

MINUTES OF THE TWO HUNDRED AND FIFTY-FOURTH MEETING
October 5, 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 October 5, 1971 with the key members of the staff; a representative, Mr. Harvey A. Harnden, of the Consulting Engineers; representatives, Messrs. P. Joseph Sesler and Robert H. Bartholomew, of the Trustee; members of the press 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: Chastang, Teagarden, Richley, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Chastang, seconded by Mr. Richley, that the minutes for the meeting of September 7, 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, Richley, Teagarden, Shocknessy.

Nays: None.

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

The Chairman reported that the first thing he wanted to mention was that during the month it had become apparent that the Commission would need a chairman for the Budget and Finance Committee before the meeting. He said the Commission had as a member not only a Secretary-Treasurer but an experienced former chairman of the Budget and Finance Committee available. The Chairman said that not only because of his experience, but because it was appropriate, the Secretary-Treasurer should be the chairman of Budget and Finance and he had spoken to Mr. Teagarden and Mr.

Richley on the telephone and asked for their approval of naming Mr. Chastang chairman during the interim before the meeting of October 5 so that he would have full opportunity to familiarize himself with and assume the responsibility for presenting the preliminary budget at the current meeting. He said that he had asked Mr. Chastang to agree to accept the responsibility, and that Mr. Chastang had done so. The Chairman said that he had addressed a letter to the vice chairman of the Budget and Finance Committee, Allan V. Johnson, on the 28th of September, and that copies had been sent to the other Members of the Commission, advising of the appointment of Mr. Chastang as chairman of the Committee on Budget and Finance. The Chairman said that he had addressed Mr. Johnson as vice chairman of the Committee because Mr. Johnson had been serving as chairman, but that it had always been considered by the Commission appropriate that the chairman of Budget and Finance Committee be a Member of the Commission and that the preliminary budget be presented to the Commission by a Member of the Commission. The Chairman directed that the record would show that Mr. Chastang was chairman of the Budget and Finance Committee.

The Chairman also announced the membership of committees of the Commission:

Committee on Employee Relations

O. L. Teagarden, chairman
General Counsel, vice chairman, (Lockwood Thompson)
Director of Administrative Services, secretary, (Robert A. Meywes)
Deputy Executive Director, member, (James D. Hartshorne)
Director of Operations, member, (Andrew R. Grace)
Chief Engineer, member, (Frank A. Dutton)
Comptroller, member, (William G. Gerber)
Labor Counsel & Adviser (William C. Hartman)

Committee on Service Plazas

O. L. Teagarden, chairman
Executive Director, vice - chairman, (Allan V. Johnson)
Comptroller, Secretary, (William G. Gerber)
Deputy Executive Director, member, (James D. Hartshorne)
General Counsel, member, (Lockwood Thompson)
Director of Operations, member, (Andrew R. Grace)

Committee on Budget and Finance

Charles J. Chastang, chairman
Executive Director, vice-chairman, (Allan V. Johnson)

Director of Operations, secretary, (Andrew R. Grace)
Comptroller, member, (William G. Gerber)
Chief Engineer, member, (Frank A. Dutton)
Resident Engineer of Consulting Engineers, advisor, (Harvey A. Harnden)

Committee on Safety

Executive Director, chairman, (Allan V. Johnson)
Director of Operations, secretary, (Andrew R. Grace)
Deputy Executive Director, member, (James D. Hartshorne)
Chief Engineer, member, (Frank A. Dutton)
Resident Engineer of the Consulting Engineers, advisor, (Harvey A. Harnden)

The Chairman reported also that the revenue of the Commission for the first nine months of 1971 had been \$1,064,465 more than for the similar period of 1970. He reported further that the income in 1971 to September 30 amounted to \$30,771,000 and that September revenue was estimated at \$3,518,000 or approximately \$26,000 more than September of 1970. The Chairman reported that September revenues were a new high for the month.

The Chairman reported also that during October, bonds in the face amount of \$3,789,000 were retired, which brought the total retirement for the year to \$13,590,000 and that the grand total of retirements was \$150,012,000. He said the retirement had left a balance of \$175,988,000 outstanding. The Chairman said also that all indications were that the debt would be retired by 1980 and that the long time estimate to that effect was well supported.

The Chairman reported also that there had been four deaths in three accidents in September.

The Chairman said a letter from Mr. G. V. Thomas of Youngstown, Ohio should be included in the record and he wished to indicate how the Commission gave full attention to persons who made complaints.

"September 17, 1971

"Chairman
Ohio Turnpike Commission
Columbus, Ohio 43215

"Dear Sir:

"I have travelled the Ohio Turnpike from the East Gate to the West Gate and on numerous occasions have stopped at the fuel and food stations

along the highway. I would recommend that the Commission investigate the quality of food and service available to travelers on the Ohio Turnpike with a view of improving both. I do believe that the average traveler with discriminating taste finds it necessary to leave the turnpike to receive a respectable meal.

"Your attention to this matter would be most appreciated.

"Sincerely,

"G. V. Thomas"

The Chairman said that he considered the words "discriminating taste" to be a clue. The Chairman said the Commission was serving the whole public; the people with discriminating taste who ate at the Twenty-One Club and the Colony and other similar places and also people who had never been in any such restaurant but who had obtained their food at fast service restaurants. He said the Commission had to serve both types of customers. He said that the Commission wanted to make certain that good, wholesome, palatable, clean food was served by the Commission's purveyors at prices which were fair and just to purveyor and traveler alike. The Chairman said that the Commission had taken the occasion to tell its story to Mr. Thomas. He said that people often were greatly surprised when they received long letters from the Commission because most people thought when they wrote letters to the Director of Highways or to the Turnpike Commission that the letters went into a big hamper and nobody ever looked at them. He said the peculiar thing was, they not only were looked at, but they were passed around. The Chairman then read excerpts from the letter that had been written in reply to Mr. Thomas by the Executive Assistant to the Chairman, James D. Hartshorne, and pointed out that the letter repeated much of what the Chairman had always said about the Commission's food policy. He said that the man who eats at the BBF and the man who eats at the Colony, both had to be reasonably well pleased.

The Chairman said the Committee on Budget and Finance would offer the preliminary budget; the Executive Director would report on the progress of the toll auditing equipment study; and the Commission had received the sixteenth Annual Report of Inspection by the Greiner Company.

The Chairman said also that two matters mentioned at the September meeting had been referred to fiscal counsel for opinion. One was the matter of what had been considered an error on the part of the Trustee and the other had to do with events recognizing employees of the Commission. The

Chairman said that Squire, Sanders & Dempsey, fiscal counsel to the Commission, had rendered two opinions. He said that the opinions were adequate and would be incorporated by reference in the record of the meeting.

"October 2, 1971

"Lockwood Thompson, Esq.
General Counsel
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Judge Thompson:

"You have asked our opinion whether the Ohio Turnpike may properly use Turnpike funds to give luncheons for employees of the maintenance sections in recognition of their contributions toward the completion of the repair and resurfacing of two interchanges and four service plazas, for which purpose the Commission utilized its own forces.

"We think it is quite plain that the Commission may properly expend its funds for such purpose.

"As you point out, the Commission funds are not derived from taxation but from revenues of the highway. Therefore, the Commission's guidelines are found in the Ohio statutes covering its activities and in the trust agreement securing its bonds. The Commission has the power under Revised Code Section 5537.04(o), to do all acts 'necessary or proper' to carry out the powers granted to it in Chapter 5537 of the Revised Code and in Section 5537.23 the General Assembly declared that Chapter 5537 'shall be liberally construed to effect the purposes thereof.' The Commission is, of course, under that chapter authorized to pay the cost of maintenance, repair and operation. The trust agreement is not more restrictive than the statute in this respect. The Commission covenants in Section 506 that expenses incurred in any fiscal year will not exceed a 'reasonable and necessary amount,' and in Section 703 the Commission covenants that its expenditures for compensation, salaries, fees and wages in connection with maintenance, repair and operation will be reasonable.

"The provision of incentives and other activities to encourage efficient and enthusiastic service by employees is a normal and usual part of the operation of any enterprise. Indeed, the Commission might well be criticized for not taking advantage of such modern management methods

where the situation indicates the desirability and effectiveness of such activities.

"Very truly yours,

"John Lansdale"

"October 2, 1971

"Lockwood Thompson, Esq.
General Counsel
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Mr. Thompson:

"This is in response to your September 21 letter concerning the early July Redemption Account situation.

"As you indicated, when you read to our Mr. Berry on the telephone the September 16 letter from the Trustee, some of the relevant facts are not altogether apparent. Based upon the bare facts given, however, in your letter of September 21, we think that the Trustee had a mandatory duty to transfer the funds before July 6, 1971. Since loss resulted from its failure to do so, the Trustee would appear to be responsible for the consequences unless there were circumstances excusing its failure to transfer before July 6.

"The most pertinent provisions of the Trust Agreement bearing on the Trustee's duty are:

Section 503: 'The Commission covenants that all tolls and other revenue arising from the operation or ownership of the Turnpike will be collected by the Commission and deposited daily, as far as practicable, in the name of the Trustee with a Depositary or Depositaries, to the credit of the Revenue Fund.'

Section 507: 'It shall be the duty of the Trustee, on or before the 20th day of each month . . . to withdraw from the Revenue Fund an amount equal to the amount of all moneys held for the credit of the Revenue Fund on the last day of the preceding month less an amount (to be held as a re-

serve for Current Expenses) equal to twenty per centum (20%) of the amount shown by the Annual Budget to be necessary for Current Expenses for the current fiscal year, and deposit the sum so withdrawn to the credit of the following Accounts or Fund in the following order:

'(a) . . . Bond Interest Account . . . ;

'(b) . . . Reserve Maintenance Fund, such amount, if any, of any balance remaining after making the deposit under clause (a) above (or the entire balance if less than the required amount) as may be required to make the amount deposited in such fiscal year to the credit of the Reserve Maintenance Fund equal to the amount recommended by the Consulting Engineers, as provided by Section 504 . . . ;

'(c) . . . the Reserve Account . . . ;

'(d) to the credit of the Redemption Account, the balance, if any, remaining after making the deposits under clauses (a), (b) and (c) above.'

Section 510: 'Moneys held for the credit of the Redemption Account shall be applied to the retirement of bonds issued under the provisions of this Agreement as follows:

'(a) The Trustee shall endeavor to purchase bonds or portions of bonds whether or not such bonds shall then be subject to redemption on the most advantageous terms obtainable with reasonable diligence, having regard to interest rate and price, such price not to exceed the principal amount thereof and the interest accrued thereon to the date of payment therefor plus the amount of the premium, if any, which might on the next redemption date be paid to the holders thereof under the provisions of Article III of this Agreement if such bonds or portions should be called for redemption on such date from moneys in the Sinking Fund.'

Section 511: 'Subject to the terms and conditions set forth in this Agreement, the Sinking Fund shall be held in trust and disbursed by the Trustee for . . . (b) the payment of interest upon the bonds issued hereunder as such interest falls due or (c) the payment of the principal of such bonds at maturity or (d) the payment of the purchase price or redemption price of such bonds before maturity, and such moneys are hereby pledged to and charged with the payments mentioned in this Section.'

Section 601: 'All moneys paid to the Trustee . . . under the provisions of this Agreement or deposited with any Depositary to the credit

of the Trustee shall be held and applied only in accordance with the provisions of this Agreement . . .

* * *

'All moneys deposited with or paid to each Depositary and with the Trustee or Co-Trustee shall be credited to the particular fund or account to which such moneys belong.'

Section 901: 'The Trustee and the Co-Trustee accept and agree to execute the trusts imposed upon them by this Agreement, but only upon the terms and conditions and subject to the provisions of this Agreement, to all of which the parties hereto and the respective holders of the bonds agree.'

Section 904: 'Neither the Trustee nor the Co-Trustee shall be responsible for the application of any of the proceeds of the bonds or any other moneys deposited with either of them and paid out, invested, withdrawn or transferred in accordance with the provisions of this Agreement.'

The following from our July 13, 1960 letter to the Chairman concerning bond redemption under Sections 510 and 511 might also be taken into consideration:

'Under these sections it is, in our opinion, the mandatory duty of the Trustee, without any action of the Turnpike Commission or of its officers or staff, to undertake, with monies at any time held for the credit of the Redemption Account, the purchase of bonds or portions of bonds of the Commission 'on the most advantageous terms obtainable with reasonable diligence, having regard to the interest rate and price, * * *.'

'This duty is imposed upon the Trustee by the Trust Agreement which constitutes a contract between the Commission, the Trustee and the holders of the bonds of the Commission . . .'

Perhaps some further investigation with the Trustee should be made to see whether there were circumstances justifying the failure to transfer. It would be our recommendation that the basic question you raise in your September 21 letter be referred at this time directly to the Trustee, together, if you think it advisable, with the extra copy of this letter enclosed. The Trustee may well, based on its current review of all the facts (to which only it has at this time complete access), in light of the relevant provisions of the Trust Agreement described above, come to its own conclusion as to its responsibility.

"Very truly yours,

"John Lansdale

"cc: Messrs. James W. Shocknessy, Chairman
Allan V. Johnson, Executive Director"

The Chairman then said that Mr. Bartholomew or Mr. Sesler would make a statement with respect to the bond purchases.

Mr. Sesler reported that the Trustee would like the Chairman and all the Members of the Commission to know that, as a result of the error the Trustee made on the redemption purchases in July involving a late purchase, the Trustee would reimburse the Commission's redemption account by the total amount of \$3,600. He said that, obviously, the money would be used to redeem additional Ohio Turnpike Bonds.

The Chairman thanked Mr. Sesler for the statement and said that his response was typical of the service that the Commission had received for many years from the Trustee. He said that Mr. Bartholomew had assured him that the Commission's account would be well handled and that the error would not occur again. The Chairman thanked Mr. Sesler and Mr. Bartholomew and asked them to advise the principal officer of the Ohio National Bank that the Commission had taken note of the action and entered it in the record of the meeting.

The Chairman said that 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 and Revenue Report for August 1971.
2. Financial statements as of August 31, 1971.
3. Draft of the minutes of the September 7, 1971 meeting.
4. Detail of investment transactions which took place during September 1971.
5. Preliminary Budget for 1972.

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. Chastang, reported that the Committee had worked strenuously on the preliminary budget prior to his appointment and that at that time the Committee meetings had been presided over by Mr. Johnson as vice-chairman and attended by the

Director of Operations, Mr. Grace, as secretary; the Comptroller, Mr. Gerber; the Chief Engineer, Mr. Dutton; and the representative of the Consulting Engineers, Mr. Harnden. Mr. Chastang said he had reviewed the proposed preliminary budget with Mr. Johnson several times and that copies of the preliminary budget had been furnished to every Member of the Commission. Mr. Chastang said that Mr. Johnson had explained to his satisfaction the necessity for an increase in the budget. Mr. Chastang read a portion of the letter which Mr. Johnson had written to him as follows:

"It has been customary to compare the current preliminary budget with that of the previous year and this has been done on pages 9 and 10 of the enclosure. On this basis, the 1972 proposed Preliminary Budget of \$11,300,000 is \$1,562,760 higher than the 1971 Preliminary Budget of \$9,737,240. It should be mentioned, however, that expenditures in several accounts of the 1971 Preliminary Budget are now over budget and a supplemental budget for 1971 will be required . . ."

He also read another excerpt from the letter:

"Therefore, the anticipated 1971 expenditures will be more nearly \$10,137,240, which is 14.2% (\$1,257,206) higher than the actual 1970 expenditures of \$8,880,034, whereas the proposed 1972 Preliminary Budget of \$11,300,000 is only 11.5% (\$1,162,760) higher than the anticipated 1971 expenditures of \$10,137,240."

Mr. Chastang commented that there were some figures in the budget that were subject to government control and to that extent, the Commission could not predict what might happen. He said the budget was fair and reasonable and that if any Member had any question about any item or the major items of increase in the budget he would ask Mr. Johnson to answer the questions. Mr. Johnson said that of course the budget reflected the expected increases in wages and salaries for the employees of the Commission. The Chairman said that those increases would occur only if the President's Executive Order (concerning wages and prices) was modified after November 12 or 13, to permit increases but that in the budgeting it had been necessary to allow for any increases that might be permitted which had already been considered in the subject of discussion prior to the President's order. Mr. Johnson said that the budget also reflected the steady inflationary trend; there were higher items for things like life insurance and workmen's compensation and that the Assembly had just passed legislation increasing Workmen's Compensation. Mr. Johnson also mentioned increased Highway Patrol expense, and the health and life insurance coverage for the employees. He said that for 1971 the health and life

insurance was expected to exceed the budgeted amount by \$147,000 and the Commission's contribution to the Public Employees' Retirement System was expected to exceed the amount by \$57,000. Mr. Johnson said that snow and ice material used during 1971 was already \$90,000 more than had been budgeted because of bad experience during January and February. He said that Patrol costs would be \$46,000 higher in salaries than budgeted and \$60,000 in automobiles.

Mr. Chastang pointed out that increase in the automobile purchase account had been caused by the ending of fleet discounts. Mr. Richley indicated the Ohio Highway Department had the same problem. Mr. Chastang said also that the Consulting Engineers had gone over the preliminary budget for 1972 and recommended its adoption for 1972. Mr. Harnden agreed that this was so.

Mr. Chastang also said that the Committee on Budget and Finance had agreed to the preliminary budget.

The Chairman directed that the record would show that the Greiner Company had given its approval to the budget figure. The Chairman said that the record would show that the Trustee was represented at the meeting and if there was any comment that either Mr. Sesler or Mr. Bartholomew wished to make before the Commission proceeded he might do so. Both Mr. Bartholomew and Mr. Sesler indicated that they had no comment.

A resolution adopting preliminary budget for the fiscal year 1972 was moved for adoption by Mr. Chastang, seconded by Mr. Richley, as follows:

RESOLUTION NO. 20-1971

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

"WHEREAS the Commission's executive director and comptroller have submitted a preliminary budget of income and current expenses for the fiscal year 1972 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission; and

"WHEREAS all reasonable requests of the consulting engineer as to the classifications in which such budget shall be prepared have been

complied with, and the consulting engineer has advised the Commission that said budget classifications meet with its approval and that it has no further requests with respect to said classifications;

"NOW, THEREFORE, BE IT

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

Preliminary Budget of Income and Current Expenses
1972

Income	\$39,000,000
Current Expenses	
Administration & Insurance	2,089,900
Operations	9,049,100
Trust Indenture Expense	<u>161,000</u>
Total Current Expenses	\$11,300,000

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

The Chairman asked if there were any further questions and Mr. Richley said that he wanted to discuss the item regarding routine maintenance of service plazas. Mr. Teagarden said that he had gone over the same item quite thoroughly with Mr. Johnson. Mr. Teagarden explained that the change was due to the fact that new contracts had been made with the operators of the restaurants and the service plazas and that the Commission had taken over responsibilities that were previously those of the concessionaires. Mr. Johnson commented that the difference in figures was due also to getting the expenses into the proper accounts. Mr. Johnson said that zero figures had been listed in the earlier accounts because those accounts did not then exist. Mr. Johnson explained further that the figures for 1972 had been entered because of the Commission's new responsibilities. Mr. Johnson said further that the concessionaires had paid for air conditioning and sewage treatment under the old contracts and now the Commission was assuming those expenses.

Mr. Richley then asked why the item for routine maintenance of service plazas had declined. Mr. Johnson replied that the Commission had had an extensive maintenance program for long-range items, which, it was believed, had settled a number of problems and that the expenses would not recur. Mr. Teagarden explained that the new contract provided the Commission with a greater net income because the Commission had taken over a number of items and that in the long run, the income from the operators more than justified the additional expenditure. The Chairman said that the new system would give the Commission better control. Mr. Chastang said that the new system followed the recommendation of the Consulting Engineers with respect to maintenance of service plazas and the areas surrounding them.

Mr. Harnden said that much of the \$265,000 expended on service plazas in 1971 was deferred maintenance. He said it applied to some badly deteriorated equipment that had been replaced and that hopefully reduced maintenance costs would result, especially around the sewage treatment plants in the future.

Mr. Teagarden questioned the provision of \$24,000 for maintenance of service plaza buildings. Mr. Chastang said the figure had been submitted by the Chief Engineer and by the Consulting Engineers and had the approval of the entire committee. Mr. Johnson said he had raised a similar question during the Committee meetings. He said the Engineering Department had been given almost free hand in 1971 to make all necessary repairs and the funds had been furnished them for that purpose. He said that the things the Engineering Department had done in 1971 were non-repetitive and that any non-repetitive maintenance items on the buildings would be charged to Reserve Maintenance Fund in which there is a substantial figure for such items.

Mr. Chastang said that a Reserve Maintenance Fund of \$8,500,000 had been recommended by the J. E. Greiner Company for the fiscal year 1972.

The Chairman said that the indenture provided for the Fund and that the amount had to be recommended by the Consulting Engineers under the indenture.

The Chairman then determined that no further discussion was needed on the resolution offered by Mr. Chastang and seconded by Mr. Richley and called for the vote on the resolution.

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

Ayes: Chastang, Richley, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 20-1971. 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 in the past the month of September posed many problems for the restaurant and service station concessionaires because substantial numbers of vacationers chose to travel after the Labor Day Holiday when most of the available help had returned to the classroom. He said that in 1971, through advanced planning, the problem of too many customers and too few employees was eliminated and as a result there were fewer complaints during September than ever before.

Mr. Teagarden reported also that although September traffic at the service plazas was still brisk, it slowed down enough to allow members of the Patron Services Department to inspect the women's rest rooms personally nearly every time they visited the plazas. He said the inspection required that the women's room be cleared for at least five minutes so as traffic subsided it would be possible for the rooms to be inspected regularly.

Mr. Teagarden reported also that on October 1, 1970 the new restaurant contracts went into effect at ten of the sixteen service plazas. He said it had been gratifying to the members of the Service Plaza Committee to see the improvement in restaurant operations accompanied by the increase in revenue which the Committee predicted would result from the award of the contracts.

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 for the first time in all the years that he had served on the Ohio Turnpike Commission that he had had to appoint himself on a committee to hear a grievance. The Chairman said that it was unwise for Commission Members to hear grievances and that the appointment of the Comptroller to the Committee on Employee Relations had now furnished enough manpower to hear grievances without the need

for a Commission Member to sit on the grievance hearings in the future. Mr. Teagarden expressed his relief at not having to serve on the grievance procedure a second time.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He ascertained there would be no report by the Director of Highways. He said that the Executive Director would mention something about the Transportation Advisory Committee to study the proposed Ohio Department of Transportation. He said that the Director of Information and Research, Mr. Hartshorne, had gone to the legislative sub-committee in the Chairman's place and there was not a quorum. Mr. Richley explained that the committee call had been delayed in the mail and the Department of Highways had been very embarrassed by that occurrence. Mr. Richley said that a number of people had been offended and that they were properly offended. He said that situation had been corrected. Mr. Richley said further that most members of the subcommittee on legislation were members of the Assembly and had other commitments which made it difficult for them to attend. He said further that the administrative and legislative sub-committees were to be combined.

The Chairman said that at the next meeting of the Advisory Committee the General Counsel would attend to observe proposals and that when the time came to go into the proposed Department of Transportation in depth, the Chairman would be glad to do his part.

The Chairman said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, said that there had been three fatal accidents since the September meeting of the Commission and that the accidents had resulted in four deaths. He said further that one accident involved a driver who had been drinking; another a driver who probably fell asleep and smashed into the rear of a slow-moving flatbed steel truck; and the third, a car driven by a man who lost control on wet pavement, went into the median, struck a guard-rail, became airborne and smashed into a bridge pier. He said that both occupants of that car were killed instantly and that the accident was the first accident resulting in more than one death so far in 1971. He said that there was some evidence that the car was driven at a high rate of speed and that at the time of the accident it was raining very, very heavily. Mr. Johnson said further that no seat belts had been in use in any of the accidents and that it was the opinion of the Ohio State Highway Patrol that one of the occupants of the car involved in the third accident very likely could have survived had seat belts been worn. He said that

in the case of the driver who had been drinking it was also possible that he might have survived had the seat belt been worn.

Mr. Johnson said also that the number of hitchhikers had fallen sharply since the reopening of the colleges and universities but that there was still some heavy weekend hitchhiking activity.

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 resurfacing had continued at the two pairs of service plazas that were being resurfaced by Commission forces and that the work had been essentially completed, except for minor items, which would be completed within two weeks. He said the work had been conducted in a very satisfactory manner.

The Executive Director said also that contracts had been awarded and work had begun on additions to six maintenance buildings. He said that the additions, scheduled for completion in November, would provide equipment storage areas.

The Executive Director said further that the Consulting Engineers' annual report had been submitted and that copies had been distributed to Members of the Commission and that other copies had been furnished to the Trustees, to the principal underwriters, and to various staff members. He said also that detailed bridge inspection notes, upon which part of the report had been based, had been furnished to Mr. Richley for his use in the state and federal bridge inspection requirements.

The Chairman said it had been the custom of the Commission to furnish the Highway Director with the bridge report and it was the custom of the Highway Department to adopt it as its statutory compliance for inspection of bridges. The Chairman said further that Mr. Johnson had told him that the federal government had made some changes in the bridge inspection standards and that the changes were making problems for the state.

Mr. Johnson said that the Commission was receiving all the information that was being developed by the Transportation Advisory Committee on the proposed Department of Transportation and that the Commission's staff was reviewing the information.

The Executive Director said further that the staff was still gather-

ing information for the toll audit equipment study and that an entrance and an exit toll machine had been removed and completely dismantled for detailed inspection. He said that the traffic study undertaken by the traffic consulting organization of Coverdale & Colpitts, Inc. was nearly completed and that the forecast would be available to the staff for use in the toll audit study. He said the Commission was interested in knowing how great traffic would be for the remainder of the decade so that a prediction could be made on the amount of use the equipment would receive. He said it was expected that the toll audit report would be presented at the November meeting of the Commission.

Mr. Johnson said also that the Allstate Insurance Company had recently opened a new building adjacent to the Turnpike near the Akron Interchange and that when they opened it they had submitted a plan for an identification sign on the building. The submission had led the staff to review the property to determine whether or not it was covered by the billboard covenants with the Commission. He said also that the General Counsel had received a report from the title company on that parcel and that the raising of the question had led the Commission staff to make a survey along the entire Turnpike of signs and billboards. He said the survey had been made by the General Counsel.

The Executive Director said further that the survey showed that the Turnpike was remarkably free of billboards or signs or any other kind of advertising device. He said there were some cases which were going to be examined to determine the exact location of the sign and that he had already assigned this part of the study to the Engineering Department. He said that once locations of signs were determined the Engineering Department and the Legal Department would attempt to establish whether the signs were on properties that were affected by the covenants. He said that if they were found to be on land affected by the covenants the staff would attempt to establish current ownership of the properties and take further action. The Chairman directed that notice be served before action was taken.

Mr. Teagarden asked whether the signs had been displayed for some time or whether the signs found were new signs. The Chairman said that the Commission had never made an inspection. Mr. Richley asked whether a study had been made of the relationship between the billboard control statute and the billboard covenant between the property owners and the Commission.

The Chairman said that the staff would first find out where there were violations; that they would then find out whether or not the Commission had a covenant on the property concerned. He said that if the

Commission did not have a covenant the violations were remitted to the statute. Mr. Johnson said that the statute provided that a billboard not on a property where the business was conducted had to be 660 feet from the boundary of the highway. The Chairman said that identification was permitted, that the state statute was more permissive than the Commission's covenant because the Commission's covenant was restrictive, as was shown by the very fact that a big company like Allstate had found a covenant in its deed and therefore had asked for permission to erect a sign.

Mr. Richley said that one of the bills before the Legislature was primarily concerned with the Interstate System and set up a method of reimbursement. He said the bill was in compliance with the orders of the United States Secretary of Transportation, John A. Volpe.

The Chairman said that the Commission was protected by the covenant. He said that he was sensitive about billboards. He said the Commission had always wanted to keep the Turnpike free of billboards and that in this the Commission had been a pioneer twenty years before.

Mr. Johnson said that he intended to set up a regular surveillance on billboards and to coordinate the Turnpike activity with the Highway Department billboard coordinator for Interstate routes. The Chairman directed that General Counsel report at the next meeting on the relationships between state and federal statutes with respect to billboards which might affect the Commission's covenants. He said that the covenants were good and not likely to be set aside. He said that he did not think that even Secretary Volpe could issue an order that one had to pay for something he had already acquired. The Chairman said the Commission had acquired the right and that he did not believe that anybody could prevent the Commission from imposing it.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained that there would be no reports by the General Counsel or by the Consulting Engineers unless there were questions on the Annual Report of Inspection. The Chairman then recognized the General Counsel.

The General Counsel said that while he was not on the agenda for a report, he wished to make it clear that he had worked closely with the Executive Directors over the years when questions from companies wishing to erect signs were asked of Directors. He said that the problem had been a matter of whether or not the sign concerned was an identification of the building and how close it was to the building and that plans had always been asked for. He said that as far as pure and simple billboards

were concerned, the picture was a remarkable one. He said that in the survey he had just made, there was only one pure, simple billboard within thirty or forty feet of the right-of-way fence and that that billboard was in no way attached to a building nor was it an identifying billboard. He said that at intersections it was possible to see signs of various motels and gas stations, signs that were getting higher and higher in the air. He said that at points where interchanges went over bridges the signs could be seen but that the observance of the covenant had been quite remarkable, insofar as the residuary property was concerned.

The General Counsel said the Chairman had written the covenant and that it was very beautiful language. He said he believed that in the case of the few signs visible from the Turnpike the Commission would probably find that it had not bought from the person who had erected the sign. The Chairman said that it was a subject on which surveillance had to be maintained, the sort of surveillance Mr. Johnson was going to maintain and that if violations were discovered, the Commission would serve notice.

The Chairman ascertained that Mr. Chastang had some things to ask about the Consulting Engineers' report. Mr. Chastang said he had a question about section three, page one, where a note said "Excessive rusting was noted on many bridge bearings." He said he did not know much about the subject of bridges, but that the word "excessive" disturbed him. He asked whether the condition existed because the Commission had not done something it should have done and whether there was any way to control the rusting so it was not excessive. Mr. Harnden said that the bridges were well painted and protected from corrosion but that all the drainage from the bridge deck ran down the beams and steel girders and finally ended on the bearings, the mechanisms that bore on the concrete. The drainage accumulates there. He said bearings required more attention than the rest of the superstructure in order to keep them clean and free from rust. The Chairman inquired whether the rusting was excessive and asked whether excessive rusting could happen in a year. Mr. Harnden said that it could hardly happen in a year but in two years it might occur. He said bearings should be cleaned and protected by coatings of some sort.

The Chairman said that that was what this consultants' report was for, to draw the Commission's attention to conditions which required correction.

The Executive Director said that the staff got the detailed bridge inspection report from which the text of the Annual Report of the Consulting Engineers was written, and the staff made the needed corrections.

Mr. Chastang said that the Commission still had the word excessive before it and if the Commission could prevent excessive rusting, it probably could save some money. The Chairman said that he thought excessive was too strong a word. Mr. Harnden said that the word extensive might have been better than excessive. He said that the corrosion had not reduced the amount of steel to a dangerous point. The Chairman said that excessive was a bad word and that he would ask Mr. Harnden to examine and give the Commission a letter on precisely what was meant.

Mr. Chastang said he had one further question pertaining to section two, on landscaping. He said he was disturbed by the report that the Commission seemed to be forgetting about its landscaping, or at least, not maintaining the landscaping to the extent that it had done in prior years. The Chairman asked that Mr. Chastang read that portion of the report. Mr. Chastang read as follows:

"The progress of the landscaping program was materially reduced this year in favor of other expenditures considered to be of great importance and higher priority.

* * *

"The personnel assigned to the maintenance of landscaping has also been reduced. There are presently two full time employees assigned to this work in each of the two divisions, eastern and western, plus one summer employee working part time on the grounds of the Administration Building.

"The spraying of individual plantings with insecticide and herbicide has been discontinued, due to the lack of licensed personnel required to perform such work.

* * *

"The median and in-slopes of the main roadways and interchanges continue to be mowed by regular maintenance section personnel. These areas are sprayed for weed control by licensed contractors.

"It is recommended that, unless the policy established in 1966 is to be changed, this program be reinstated and rigorously prosecuted to an early completion, followed by adequate maintenance to protect the Commission's investment.

"The need for a master plan and a schedule for future landscaping is indicated."

Mr. Chastang said further that he was embarrassed as the chairman of the Committee on Budget and Finance when he looked at the budget and

saw that the budget in 1971 was \$236,000 for shoulders, median strip and right of way under which this expenditure apparently came and he saw that the budget had been reduced by \$20,000. He said the Commission had only \$18,000 for landscaping, \$24,000 for turf maintenance, and \$60,000 for vegetation control, and \$48,000 for mowing and trimming, and \$46,000 for cleaning right of way. He said that he wondered if the Commission should have reduced its priority on landscaping materially.

The Chairman said that the Consulting Engineers had approved the budget, including those figures just read, which did not reconcile with what they said under section two. Mr. Harnden said that there was a small difference, that the budget that had been read was the maintenance of the right of way, mowing of grass and so forth. He said most of the landscape work was charged to the Reserve Maintenance Fund. Mr. Johnson said that the moneys that were recommended for deposit in the Reserve Maintenance Fund during the year 1972 were adequate for the Commission to do a substantial landscaping project. He said, however, that during the calendar year 1971, the Commission found it necessary to economize in many areas including landscaping, in order to keep the Reserve Maintenance Fund manageable. He said one of the larger expenses from that fund was the payment to the Ohio Department of Highways of \$890,000 for the I-71 Interchange, which had not been included in the Reserve Maintenance Fund when the budget was drawn and that that payment had to be paid from the Reserve Maintenance Fund in 1971. He said the Commission was past the critical period and the Commission had enough money in the Reserve Maintenance Fund and in the size of the fund for 1972 to resume the landscaping program.

The Chairman directed Mr. Johnson to write Mr. Chastang a letter about the landscaping.

Mr. Johnson said that the state had a new statute requiring persons who applied insecticides to be licensed and that the Commission did not have any such person on its staff and that contracts were let for such spraying. He said the letting of new contracts for planting of bushes and shrubs around the service plazas had been reduced. He said that maintenance had been continued and had been adequate.

The Chairman said that he believed that the items Mr. Chastang had raised were things that should be explained by letters from Mr. Harnden and Mr. Johnson.

The Chairman said the report of the Director of Information and

Research would be received.

The Director of Information and Research said that a Mrs. Mary Lou Higginson of Youngstown, Ohio had written a letter which made the point that in traveling from Michigan on U.S. 23 to Toledo to get onto the Turnpike at the Maumee-Toledo Interchange she had found signs directing her as to how to proceed which she thought were insufficient. He said the Superintendent of Traffic and Safety, Charles Radyk, had gone out and looked the situation over and thereafter had conferred with the Traffic and Safety Engineer of the Ohio Highway Department at Bellevue and that together they had worked out additional signing which the Highway Department had permitted the Commission to erect on U.S. 23 north of the Turnpike. He said that Mrs. Higginson had then written the following letter:

"September 9, 1971

"Ohio Turnpike Commission
682 Prospect St.
Berea, Ohio 44017

"Gentlemen:

"Many thanks for taking care of the road signs coming of 23 directing traffic to the Turnpike. It is a joy now to make the trip, and I appreciate your courtesy in replying to my letter.

"There are many suggestions that could be made with regard to directions on the route signs, but that, of course, would not come under your jurisdiction. I presume they should be directed to the Department of Highways. Many of us have discussed these markings, so I believe I will not be out of line in calling some of those to the attention of the Department of Highways.

"Thank you again for your courtesy.

"Sincerely yours,

"Mary Lou Higginson
(Mrs. M. B. Higginson)"

The Chairman said the report of the Director of Information and Research was accepted as offered. He said that the Highway Department had always been a great institution and that people did not appreciate the great service it gave.

Mr. Johnson said he had had another letter which had been brought to his attention by Mr. Richley written some motel owners in the Youngstown area who were a little unhappy about a signing situation and that that matter had been reviewed by the Commission's staff at Mr. Richley's suggestion. Mr. Johnson said that he had had a reply from Mr. Richley thanking the Commission for what it had done in the area. The Chairman directed that the letter be included in the record.

"September 28, 1971

"Mr. Allan Johnson
Executive Director
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Allan:

"Thank you very much for looking into and following through on the problem referred to me by Mr. Morgante and Mr. Caloger, operators of motels in Mahoning County near turnpike exit 16.

"It appears that your staff has done all that can be reasonably done to satisfy these gentlemen in what they consider to be an extremely difficult situation that they are facing. I hope that your actions were of some help to both of these gentlemen.

"Thank you for your assistance in this matter.

"Very truly yours,

"J. Phillip Richley
Director of Highways"

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

RESOLUTION NO. 21-1971

"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 communi-

cations fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on September 7, 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 September 7, 1971 hereby are ratified, approved and confirmed."

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

Ayes: Teagarden, Chastang, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 21-1971.

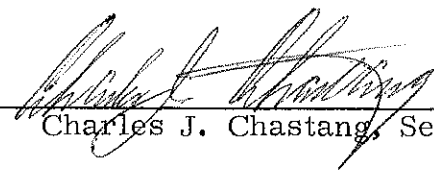
There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. Chastang, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Teagarden, Chastang, Richley, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. He said the next meeting would be November 2, 1971. Time of adjournment was 12:35 P. M.

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



Charles J. Chastang, Secretary-Treasurer