

MINUTES OF THE TWO HUNDRED AND FIFTY-FIRST MEETING
June 1, 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 June 1, 1971 with the key members of the staff; a representative, Mr. Fred S. Cresswell, of the Consulting Engineers; a representative, Mr. P. Joseph Sesler, of the Trustee; and others in attendance.

The meeting was called to order by the Chairman. The roll was called and the attendance was reported to be as follows:

Present: Teagarden, Chastang, Richley, Shocknessy.

Absent: Redman.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by Mr. Chastang, that the minutes for the meeting of May 4, 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 present responded to roll call. The vote was as follows:

Ayes: Teagarden, Chastang, Richley, Shocknessy.

Nays: None.

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

The Chairman welcomed back the Comptroller, John Soller, and the General Counsel, Judge Lockwood Thompson, from their vacations abroad.

The Chairman reported that the first meeting of a toll audit equipment steering committee had been set for 3:00 P. M. on June 4 in a memorandum by the Executive Director, Allan V. Johnson, addressed to the General Counsel, the Comptroller, the Director of Information and Research, the Director of Operations and the Chief Engineer appointing

them to the committee. He said the memorandum stated that the committee would have the assistance of the Consulting Engineers, the J. E. Greiner Company.

The Chairman reported also that the revenue for May was estimated at \$3,370,000, which was \$220,000 better than any previous May. He said the income for the first five months of 1971 was \$14,065,000, or \$830,000 more than the best previous similar period.

The Chairman reported also that 14,472 more vehicles used the Ohio Turnpike in the five days of the Memorial Day weekend than the like period in 1970 and revenue in those five days was \$15,507 more than in the same period of the previous year.

The Chairman reported also that there was one fatal accident in the five day period which brought the total of fatal accidents in May to two. He said the truck strike in May of 1970 had affected the traffic for May of that year.

The Chairman reported also that the Commission had received a letter from the Superintendent of the Ohio State Highway Patrol, Colonel Robert M. Chiaramonte, concerning House Bill 706 in the Ohio General Assembly to amend Section 4511.091 of the Ohio Revised Code to permit arrests for speed violations on the turnpike without the use of warning signs when electrical or mechanical timing devices were used. He said he replied to Colonel Chiaramonte as follows:

"May 19, 1971

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

"Dear Colonel Chiaramonte:

"This is to acknowledge your letter of May 7, 1971, which transmitted a copy of House Bill No. 706 of the 109th General Assembly.

"Until I received your letter, it had been our opinion that it was not necessary to change existing Section 4511.091 of the Ohio Revised Code in order to clarify procedures for using speed measuring devices on the Ohio Turnpike. This was reflected in the suggested brief prepared by

the Commission's legal staff for possible use in the Erie County case which you cited in your letter.

"This is to advise, however, that the Ohio Turnpike Commission will support a change which strengthens the Patrol's authority to enforce the Rules and Regulations of the Commission.

"Very truly yours,

"James W. Shocknessy
Chairman"

The Chairman said the letter reflected what the Commission's position would be and said that if Colonel Chiaramonte needed any testimony from the Commission either Judge Thompson or Mr. Johnson would testify. He said he thought the existing law was adequate but, if Colonel Chiaramonte wanted something additional, it would be all right with the Commission although the Chairman was always unenthusiastic about adding provisions to the Code on the ground that the more provisions there were the harder it was to find out what the problems and remedies were.

The Chairman reported also that there had been an editorial titled "Mobile Alert" in The Blade of Toledo, Ohio on May 25, 1971 on the problem of 14-foot wide mobile homes. He directed that the editorial be included in the minutes of the meeting.

"Mobile Alert

"A tidal wave 'alert' for Ohio has issued from Michigan with warning that the neighboring state legislature has caved in completely to the mobile homes lobby -- ready to throw its highways open to 14-foot house trailers and without a restriction on their movements in behalf of motorists' safety.

"It must have been a blitz from an industry now feeling its oats with production of 20,000 or more units and \$94 million gross earnings just behind it in Michigan last year. Michigan's motoring residents have only the prospect of Governor Milliken's veto standing between them and this rolling, lurching tide that promises to spill over on either side of a lane on that state's most modern highways.

"While thousands of Ohioans travel those highways to reach the attractions of outdoor Michigan and would be equally fearful of meeting the behemoths, nothing can be done but hope and pray for the governor's courage.

"What can be done on this side of the state line, however, is to alert Ohio's highway officials and legislators to the prospect of pressures from the mobile home industry to allow the same overhang across the Buckeye state. They won't make it on the Ohio Turnpike, thanks to the commission's hard-and-fast 12-foot-limit ruling this year.

"We would think that it would be wise for the state highway department to review its width limits even now -- before the trailer lobby hits Ohio's borders from the north with a no-holds-barred push for authorization to drive night or day, regardless of wind velocity, weekends, or holidays.

"Reasonable use of the highways is afforded the trailer industry. But if Michigan is capitulating, Ohio will need to batten down the hatches against a wave of pressure if it is not to be rolled over, and finally, overrun."

The Chairman said further that Mr. Richley had sent him a file which illuminated the Highway Department's relaxation of the 12-foot rule for movement of mobile homes on State highways.

The Chairman reported also that there had been an article in the Youngstown Vindicator on the plan to link former State Route 18 (Mahoning Avenue) and Interstate Route 80 via the Niles-Youngstown (No. 15) Interchange of the turnpike. Mr. Richley agreed with the Chairman that the plan was a satisfactory disposition of the matter. He said the problem seemed to be on the way to resolution between the Highway Department and the Mahoning County officials with the cooperation of the Ohio Turnpike Commission.

The Chairman reported also that he had an article from The Blade which was titled "Maumee Hits Jackpot with Fines from Turnpike Traffic Offenders". The Chairman said he did so to mention that turnpike violators were continuing to enrich the local governments. The General Counsel said that under the existing statute 45 percent of the fines went to the Treasurer of the State of Ohio to be used for highway maintenance and repair and the balance went to the treasurers of the municipal corporations or counties or both. Mr. Chastang said that he thought that fines should not be a means of supporting governmental agencies.

The Chairman then directed that a very gracious letter from Mr. Richley acknowledging the payment to the Highway Department of some \$900,000 at the last meeting be included in the minutes of the meeting.

The letter follows:

"Mr. James W. Shocknessy
17 South High Street
Columbus, Ohio 43215

"May 5, 1971

"Dear Jim:

"Just a special note of thanks to you for the kindness that you have displayed toward me since assuming my duties as Highway Director and an extra special thanks for that recent check for nearly \$900,000, which is extremely timely considering there are only six weeks left in fiscal 1971. It will go a long way toward relieving financial problems that we are starting to build up.

"If I can be of any service to you, please let me know.

"Very truly yours,

"J. Phillip Richley
Director of Highways"

The Chairman referred also to an editorial that appeared in The Cincinnati Enquirer of May 26 saluting Mr. Murray Seasongood, an original Member of the Commission. He read the editorial as follows:

"Saluting Mr. Seasongood

"When Cincinnati's B'nai B'rith instituted its annual Guardian of the Menorah award several years ago, it was inevitable that that signal honor would eventually be bestowed upon Murray Seasongood. Mr. Seasongood will be the guest of honor at the Menorah Tribute Luncheon in behalf of the B'nai B'rith Youth Services Appeal this Friday. He thereby joins a distinguished roster of Cincinnatians who have contributed productively to the level of life in the Queen City.

"The Guardian of the Menorah award comes to Mr. Seasongood in the 93rd year of a life that has included service as mayor of Cincinnati, as a member of the Ohio Commission on Code Revision, as a member of the Ohio Turnpike Commission, as president of the National Municipal League and as a tireless toiler in the Queen City's educational, political and philanthropic life.

"In honoring him, B'nai B'rith speaks not only for its own membership, but also for a community that has been notably enhanced by his service and his example."

The Chairman reported also that following the meeting of May 4, 1971 he spoke to Mr. E. J. Donnelly of the J. E. Greiner Company. He said he especially acknowledged the presence at the current meeting of Mr. Cresswell. He said Mr. Donnelly had told the Chairman that Mr. Donnelly would be in touch with him as soon as he returned from the Bahamas. The Chairman said that he made a firm complaint to Mr. Donnelly because he did not believe that the Commission had had adequate advice from the Greiner Company with respect to the control of traffic on the Easter weekend in the area of Humm Road Hill. He said he told Mr. Donnelly he was of the opinion there had been adequate experience to suggest that the expedients which were adopted after the congestion occurred should have been adopted before the congestion occurred. He said he told Mr. Donnelly further that he was concerned about whether or not Mr. Harvey A. Harnden, Resident Engineer for the Consulting Engineers at the Turnpike, might not have gotten stale on the job and that he expected Mr. Donnelly to look into the matter of the coverage of the Commission by the Greiner Company. The Chairman said further that he told Mr. Donnelly that in the absence of better service in such a matter as Good Friday traffic and with respect to the toll-audit recommendation, the Commission would look the Greiner Company straight in the eye.

Mr. Cresswell said he would speak to Mr. Donnelly about the matter as soon as possible.

The Chairman reported also that a number of letters of complaint had been received with respect to one of the oil companies on the turnpike. He said the Executive Director had written a letter to that oil company - the Gulf Oil Company. The Chairman said that all Members of the Commission had received copies of the correspondence to the oil company and he thought the subsequent letters reflected his displeasure with the perfunctory attention the officials of the oil company gave to the matter.

The Chairman reported further that he telephoned the person who had written from the oil company, Mr. Bernard C. Sholton, Vice President and Coordinator, and talked to him firmly about the consideration he thought it had given and told Mr. Sholton he wanted a brace of vice presidents to go to Berea and give thoughtful consideration to their company's practices. The Chairman said the Commission was not satisfied with the reported practices of the Company. He said he thought that when six complaints from patrons were received there must be a great, great many patrons who had a right to complain and who had not sent letters. He said he let Mr. Sholton understand what the Commission expected and told Mr. Sholton that he would not hear any more from

the Chairman, that it was up to the Company to deal with the Executive Director and that unless the Chairman did not consider that the Company had dealt adequately and given proper service he would blast them publicly.

Mr. Chastang said he wondered if the Gulf Oil Company did not have a promotional scheme whereby an employee got some extra benefit of some kind if he sold a certain amount of equipment. The Chairman agreed that it appeared as if there had been such a promotion. He said it was Gulf Oil Company's job to tell the Commission what brought about the unsatisfactory practices. Mr. Chastang said the Gulf Oil Company might not inform the Commission and he wondered if one of the Commission's employees might not know something about the promotion. The Chairman said it was his opinion that the Gulf Oil Company would disclose what had happened. Mr. Richley asked whether all the complaints originated from the same service center. The Chairman replied that they had not. He said that was why the Company was blameworthy. He said if it happened at only one station, then one would think it was something that went on only there but when the same thing occurred all along the turnpike it appeared that there had been a direction. Mr. Chastang suggested that someone was trying for an award. He said Gulf had four stations.

The Chairman said that the Commission had complaints from every one of them. He said the public was not prone to write too many letters, that people got angry and said things at the time but did not usually go home and write letters. He said that when they went home and wrote letters like those the Commission had received, especially in the case of women who had spent good money, Gulf Oil Company had to prove that they had interviewed every one of the complainants and that all the complainants had been made whole. Mr. Chastang said that Gulf Oil Company must explain the reason the incidents complained of had happened.

Mr. Cresswell asked whether the complaints regarded overcharges. The Chairman said that they did not but that they were complaining about high pressure sales. He said that at the next meeting there might be a report and he was sure everyone on the Commission would like to see the Gulf Oil Company investigation report.

In the absence of further questions, the Chairman said the report of the Chairman was accepted as offered.

A resolution extending congratulations to Chairman on being selected as Chairman of the Board of Trustees of Ohio State University

was moved for adoption by Mr. Teagarden, seconded by Mr. Chastang and Mr. Richley, as follows:

RESOLUTION NO. 11-1971

"RESOLVED that the members of the Ohio Turnpike Commission meeting assembled do herewith express their congratulations and delight that their chairman, James W. Shocknessy, has been selected by his associates on the Board of Trustees of the Ohio State University as Chairman of the Board of Trustees of that greatest institution of education in the State of Ohio."

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.

Nays: None.

Not Voting: Shocknessy.

The Chairman declared the resolution stood adopted with three Members voting in the affirmative. The resolution was identified as No. 11-1971.

The Chairman expressed his gratitude to the Members of the Commission for their good wishes. He said he would do his best and wanted to assure the Members of the Commission that he appreciated their confidence as expressed by the resolution. He said he would uphold the traditions that had been established at the Commission. He said that he had already told the Members of the Board of the University about the procedures the Commission followed with respect to meetings. He said it had been valuable to the Commission for the Chairman to maintain a watch tower during the month and for the Chairman to come to the meeting and report everything that had occurred since the past meeting. He said that was what he wanted to do at the University and that he thought the Turnpike Commission was very well informed. He said the Turnpike Commission was not a perfunctory body; that it knew what went on under its jurisdiction. The Chairman said the report of the Secretary-Treasurer would be received.

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

1. Traffic and Revenue report for April 1971.
2. Financial Statements as of April 30, 1971.
3. Draft of the minutes of the May 4, 1971 meeting.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report by the Committee on Budget and Finance. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that new sales records were established in April 1971 by both the restaurant and service station operators as more people than ever before visited the service plazas during that month. He said while Easter holiday traffic contributed significantly it was only partially responsible for the tremendous increase in sales. He said each day in April the sales volume exceeded that of any comparable day from a previous April. He said all of that supported the contention that Ohio Turnpike patrons would stop at the service plazas if good food was served at reasonable prices and if service was satisfactorily maintained.

Mr. Teagarden reported also that during the month of May the remodeling of the snack bar areas at the Commodore Perry and Erie Islands Service Plazas moved toward completion. He said the snack bar areas at both locations were opened for the Memorial Day weekend but the new ice cream parlor, which was to become a part of the snack bar area, would not be completed until June 15, 1971.

Mr. Teagarden reported also that during the Memorial Day weekend members of the Patron Services Department were scheduled to visit each of the service plazas to see that service to the turnpike patron was properly maintained. He said that in the absence of a report to the contrary, it was assumed that the operators were prepared for the holiday travelers and the problems, if any, were minor.

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 had scheduled a series of meetings for June 4, June 8, June 10, and June 11 in connection with meetings to be held with representatives of union and non-union field employees.

The Chairman directed that the letters to the union and non-union employees advising them of the meetings be made part of the record. The letters follow:

"May 28, 1971

"Mr. Jack Gallon
Gallon and Callender
P. O. Box 4156 - Station E
435 S. Hawley Street
Toledo, Ohio 43609

"Dear Mr. Gallon:

"This will acknowledge your letter dated May 19, 1971, and confirm arrangements for the Commission's Committee on Employee Relations to meet for discussions with the representatives of the Teamsters Union, Local 20, at 10:00 a. m. on Thursday, June 10, 1971, in the conference room of the Commission's Administration Building at Berea.

"It will be appreciated if a week or so prior to the June 10 meeting you furnish Mr. Robert A. Meywes, secretary of the Committee on Employee Relations, with the names of the officers of the union, and the representatives from toll collection and maintenance who will attend this meeting.

"Very truly yours,

"O. L. Teagarden, Chairman
Committee on Employee Relations"

"MEMORANDUM

"May 28, 1971

"To: Employees of the Commission who are not union members

"From: Secretary, Committee on Employee Relations

"Subject: Meeting Notice

"Please be advised that the Commission's Committee on Employee Relations has scheduled a meeting to discuss wages, working conditions and other matters for Friday, June 11, 1971 at 10:00 A. M. in the

conference room of the Commission's Administration Building at Berea.

"The non-union employees at each installation are to be represented at the meeting by one spokesman of their choosing.

"It would be appreciated if a week or so prior to the scheduled June 11 meeting that there be submitted to the Committee on Employee Relations a list of items or matters which you wish to discuss and the names of those who are selected to represent you.

"Very truly yours,

"Robert A. Meywes, Secretary
Committee on Employee Relations"

The Chairman said that since Mr. Richley had been on the Commission he had indicated his feelings and views with respect to some labor legislation. The Chairman said he had not communicated them to the Governor. He said that Mr. Richley was aware of them and the Chairman had advised appropriate people that in the event of hearings he would have no objection to expressing his views. He said he had told Frank W. King, the president of Ohio AFL-CIO, and told the Teamsters Union that enlightened legislation was needed and the Commission's practices ought to be the basis of enlightened legislation. He said that the Commission had had a grievance procedure from its very beginning when the Commission had its offices in the Ohio Department of Highways building. The Chairman said he had written a grievance procedure and an employee relations procedure which was still the basis of the Commission's employee relations. He said that he had submitted the program many times to other agencies, and members of the legislature had asked several times for a copy of the procedure. He said he wanted Mr. Richley to remember that the Commission had its views and the Chairman had expressed them publicly and was willing to stand upon them. He said he had not told the Governor so personally but that he had told Mr. Richley and he had told the leadership of the Ohio General Assembly of his views.

The Chairman said he was not sponsoring any bill because he did not think there was a bill that was foursquare but there ought to be such a bill. He said there should be a public employees labor relations act; then governmental agencies would not have discord and violation of the law. He said things were being done all over the state which violated the existing law. He said the Turnpike Commission was not violating the law, that its practices were always within the existing law.

Mr. Teagarden said he thought he should explain that the meeting on June 4 was for the Committee on Employee Relations to discuss the various matters on the agenda for the meetings with employee representatives and that on June 8 Mr. William C. Hartman of Squire, Sanders & Dempsey, labor counsel to the Commission, was going to meet with the Committee so that the Committee could be prepared for its meetings with the union representatives on June 10 and with non-union representatives on June 11.

The Chairman said that every once in a while he felt impelled to thank Mr. Teagarden again for the time he gave. He said the time Mr. Teagarden had given to Service Plazas, the time he had given to Claims, the time he had given to Employee Relations, was so valuable that the Commission could not afford to buy it - that it was beyond the Commission's capacity to pay.

Mr. Teagarden said he did not deserve the credit, that the Commission had a very good committee and that the relationship with union and non-union employees was excellent. He said that he thought the good relations were due to the fact that the employees were not ignored. He said the Commission discussed with them the various subjects they presented and tried to arrive at fair decisions.

The Chairman said that that had been the case ever since the Commission opened the Eastgate Section in 1954. He said that the Commission had received high compliments upon the courtesy of its employees and that such compliments were received only if employees had respect for their own organization. He said people often told him about the difference between treatment accorded patrons of the Ohio Turnpike and the patrons of the adjoining turnpikes, especially the one immediately to the east. He said that all that related to good employee relations and that he trusted the Commission would be able to continue with employee relations as amicable and wholesome as it had had.

The Chairman said that in the absence of further questions, the report of the Committee on Employee Relations was accepted as offered. He complimented Mr. Richley on having been effective in getting mail for the Commission routed from the Governor's office in an appropriate, convenient way. He said the report of the Director of Highways would be received.

Mr. Richley reported that a letter had been received from Charles H. Holbrook, Jr., of Warren, Ohio dated May 7, 1971, which he read as follows:

"J. Phillip Richley
Department of Highways
25 South Front Street
Columbus, Ohio 43215

"Dear Mr. Richley:

"I have read in the National Geographic (issue of February 1968) that all interstate highways are to be toll free.

"Why is it that when I use Interstate 80 in Ohio, from Youngstown, Warren, Akron, and across the state, I have to pay toll? As I have read in the Warren Tribune Chronicle and the Youngstown Vindicator in 1970, these two local papers claimed Interstate 80 through Ohio has been completed. Why the toll? After all, taxpayers all over this country, including yourself, are paying for this Interstate system. (Not the Ohio Turnpike Commission).

"Also, why is it that we lack call boxes on Interstates 80 and 71. I have used these two highways from border to border and no such thing as a call box (supposedly every two miles, as the National Geographic reads).

"I would like an answer from you personally.

"I thank you,

"Mr. Charles H. Holbrook, Jr."

Mr. Richley said he made a general answer to Mr. Holbrook's letter outlining the law, explaining how the Ohio Turnpike became part of the Interstate System, and his understanding of the relationships of the future. He read his reply as follows:

"Mr. Charles Holbrook, Jr.
1552 Elm Road, N. E.
Warren, Ohio 44483

"June 1, 1971

"Dear Mr. Holbrook:

"This is in reply to your letter of 7 May 1971 concerning the collection of tolls on Interstate Route 80 in Ohio and the lack of call boxes on Interstate Routes 80 and 71.

"The Interstate Highway Act of 1956 provided for the routing of interstate highways over existing toll roads and bridges. Approximately two hundred six (206) miles of the Ohio Turnpike are by act of the Federal Highway Administrator, a part of the interstate system. This is approximately ten percent (10%) of the total mileage of the national interstate system on which tolls are being collected.

"The routing of an interstate route over a toll road is permissible where there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll road may be bypassed. Three (3) routes across Ohio were designated as satisfactory alternate routes.

"Ohio has an agreement with the Federal government which provides that the Ohio Turnpike will become free to the public upon the collection of tolls sufficient to liquidate the revenue bonds of the Ohio Turnpike Commission and to pay the cost of placing the Ohio Turnpike in good condition and repair to the satisfaction of the Director of Highways as required by the Revised Code of Ohio.

"The Interstate Highway Act did not provide funds for the retirement of toll road bonds. The use of Federal highway funds to retire such bonds will require authorization by Congress. Therefore, the portions of Interstate Routes 80 and 90 routed over the Ohio Turnpike will remain toll roads until the bonded indebtedness is retired from the collection of tolls, or an act of Congress provides funds to liquidate the outstanding revenue bonds of the Ohio Turnpike Commission. If State or Federal funds were to be used to retire the debt there would be a corresponding reduction in funds available for construction and maintenance of needed new highways in areas where no toll or other modern road exists.

"The desirability for highway emergency telephone service has been recognized for many years. However, the costs of installation and maintenance are extremely high. Available funds are being used for other safety and convenience projects of a higher priority. A few installations have been made in various parts of the nation. Studies of the use and effectiveness, and the cost of operation, are being made. Analysis of the information will guide us in determining if the systems are feasible and practical, and if so, what type of system would be most effective and useful.

"Your interest in these matters is appreciated. Thank you for writing.

"Very truly yours,
"J. Phillip Richley
Director"

The Chairman complimented Mr. Richley on his reply. He said he was not telling Mr. Richley how to run his business but that it was a model letter and could be drawn from in the future.

Mr. Richley said he wanted to clear up some of the confusion that developed regarding the correspondence among officials of Erie County, the Turnpike Commission and the Ohio Department of Highways. He said that on May 17 there had been a meeting between the Commissioners of Erie County, members of the staff of the Department of Highways, the Executive Director of the Ohio Turnpike and the Erie County Engineer. He said that at that meeting the feasibility, practicality and desirability of a new interchange between the Ohio Turnpike and State Route 60, just south of Vermilion was discussed. He said the area under discussion was about midway between Sandusky-Norwalk (No. 7) Interchange and Lorain-Elyria (No. 8) Interchange of the Ohio Turnpike -- about 14 miles east of Interchange 7 and 14 miles west of Interchange 8. Mr. Richley said the Erie County Commissioners presented their case based upon desirability but they offered no information whatever, no data and no technical support for their request other than the fact that it would be convenient to have another interchange near Route 60. Mr. Richley said that the Commissioners had been told of the situation in Lorain County and the discussions that had been held with people from Lorain County. Mr. Richley said he suggested to the Erie County Commissioners that they visit with people from Lorain County and their constituents in Erie County to determine whether or not some of the planning undertaken by the Lorain County Regional Planning Commission might be made available to Erie County. He said the Erie County Commissioners were also told that within two or three years a new parallel facility -- State Route 2 -- would be completed just north of the turnpike and that it would have an interchange with Route 60. He said they were told that that would reduce even further the desirability of an interchange between Route 60 and the turnpike. Mr. Richley said all that was summarized in the minutes of the meeting and Mr. Johnson had been furnished a copy of those minutes. Mr. Johnson said he had planned to include the minutes in his report.

The Chairman said that Route 2 would be built at a time when it was needed because the Ohio Turnpike could reach a period of saturation in a few years. He said there were times when it appeared that the turnpike was already reaching saturation. Mr. Richley said it seemed to him that there ought to be some degree of work done by the Turnpike Commission staff on long-range planning even though he realized that long-range currently meant something like eight years. He said that the time for such planning might be past but there ought to be some long-

range planning from the Turnpike Commission's point of view as to whether or not there would be other desirable locations for interchanges and at what period of time in the future.

The Chairman said the Commission had undertaken some consideration of interchanges. Mr. Richley said it was very difficult for the members of the Highway Department to speak for the Turnpike Commission. He said it was very difficult for the Highway Department to say nothing that would imperil the position of the Turnpike Commission because the Highway Department spoke in a dual role. He said he was not suggesting a staff of any kind but just presenting the idea that perhaps was too late. The Chairman said that it was not too late.

Mr. Richley asked if there was a planner on the staff of the Commission to whom the Commission could look for future projection of roads. The Chairman said that was the responsibility of the Greiner Company. Mr. Chastang said that such work was something the Greiner Company should be doing and that from time to time the Greiner Company should determine whether the interchanges should be continued or whether one should be moved or a new one established.

The Chairman asked Mr. Cresswell whether he wished to comment on Mr. Chastang's statement. Mr. Cresswell said that the Greiner Company had been attempting to keep abreast of those duties. The Chairman said that the Greiner Company might advert to the interchange matter in its annual report, due in October. He said he had always considered that long-term planning was the responsibility of the Greiner Company particularly with respect to analyzing the volume of traffic at every interchange and the volume of traffic the Commission might get if an interchange were added. He said the Commission did not have a planner as such because the Commission had always considered that that was the Consulting Engineers' job.

Mr. Johnson said that in one of his recent letters to Mr. Donnelly he had suggested that he and Mr. Donnelly discuss a traffic evaluation forecast and that it was important for a time table for the construction of the new interstate interchanges to be drawn up. He said all this had to be tied together and correlated with the urban transportation studies that were under way.

The Chairman said that that was one of the things to be discussed with Mr. Donnelly when he came to Berea.

Mr. Richley said he found it very difficult to get County Commissioners and local planning people to understand that they, within their

own sphere of influence, did not have wherewithal enough to be able to provide the information to the Commission or to the Department of Highways to make extensive decisions. He said that frequently they came in with a 15-minute verbal presentation and expected one to go on from there. Mr. Richley said there should be a bonafide procedure and perhaps Greiner had one already. He said he was looking ahead, that the corridor between Youngstown and Toledo, including the Vermilion area, had just mushroomed. He said the growth had just been fantastic in recent years.

The Chairman said that Mr. Cresswell had heard the suggestion and that the Commission agreed with it. He said that, adverting to his suggestion that Greiner not get stale on the job, the Commission was asking the Greiner Company to re-examine what it considered its responsibilities to the Turnpike Commission to be. He said planning was one of the responsibilities. He said that most of the recommendations that came to the Commission from local communities concerned roads from state highways to the turnpike. The Chairman said that it was necessary to have information with respect to the volume of traffic on the roads for which interchanges were proposed. He said that the decision was a joint one between the Commission and the Ohio Department of Highways.

Mr. Chastang referred to an article in the Sandusky (Ohio) Register which implied that Erie County officials were getting the run around. He asked whether the question of the Erie County interchange had been referred to the Commission. He felt that it was an unfair story.

Mr. Richley said that that matter was moot. He said the Erie County Commissioners were satisfied that they had had a reasonable hearing.

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

The Executive Director reported for the Committee on Safety that there were two fatal accidents in May. He said neither one had an adequate explanation. He said the first occurred on May 24 when an automobile went out of control and the driver was thrown out and was dragged, sustaining fatal injuries. He said the only possible explanation was that the driver had fallen asleep. He said the second accident occurred on May 29 early in the morning when a pick-up truck just drove off the right side of the roadway. He said there was no sign whatsoever of skid marks or braking; the car ran into a concrete culvert and the

driver was killed and his wife was critically injured and might not recover.

Mr. Johnson said that in the first accident seat belts were installed but were not in use. He said the driver might have survived had he not fallen from the car. He said the three passengers in the car sustained minor injuries.

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 minutes of the meeting of May 17 between the Ohio Department of Highways, officials of Erie County and the City of Vermilion and the Executive Director of the Ohio Turnpike would be incorporated into the record as follows:

"May 19, 1971

"To: File

"From: B. F. Everhart, Assistant Deputy Director, Division of Design
& Construction

"Subject: Meeting with Erie County Officials

"On May 17, 1971 a meeting was held for the purpose of receiving a proposal from Erie County Officials for an interchange between the Ohio Turnpike and State Route 60. The following were in attendance:

J. Phillip Richley	Director, Ohio Dept. of Highways
B. F. Everhart	Chief Design Engr. - Ohio Dept. of Highways
F. D. Young	County Comm. - Erie County
Fred M. Deering	County Comm. - Erie County
J. Phillip Gasteier	County Comm. - Erie County
E. L. Toberen	Division Engineer - Division 3
Kenneth A. Polta	Erie County Engineer
John W. Maiden	Mayor - City of Vermilion
Allan V. Johnson	Ex. Director - Ohio Turnpike

"The representatives from Erie County cited the large growth of traffic destined to recreational facilities in the Vermilion area and anticipated future growth due to expansion of recreational facilities and commercial growth. The area they are concerned with is served by State Route 60 as a north-south facility. Since the nearest access to the Ohio Turnpike, Gates 7 and 8, are each approximately 14 miles from State Route 60, they requested that consideration be given to the addition of an interchange between the turnpike and State Route 60 in order to improve the accessibility of the area.

"They were advised that Lorain County Officials also had made an unsuccessful request for a complete interchange between the Turnpike and a non-existent north-south route which would cross the Turnpike adjacent to the I-90 partial interchange with the Turnpike. In refusing that request Director Richley indicated that planning for a future interchange with the Turnpike should be directed to the area further west.

"No traffic data was available to indicate the volume of traffic using Gates 7 and 8 which might use an interchange at State Route 60. Therefore it is not possible at this time to determine whether an interchange with State Route 60 could be justified. It was suggested that planners in Erie County coordinate their activities with the Lorain County Planning Commission to study warrants and location for a future interchange with the Turnpike on a regional basis.

"It was pointed out that the completion of State Route 2 as a freeway closely paralleling the Turnpike in 2 to 3 years would greatly diminish the need for an additional interchange between Gates 7 and 8 and should be considered in planning for the future. However it was recognized that improvements to U. S. 250 and State Route 57 also would be necessary in order to provide for efficient transfer of traffic from the Turnpike to State Route 2.

"B. F. Everhart"

The Executive Director reported also that representatives of Rackoff Associates, consulting engineers, had visited Berea on May 26 to advise the staff of the Commission that Rackoff Associates were performing a study to determine the feasibility of an additional interchange with the Ohio Turnpike in Lucas County just west of Toledo. He said the study was being made for the Lucas County Commissioners. The Executive Director said that Rackoff had indicated that the firm had already informed the Highway Department of the study and their intention in seeing the Ohio Turnpike staff was to seek some information on traffic along the Turnpike.

The Chairman asked whether the Greiner Company had been informed. Mr. Johnson said that Mr. Harnden had not been in the office when the meeting was held but that he would refer the matter to the Company.

The Executive Director reported also that work continued on the four resurfacing contracts during May and all were progressing

satisfactorily. He said the project to add a third lane eastbound in the vicinity of Humm Road was about 55 per cent complete and therefore was proceeding satisfactorily. The Chairman asked when the construction would be finished. The Executive Director replied that all construction projects were expected to be completed before July 1. He said the concrete on the additional lane at Humm Road was expected to be completed by June 4 and that would leave only the asphalt surface and cleanup to be completed on the project. He said work continued on repairing and resurfacing at Interchanges 13 and 16 by Commission forces.

The Executive Director reported also that recently the Commission had awarded a contract for the use of herbicides to control weeds. He said that had been the practice for many years and had proven to be an effective means of control. He said that he mentioned the herbicide contract in order to note that several changes had been implemented as a result of the increased public concern about pollution and ecology. He said that the only chemicals used were those approved by the Federal and State Departments of Agriculture and the chemicals were to be applied only by licensed personnel in conformity with a new Ohio statute. He said the contract was awarded only after consultation with Mr. Richley determined that the Highway Department would also use herbicides during the season. He said he had checked with every county along the Turnpike and all but one would have herbicide programs during the 1971 season. He said the only county that did not have an herbicide contract was Huron County, that it did use herbicides every other year and 1971 happened to be a year it did not use herbicides. He said there was good reason to believe the Commission would be in a worse position by not using them.

The Executive Director reported also that with exception of the fatal accident Memorial Day, traffic on the Turnpike had not presented any serious problems.

The Executive Director reported also that a maintenance employee of the Commission, Mr. Donald R. Overmyer, was still recovering from injuries suffered in an accident in September 1970 and had been unable to return to work. He said Mr. Overmyer had been one of three employees struck by a truck while working on the Turnpike. He said the other two employees were killed. He said that during June 1971 Mr. Overmyer would have used his 120 days of sick leave, which was the normal maximum amount permitted. He said that the bylaws provided that up to thirty days additional might be granted in cases of hardship if an employee had accumulated an excess amount of sick leave. He said

Mr. Overmyer had at least 68 days of sick leave accumulated in excess of 120 days and that before the accident he had an excellent sick leave record. He said that granting of additional sick leave required an indication of concurrence by the Commission and in the absence of any objections he proposed to grant an additional thirty days to Mr. Overmyer.

The Chairman received the assent of the Commission and asked the General Counsel whether he was agreed that the action was proper. Mr. Thompson said that it was. He said the Commission had had to take similar action twice before, once in 1968 and once in 1970. He said the Executive Director should recommend such additional sick leave to the Commission but did not need to ask for assent by a formal resolution.

Mr. Chastang asked if Mr. Overmyer would be able to return to work at the end of 30 days. Mr. Johnson replied that it was questionable and it would certainly not occur before he had used up the additional 30 days. He said both Mr. Overmyer's legs had been broken.

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 General Counsel reported that there were eight cases pending of which the Commission had filed two. He said that the Commission filed a suit very infrequently. He said the two cases the Commission had filed should be completed by June 30. He said the Commission had filed suit against Cobra Industries for \$1600 damage done to one of the Turnpike signs. He said the Commission received an offer for settlement of \$800. He said it was his recommendation to the Commission to turn down the offer. He said that after the case went into court and the insurance company was involved the Commission received an offer of settlement of 75 per cent of the \$1600 figure. He said it was decided to accept the 75 per cent even though the Commission was interested in testing the long-arm statute. He said that a question still remained about the county where suits should be filed as the Cobra case involved defendants resident outside of the State of Ohio. He said that it had been thought that the Ohio Turnpike case was an opportunity to get a definitive ruling and he was almost sorry to settle for 75 per cent.

The General Counsel reported also that in the case of Ohio Turnpike Commission vs Angeline M. Logsdon, an oral agreement had been reached by the attorneys and the court had reviewed the case and was holding it for final agreement and journal entry. He said the settlement provided that, if Mrs. Logsdon was to do any digging on that part

of her property where there was Turnpike drainage easements, she was to notify the Chief Engineer in advance and he would check to see that no harm was done to the Turnpike before granting her permission to proceed.

The General Counsel reported also that a release had been received from the Chase Manhattan Bank on certain easements related to Turnpike right-of-way that the Toledo Edison Company had mortgaged. He said that easement releases remained to be obtained from only two more companies.

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

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

RESOLUTION NO. 12-1971

"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 May 4, 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 May 4, 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. 12-1971.

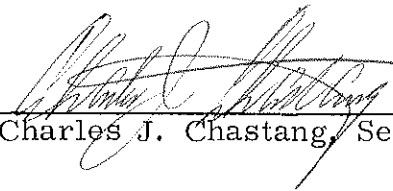
There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. Richley, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Teagarden, Richley, Chastang, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:20 P.M.

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



Charles J. Chastang, Secretary-Treasurer