlined had been submitted to the people in Lorain County and the Highway Department was going to try and work the matter out. He said that the Highway Department had not yet received the traffic assignments to be furnished by Lorain County and as soon as the traffic assignments had been received

the Highway Department would be able to complete its proposal. Mr. Richley said further that the Lorain County people knew that it was up to them to submit the traffic assignments.

Mr. Richley then asked clarification of an earlier statement which he interpreted to mean that the planning of location of interchanges or any decision with respect to interchanges was a joint activity of the Commission and the Highway Department. Mr. Cole produced a copy of the Ohio Turnpike Act and drew Mr. Richley's attention to Section 5537.04J which Mr. Richley read as follows:

"The Ohio turnpike commission may: (J) Designate the locations, and establish, limit, and control such points of ingress to and egress from each turnpike project as are necessary or desirable in the judgment of the Commission and of the director of highways to insure the proper operation and maintenance of such projects***".

Mr. Richley asked whether the Commission had a staff which did planning with respect to locations of interchanges or changes or modifications as population growth occurred or development took place in certain parts of the State. He asked further whether the Commission itself did anything in regard to planning for growth areas or whether the Commission relied on the Highway Department.

The Chairman said that that was a broader determination than the Commission could make. He said the Ohio Turnpike Act (Chapter 5537 of Ohio Revised Code) provided that the Commission could construct turnpike projects at such locations as were approved by the Governor. He said that, as was said in one of the letters previously incorporated in the current record, designation and establishment of new interchanges on the Ohio Turnpike was by law a joint duty of the Commission and the Director of Highways. He said that, however, the Commission did not have any business making the determination of connections with the state system of highways. The Chairman said that, if the Commission had a problem or saw something, the Commission could tell Mr. Richley just as the Chairman had when Mr. Richley came in as Director. He said the very first thing he did when he talked to Mr. Richley was tell him that the Lorain County matter was up but that the Commission was not about to settle it. He said the matter had to go to the Director of Highways. He said that was the position the Commission had always taken.

The Chairman said further he was not certain about the Lorain County matter until after Mr. Richley had turned in the recommendation and until he had made indicated modifications. He said that he was not assured

in his own mind about the Lorain County matter so that was the first thing he had talked to Mr. Richley about even before Mr. Richley took office. He said that was the kind of thing he had always done. He said if someone approached the Commission it would send the matter to the Highway Department and the Director of Highways would tell the Commission what he thought.

Mr. Chastang said that through the years the Commission had kept a detailed record of the ingress and egress from every interchange. He said that a record of traffic patterns was kept and the length of every trip by every class of motor vehicle and there was ample information for determining the efficiency of operation of particular toll plazas and this was information the Director of Highways would be able to use to determine and evaluate possible interchanges. The Chairman said the Commission had more detailed information of every effect of any economic or traffic occurrence than the Director of Highways could possibly have on the whole system of state highways. Mr. Richley agreed that that was so.

The Chairman said that it was surprising that more requests for statistical information did not come to the Commission. He said the Commission had a request from Battelle Memorial Institute for some information about traffic a few days before.

Mr. Richley asked whether the Commission, when determining whether or not a new interchange was to be constructed at a given location or in determining whether or not a given interchange should be modified for greater service, had a position that changes needed to be economically justified in terms of new riders or in terms of new trips. The Chairman said the Commission was concerned primarily, of course, with service but service the Commission could only give within the limitations of feasibility. He said that factors included whether service was needed, whether economic feasibility was there and whether there was a long-term need because it required a year or two to build a lot of facilities for toll.

The Chairman said that much the same thing applied to mail that came to the Governor's office. He said that if there was any criticism of operation of the turnpike he would like the Commission to see the mail as soon as possible. Mr. Richley said he would request in writing that such communications be sent directly to the Executive Director. The Chairman said if the complaint came to the Commission the Commission would promptly respond to the inquirer or the complainant, make its investigation and send the Governor's office a copy of all correspondence. He said that the Commission had followed that procedure for more than 20 years.

Mr. Richley said that confusion was inherent in any transition. He said he presumed that within a few weeks the personnel in the Governor's office would channel such communications as they should be channeled, just as every other Governor's office had done in the past.

The Chairman said that he thought there was no reason that the Commission and the Highway Department could not have the same modus operandi with the present Governor that the Commission had had with the others.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that there had been one fatal accident in April. He said the accident occurred on April 17 early in the afternoon at milepost 90 eastbound. He said a witness observed that the tire tread on the right rear wheel of an automobile started to disintegrate and went flat, whereupon the driver lost control. He said the automobile went into the median, rolled over twice, and came to rest in the westbound lane. He said the driver was thrown out of the car and suffered a fatal head injury. Mr. Johnson said the car was heavily loaded with luggage, including luggage on top that weighed almost 300 pounds. He said the driver's daughter had just been graduated from the University of Michigan and was on her way back to her home. He said the weather was clear and dry. He said the car, a foreign one, was equipped with seat belts and steel radial tires, but the seat belts were not in use. He said the daughter even made a statement that if the seat belts had been in use her father would probably have survived.

In response to a question by Mr. Richley, the Chairman said that the toll collectors were asked to observe and, if they could, to do something about any automobile that appeared to be in a dangerous condition. Mr. Johnson said that the toll collectors tried to prevent cars that were an obvious wreck from entering the turnpike. He said it was difficult for the collectors to make a quick visual observation when a lot of traffic was coming through the toll booths. Mr. Richley said he was referring specifically to top-heavy loads and to those things which caused side-swiping. Mr. Chastang said that the Commission had discussed the problem many times before and that there was no answer to the problem because it involved the judgment of the toll collector and on many occasions the collector could not even see the car. The Chairman said that if the Patrol observed a car that appeared to be a dangerous instrumentality the Patrol would stop the car and would take it off the highway. He

said that, if the Commission had trouble at a toll booth, the Patrol was called to do whatever was required because not everyone was willing to agree with what the Commission's employees thought about the safety characteristic of a vehicle in traffic. Mr. Hartshorne said the Patrol made spot checks at interchanges but they were spot checks which meant that only a few cars were caught. The Chairman said that within the limitations of practicality, he thought the vehicles were observed. He said the thing that bothered the Commission most was bald tires.

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 the pace of work on the four resurfacing contracts and the addition of a third lane eastbound at Humm Road was accelerated during the month. He said asphalt paving was expected to be under way on three of the four resurfacing projects by the end of the current week and on the fourth project in about three weeks. He said the widening of the two structures on the Humm Road project had been completed and the start of work of adding the third lane was scheduled for the next week. He said the third lane was scheduled to be opened at the end of June and work was going according to schedule. In response to a question by the Chairman, Mr. Harnden reported that the job appeared to be all right.

The Executive Director reported also with respect to the I-90 Interchange in Lorain County that, as Mr. Richley had already stated, the Department had indicated that additional ramps on the northern end of the project would be considered. He said that that was outside the area of immediate effect on the turnpike but he had been informed by Mr. Bobby F. Everhart of the Department of Highways that, in order to wait for the reaction and response from Lorain County, the Department of Highways had deferred the sale of the construction project represented by the dashed lines on the blackboard diagram from a June sale until such time as the Department could receive a response and make the changes in the plans that would be required. He said the Commission was doing the work through the Greiner Company on the toll facilities in the middle of that project so the work scheduling was dependent upon the Highway Department's sale.

Mr. Richley said that, if the ramps were determined to be feasible from the point of view of projected traffic and if they were approved by the Federal Highway Administration, the Department of Highways would probably proceed with the sale of the contract as it existed

and add the ramps at a later sale date. He said they would be a separate project. He said there would be a short period during which the ramps would not exist on the initial project but they would eventually be constructed if determined feasible.

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

The Assistant General Counsel, Mr. Cole, reported for the General Counsel, Mr. Thompson, with respect to Ohio Turnpike Commission vs. Angeline M. Logsdon that the Legal Department had had a conference with the lawyers for Angeline M. Logsdon looking toward some kind of settlement or an agreed entry.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there would be no report by the Consulting Engineers but said the minutes would show the responsibilities the Commission had imposed on Mr. Harnden in accordance with the Commission's understanding of the contract with 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 Mr. Alex W. Lemmon of the Battelle Memorial Institute had asked for some information with respect to the Commission's traffic, particularly the distribution between passenger cars and commercial vehicles. He said the Commission supplied that information for the months of 1970 and the first three months of 1971 together with some other information such as Schedule of Tolls, Rules and Regulations, Ohio Turnpike Map and 1970 Annual Report. He said Mr. Lemmon had told him that the Institute was investigating sources of pollution on highways - not the turnpike specifically - but highways in general and particularly pollution connected with construction such as erosion, dust raised and changes in the environment and, further, pollution in connection with maintenance such as use of salt, weed killer and operation of asphalt plants which emitted a great deal of material into the air. He said Mr. Lemmon reported that Battelle had come to the Ohio Turnpike because the Commission had some rather exact information with respect to effluents as such. Mr. Hartshorne said that Mr. Lemmon said his research was not confined to the Ohio Turnpike.

The Chairman said the report of the Director of Information and Research 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. 10-1971

"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 April 6, 1971, 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 April 6, 1971 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, Chastang, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 10-1971.

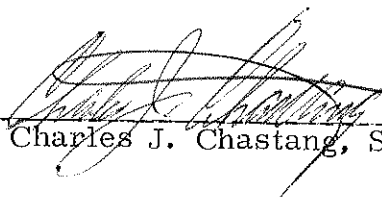
There being no further business to come before the Commission, a motion was made by Mr. Chastang, seconded by Mr. Richley, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call the vote was as follows:

Ayes: Chastang, Richley, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:33 P. M.

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

A handwritten signature in dark ink, appearing to read "Charles J. Chastang", is written over a horizontal line.

Charles J. Chastang, Secretary-Treasurer