

MINUTES OF THE TWO HUNDRED AND SEVENTY-FIRST MEETING
September 4, 1973

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Ohio Department of Transportation building at 139 East Gay Street in Columbus, Ohio at 11:00 a.m. on September 4, 1973 with the key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; representatives Robert H. Bartholomew and P. Joseph Sesler, of the Trustee, the Ohio National Bank, a member 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: Teagarden, Chastang, Anderson, Shocknessy.

Absent: Richley.

The Chairman announced a quorum was present. He said Mr. Richley had an engagement that kept him away from the city.

Mr. Anderson asked that the minutes of the meeting of July 3 be supplemented and amended to show that had he been present, he would have voted in favor of Resolution No. 12-1973 for the election of each of the officers designated therein. The Commission had agreed that the minutes of the meeting held on July 3, 1973 should remain open (see page 5887). The Chairman directed without objection that the minutes be supplemented herein, in accordance with Mr. Anderson's request, which supplementation is hereby made.

A motion was made by Mr. Anderson, seconded by Mr. Teagarden, that the minutes for the meeting of July 3, 1973, which had been examined by the Members and on which the corrections and supplementation 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: Anderson, Teagarden, Chastang, Shocknessy.

Nays: None.

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

The Chairman reported that another long holiday period had passed without a fatal accident along the Ohio Turnpike. He said the Turnpike had never announced in advance that fatal accidents were expected during holiday periods. He said the Ohio Turnpike Commission was not interested in predicting fatal accidents, it was interested only in preventing fatal accidents. He said it had been the Commission's experience that fatal accidents were less likely to occur in periods of great traffic stress than in periods when traffic was light as in light traffic people were not so likely to be as alert as the Commission tried to make them especially in periods of great stress. The Chairman said the last thing he had done before the Commission convened was to check to make certain that there had not been a single fatal accident on the length and breadth of the Ohio Turnpike during the Labor Day holiday reporting period. He said the same thing had been true over the July 4th period and over the Memorial Day holiday reporting period. He said the three great holiday periods of 1973 had passed without a single fatal accident despite all the bleating that had been heard about the July 4th holiday and fatal accidents on other Ohio highways. He said he wanted to pay tribute to the administration of the Turnpike, to the people who were in control of the Turnpike in periods of great stress, and to the Ohio State Highway Patrol for the record which the Turnpike had had thus far in 1973. He directed that the Assistant Secretary-Treasurer write a letter to Colonel Robert M. Chiaramonte, Superintendent of the Ohio State Highway Patrol, on behalf of the Commission telling him of the Commission's satisfaction with the record that had been established in 1973.

The Chairman reported also that during the holiday period 474,000 vehicles had been on the Turnpike, or about 25,000 more than in the same period in 1972 which was the highest previous use of the Turnpike during the Labor Day holiday. He said revenues for the five-day period were estimated at \$673,000, about \$27,000 more than in 1972.

The Chairman reported also that Mr. Bartholomew and Mr. Sesler of The Ohio National Bank had told him just before the meeting that they expected to purchase another \$5,750,000 face value of Ohio Turnpike revenue bonds by noon of that day. He said Mr. Bartholomew believed the price would be about 96. The Chairman said that the interesting thing about the financial situation of the Commission was, that in a market where money was selling for as much as 11¢, the Commission was still having to pay 96 for its bonds which pay only 3-1/4¢. He said the situation prevailed because the public knew that the Commission was going to be in the market acquiring the bonds and that the Commission was, in fact, maintaining the market. He said he wanted the record to show that the Commission was aware that one of the things it did was indirectly maintain the market on its bonds which in effect was maintaining its faith and the faith of the public in the Turnpike financing. He said he had

asked for credit for the Commission for that before.

The Chairman reported also that he had been badgered by certain newspaper people, especially those along the east coast, about the Commission's relationship with the J. E. Greiner Company.

The Chairman said he had often paid tribute in the past to the six men who had served as Governors of Ohio during the life of the Ohio Turnpike Commission and said that it was to the eternal credit of the several Governors that they had never tried to influence the Commission, nor tried to influence the purchase of goods or services by the Commission. The Chairman said he wanted to pay tribute to the Ohio Governors because a so-called scandal in Maryland, which would involve the J. E. Greiner Company with which the Commission had had association for nearly a quarter of a century, and was all related to a state administration and to work performed in that state under the state administration. He said that the work of the Ohio Turnpike had been performed under the guidance, aegis and responsibility of the Commission, the people who were sitting in the meeting room, and their predecessors. He said their predecessors 24 years ago were the then Director of Highways, Theodore J. Kauer; the distinguished man at his right, O. L. Teagarden; a distinguished citizen of Cincinnati who would be 95 years old the 27th of October, Murray Seasongood, and J. Gordon McKay, now deceased. He said the first Commission was the Commission which had employed the J. E. Greiner Company under contract. He reported the first Commission was influenced in choosing the J. E. Greiner Company not by any Governor. The Governor at that time was Frank J. Lausche and Lausche had no input into who had been chosen as consulting engineer and no Governor since that time either directly or through the member he appointed as Director of Highways or Director of Transportation, had ever tried to influence the Commission in the procurement of goods or services. He said the Commission had never been influenced by any partisan political consideration in its procurement of goods or services.

The Chairman said he was not interested in what happened outside of Ohio. He said people had asked him, from the New York Times down to the little paper up in Geneva, what the Commission was going to do about the Greiner Company, was the Commission going to get rid of the Greiner Company because it was under a cloud in Baltimore. He said the Commission's relationship with the J. E. Greiner Company had been entirely satisfactory and professional. He said he made no claim that the Greiner Company was innocent in Maryland, that that was not up to him to determine. He said the only thing he knew was that nobody in Ohio was ever paid a bribe and nobody in Ohio was ever guilty of any extortion in the award of a contract by the Ohio Turnpike Commission to the Greiner Company. He said the Greiner Company had been in the business of toll road construction before Ohio was in that business. He said the Greiner Company, so far as he knew, was the first firm in modern times to be in the business of toll road design when the Greiner Company designed

the Pennsylvania Turnpike.

The Chairman said Mr. Chastang and he had taken occasion a few days prior to the meeting to talk with Ralph Winter who as a senator, was the author of the Ohio Turnpike Act. He said Senator Winter had also served on the Commission for a while after he left the General Assembly. He said Senator Winter had also served as a member of the Public Utilities Commission, and as Common Pleas Judge in Medina County. He said Senator Winter had told Mr. Chastang and him that he first began work on the concept of a turnpike in Ohio in the administration of Governor Frank J. Lausche at the end of the 96th General Assembly and that he talked about it to the then Governor Lausche in the Governor's office in 1946 after the 96th General Assembly had adjourned. He said Senator Winter had told them that he had told Governor Lausche of his interest in seeing a turnpike, similar to the Pennsylvania Turnpike, built in Ohio. He said Senator Winter introduced legislation in the 97th General Assembly, when Thomas J. Herbert was Governor, for the creation of a turnpike through the enactment of a turnpike act. He said the turnpike bill was not enacted in the 97th General Assembly which sat in 1947. The Chairman said the bill passed the Senate but was defeated in the House. He said that during the 97th General Assembly, according to Senator Winter, that Senator Winter had from time to time consulted the Greiner Company. He said that today Senator Winter thought, but was not sure, that it was Mr. Greiner himself but the Chairman had told him it was undoubtedly Herschel Allen who had advised him in the development of turnpike legislation and the Chairman thought, but Senator Winter was not sure, that Herschel Allen probably testified with respect to the legislation. He said Senator Winter stated very frankly that while writing the Turnpike Bill for the 97th and 98th General Assemblies he derived it from the Pennsylvania Act.

The Chairman said that at that time he had no interest in it at all and when anyone had talked to him about a Turnpike Act in 1946, 1947, 1948 or 1949, he said he had no interest in it, that he knew nothing about it, that it was going to be up in Northern Ohio and was no concern of his. The Chairman said he therefore took no part in the legislation so he did not know as much about the enactment of the legislation as Senator Winter. He said Senator Winter thought that he not only wrote the legislation which he introduced in the Ohio General Assembly, modelling it after the legislation which had been enacted in Pennsylvania, but thought he probably also talked to the late Robie L. Mitchell of Mitchell, Pershing, Shetterly and Mitchell of New York, who probably wrote the Pennsylvania Act.

The Chairman said he was reviewing the history of the Act for the benefit of those people present at the meeting who were not as familiar with Ohio Turnpike Commission history as Mr. Teagarden; the Deputy Executive Director, James D. Hartshorne and the Chairman, or who had not been Members of the Commission as long as Mr. Chastang, who had been a Member for 17 years.

The Chairman said when the Commission chose the National City Bank of New York and The Ohio National Bank of Columbus, respectively as Co-Trustee and Trustee on June 1, 1952, the Commission made certain agreements, many covenants, with the Trustees with respect to the conduct of its affairs. He said one covenant which the Commission made was contained in Section 706 of the Trust Agreement between the Ohio Turnpike Commission on one side and the National City Bank of New York, as Co-Trustee and the Ohio National Bank of Columbus, as Trustee, on the other side, which he read as follows:

"The Commission covenants that, until the bonds and the interest thereon shall have been paid or provision for such payment shall have been made, it will, for the purpose of performing and carrying out the duties imposed on the Consulting Engineers by this Agreement, employ an independent engineer or engineering firm or corporation having a nationwide and favorable repute for skill and experience in such work. J. E. Greiner Company, of Baltimore, Maryland, are now employed by the Commission as such Consulting Engineers, and no other engineer or engineering firm or corporation shall be employed as Consulting Engineers under this Agreement unless such engineer or firm or corporation shall be acceptable to the Trustee."

The Chairman said that a little paper at Geneva in an editorial had said the Turnpike had been constructed for many years and asked whether the Commission was wasting money on consulting engineers at this time. The Chairman said the Commission was "wasting money" at this time in accordance with the Trust Agreement and for the protection of the investors. He said that the Greiner Company, so far as he knew and he thought so far as Mr. Bartholomew and Mr. Sesler knew, and Mr. Teagarden knew, and Mr. Chastang knew, and Mr. Anderson knew and he was sure the Director of Transportation knew, had performed satisfactory service as consulting engineers for the Commission. He said he did not consider that as long as the Greiner Company conducted itself professionally, ethically and competently in Ohio, that the Commission had to concern itself with the J. E. Greiner Company's conduct in Maryland or elsewhere any more than he considered that the Commission should discharge persons similarly situated for adultery that had nothing to do with the Commission.

The Chairman asked Mr. Bartholomew whether the Ohio National Bank or the First National City Bank of New York had ever asked the Commission to change Consulting Engineers. Mr. Bartholomew replied that neither bank had done so. The Chairman said the National City Bank, now the First National City Bank of New York, was not represented at the meeting, but that he was sure if the First National City Bank of New York was not satisfied with the Greiner Company, it would have discussed the matter with the Ohio National Bank. He said the Ohio National Bank and the Co-Trustee would then have taken up the matter with the Commission, as provided in the Trust Agreement. He said the Ohio National Bank had never asked the Commission to discuss the

Greiner Company and the First National City Bank had never asked to do so, and the Commission had never asked either the Trustee or the Co-Trustee to discuss the Greiner Company. He said a great deal had been made of the fact that the Commission was paying the Greiner Company \$7,000 a month as Consulting Engineers. He said the Ohio Turnpike Commission had 241 miles of Turnpike and that just recently he had asked Mr. Harnden for an opinion on the problem at milepost 57 and had told the Executive Director that Greiner was his insurance in the problem at milepost 57 and that he was not to carry that load alone but to let Greiner Company carry part of the load. The Chairman said Greiner was carrying part of the load. He said the Commission was paying Greiner \$7,000 a month and Greiner was furnishing a resident engineer, paying its own telephone and overhead, and maintaining a secretary. The Chairman said he did not know what Mr. Harnden's salary was. He said he would not be surprised if somebody asked Mr. Harnden but he was not asking, that was Greiner Company business and he did not consider that the Greiner Company was overpaid and Greiner Company would not be getting \$7,000 a month if there was any prospect of its being overpaid. He said Mr. Chastang had been Secretary-Treasurer of the Commission for something like 16 or 17 years and chairman of the Budget and Finance Committee most of that time and the Commission would not have let the contract if it were excessive.

Mr. Chastang said that the Commission had discussed the contract with the Director of Transportation. The Chairman said the Director of Transportation had recommended renewing the contract. He said the Commission's contracts had generally been for three years but the Commission had one recently for only one year and then when the Commission renewed that it made it for three years. He said that was done to give Mr. Richley, as a new Member of the Commission, a chance to review Greiner's performance for a year before making a three-year contract. Mr. Chastang said he and the Executive Director were in Mr. Richley's office and asked him if the contract was in order and Mr. Richley reviewed it very carefully and thought it was a fair contract because they were doing a professional job.

The Chairman said that he complained a little bit because the New York Times and others seemed only to call the Ohio Turnpike Commission. He said he did not know whether they called Indiana or Pennsylvania or not but he was told that Indiana was paying Greiner \$6500 a month as consulting engineers on a highway that was only 160 miles long, as compared with \$7,000 for the Ohio Turnpike which was 241 miles long. He said he had now done what he wanted to do and he hoped that the Members that were present were glad that he had done it. Mr. Teagarden said he would like to mention the services rendered by the Greiner Company every year; Greiner Company made a study of the Turnpike and made an annual report to the Commission which was a part of their services.

The Chairman said that because the Commission never had secrets, the

payments to the Greiner Company during the construction period between 1952 and 1955 were \$4,404,799, as consulting engineers. He said from 1956 to 1973 the Greiner Company was paid as consultant \$1,147,000, and on special projects between 1956 and 1973 payments to the Greiner Company were \$959,931 for a total of \$6,511,730.

The Chairman reported further that, during the construction period, in addition to the Greiner Company 22 other engineering firms received payment of \$17,197,000 and the Commission had had numerous engineering and architectural firms working for it on a basis of one kind or another from 1952 to 1973. He said Greiner undoubtedly worked for free prior to 1952 in helping the legislative leaders produce the legislation. He said when the Ohio Turnpike came into the business those five men whom he had mentioned a little while ago looked around the country for engineering firms. He said he personally went over to Pennsylvania and talked to the Pennsylvania Commission before Greiner was employed. He said the first time he met anyone from the Greiner Company was when he met the Greiner resident engineer in Pennsylvania at that time. He said the Greiner Company was well known in Ohio because it had appeared before and lent its expertise to the legislature at the time the turnpike legislation was under consideration.

The Chairman said the Commission considered at that time that the Greiner Company was the company with the greatest expertise in the field of toll road construction, because Greiner had built the Pennsylvania Turnpike. He said the Ohio Turnpike was planned to connect with the Pennsylvania Turnpike and that, by the same token, he had no doubt that Indiana chose Greiner because Greiner had done the Ohio Turnpike and Indiana planned to connect with the Ohio Turnpike. He said there was not much more that he could say, that he did not wish to monopolize the whole conversation. Mr. Chastang said he thought he had covered it adequately. Mr. Teagarden said he could not add anything to what had been said. Mr. Anderson said the road spoke for itself. The Chairman said that regardless of what may come out in Maryland, the Turnpike, as Mr. Anderson said, spoke for itself, and bribery and corruption and extortion were unknown on the Ohio Turnpike.

The Chairman said he wanted to mention one other thing that concerned him a little bit. He said the young woman came to see him from the New York Times said she had been trying to get information from the Ohio Department of Transportation about Greiner and everybody she spoke to at the Department of Transportation threw up his hands and said he knew nothing about Greiner. The Chairman said that was nonsense, Greiner had been employed by the Highway Department over the years. He said an article had appeared in the Cincinnati Enquirer which mentioned that Greiner did design work on I-71.

The Executive Director, Allan V. Johnson, said that Greiner had designed four construction sections for I-71, 15 or 20 miles of the road. The Chairman

said that there had been complaints about the Cincinnati Enquirer article because the information Warren D. Wheat, the author, had obtained from the Ohio Turnpike Commission was satisfactory, but the information he got from the Department of Transportation about the amount paid for that Department's work, did not make sense. Mr. Harnden said that in addition to the design on four construction sections, Greiner Company had done the preliminary studies on I-71 from Columbus to Cleveland and preliminary studies on I-271 and I-77 and some detailed design work on I-71 and I-77. The Chairman said Greiner Company had also designed the Columbus airport and nobody seemed concerned about that. Mr. Harnden said Greiner was Consulting Engineer to the Ohio Bridge Commission. (At this point the Chairman asked the press whether it had any questions. He received an answer in the negative. The Chairman directed that the record should show that he was willing to answer any questions that might be asked.)

The Chairman addressed Mr. Harnden and said that as far as he was concerned Greiner Company was clean in Ohio and if it was not clean somewhere else, he did not worry so far as Ohio was concerned. He said it was his personal view that Greiner Company was made up of honorable people. He said he regretted an implication in a story which appeared in The Cleveland Plain Dealer on August 12 by Richard G. Zimmerman which indicated that engineers went along with whatever the morals of the climate dictated. He said he had seen on Sunday, September 2, in the Plain Dealer that Zimmerman had explained his statement of August 12.

The Chairman said he hoped Mr. Harnden had a good recollection of everything he had had to say. Mr. Harnden said he had a good recollection and he appreciated what the Chairman had said. He said the Greiner Company could use a few kind words once in a while.

The Chairman reported also that the Turnpike indebtedness would be reduced to about \$139,000,000 by noon of that day and that by the end of the year it would be down to about \$130 to \$135,000,000. He said that would mean the Commission was approaching the point that it would have paid off nearly \$200,000,000.

The Chairman reported also that at the end of August there had been 58 consecutive days when tolls reached more than \$100,000.

The Chairman reported that five persons had lost their lives in three accidents during the month.

The Chairman said he wished to mention Dennis E. Murphy, who had represented the Ohio Company in negotiations with the Ohio Turnpike Commission. He said that Mr. Murphy was a beloved man, a man who would always be part of the recollections of his life. He said a resolution memorializing

Mr. Murphy would be presented to the Commission. He said the Dennis E. Murphy resolution would be offered unanimously and unanimously seconded if it was agreeable with everyone.

A resolution expressing the Commission's sorrow and extending sympathy to the Widow and family on the death of Dennis E. Murphy, was read by Mr. Teagarden, as follows:

RESOLUTION NO. 15-1973

"WHEREAS it has been with deep regret that the Commission has learned of the death of Dennis E. Murphy, retired Senior Vice President of The Ohio Company, one of the three principal underwriters of the Ohio Turnpike revenue bonds;

"WHEREAS through untiring efforts and effective leadership, Mr. Murphy contributed greatly to the organization of the entire underwriting group, which consisted of 412 investment banking companies, and played a vital role in the critical financing of the Ohio Turnpike; and

"WHEREAS Mr. Murphy's continuing interest and sound advice have been a source of strength to the Commission throughout the years, and his personal characteristics have not only earned him the highest reputation for ability and integrity, but have also won for him the friendship and respect of the investment banking community and of those in other walks of life with whom he has been associated;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, by this resolution, expresses its profound sorrow on the death of Dennis E. Murphy and its appreciation of his unique contribution to the success of the Ohio Turnpike Commission and of the breadth of mind and competence which he brought to the consideration of its affairs; and

"FURTHER RESOLVED that copies of this resolution be forwarded to Mr. Murphy's widow and family and to The Ohio Company."

Mr. Teagarden said he would like to make mention that he knew Dennis Murphy personally, that he became acquainted with him at a time when the Commission started looking for financing and he thought, and thought that the Chairman would agree, that Dennis Murphy had much, if not more, to do with getting together the underwriting group than any other man.

The Chairman said that all members of the underwriting group were now dead, James G. Couffer of B. J. Van Ingen Co. was dead, and T. Henry Boyd

of Blyth & Co. was dead. He said he would like the record to show that. He said Mr. Murphy, Mr. Couffer and Mr. Boyd were the three leaders of the three groups which were The Ohio Company, the B. J. Van Ingen Co., and Blyth & Co. He said those three men were the managers of the total financing syndicate. The Chairman said that copies of the resolution should be sent to the successor company of Van Ingen Co. and the successor company of Blyth & Co. He said that it was a spontaneous unanimous resolution by the whole Commission, seconded by the whole Commission and would be so recorded. The resolution was identified as No. 15-1973.

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

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

1. Traffic and Revenue Reports for June and July, 1973.
2. Financial Statements as of June 30 and July 31, 1973.
3. Report on Concessionaires - First Half 1973.
4. Budget Report, First Half 1973.
5. Detail of Investment Transactions which took place in July and August 1973.
6. Draft of the minutes of the July 3, 1973 meeting.

Mr. Chastang said that a copy of the Accountants' Report - Financial Statements - June 30, 1973 had been distributed to the Members and he had examined them carefully and saw no reason to comment upon them.

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 staff members of the Committee were working on the 1974 preliminary budget and would present it at the October meeting. He said that he, Mr. Richley and the Executive Director would review the proposed budget before it was presented at the meeting. He said that if any other Member wished to sit in on their conference that it would be perfectly all right and they would be perfectly happy to have them.

The Chairman said the report of the Committee on Budget and Finance

was accepted as offered and the invitation of the chairman noted in the minutes. 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 during August the Committee had received notice of price increases on the non-controlled food items from both the Howard Johnson Company and Gladieux Food Services, Inc. He said both restaurant companies advised that increased food costs could not be absorbed without price relief and increases on non-controlled food items were made on a dollar for dollar cost pass-through formula basis which was provided under Federal government regulations.

Mr. Teagarden said that requests for price relief on food items covered under the standard menu had been received from both restaurant operators but that the Howard Johnson Company had withdrawn its request for the time being and indicated it would be resubmitted. He said when the Committee received the Howard Johnson request consideration would be given on price increases for both companies simultaneously.

Mr. Teagarden reported also the restaurant operators and service station operators had experienced record summer traffic and increased their staffs in anticipation of record Labor Day weekend traffic. He said staff members were on the Turnpike throughout the holiday weekend to see that travellers were well accommodated and services maintained at the highest level.

Mr. Teagarden said that concluded his formal report but he believed that all members had received notice that the New Jersey Turnpike had cancelled its contract, or had not renewed its contract, with the Howard Johnson Company. He said the contracts on 11 restaurants had gone to Marriott and the other six restaurants to Gladieux Food Services. He said in addition to that, the New Jersey Turnpike officials had spoken to the Executive Director and said they were going to visit the Ohio Turnpike restaurants, especially the Gladieux restaurants as they were considering Gladieux on some of their contracts. He said the New Jersey people had visited the Ohio Turnpike restaurants and the Executive Director had had a report from the New Jersey officials to the effect that they were very well pleased with the operations. The Chairman asked whether they had looked at the Howard Johnson operation on the Ohio Turnpike. Mr. Teagarden said he understood they had. The Executive Director said he did not believe they examined every restaurant, but they saw both operations and they had formed a favorable impression of Gladieux restaurants on the Ohio Turnpike.

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 the Committee had completed separate discussions with representatives of union and non-union employees during which non-bonding conclusions with respect to wages and working conditions had been reached to the satisfaction of the parties. He said the Committee's consequent recommendations had been submitted to the Executive Director who had approved them and that the task of incorporating them, most of them to take effect in January, 1974, into the Commission's Employee Manual for distribution to all employees was in process.

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

The chairman of the Committee on Safety, Allan V. Johnson, reported that there had been no deaths on either the Fourth of July or Labor Day holiday periods. He said unfortunately there had been five fatalities since the July 3 meeting of the Commission - all of them occurred within a 24-hour period on August 11 and 12. He said that three deaths occurred in one accident that involved a single automobile travelling at high speed. He said the automobile left the roadway and went into the median and struck a bridge pier after passing through and behind the guard rail. He said three of the four occupants were killed and the fourth was seriously injured. He said another of the accidents involved a hitchhiker who was suspected of suicide.

Mr. Johnson said the Turnpike had gone through a period of 71 days without fatalities except for the one five-fatality day.

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 work on the new toll audit system was moving satisfactorily. He said there were two areas where there were slight slips in the schedule which were not serious and which could be made up.

The Executive Director reported further that provision should be made for disposition of the old equipment no longer needed when the new system was installed. He said that was not yet provided for in the toll system contract and the Trust Agreement provided that when unneeded equipment was disposed of that approval be obtained from the Consulting Engineer. He said that Mr. Harn-den had indicated that he was aware of this and that when the present equipment was replaced it would no longer be needed. The Executive Director said the bylaws granted him authority to dispose of equipment with a value of less than \$5,000. He said he did not know the value of the equipment, but in the event it was worth more than \$5,000, he asked the Commission authorize its disposal and the General Counsel, Francis K. Cole, had prepared a resolution

for that purpose.

A resolution authorizing the Executive Director to dispose of IBM 360 Model 30 Computer and of consoles in the toll booths and related equipment, was moved for adoption by Mr. Teagarden, seconded by Mr. Chastang, as follows:

RESOLUTION NO. 14-1973

"WHEREAS the Commission owns an IBM 360 Model 30 Computer located in the Commission's central office, and the Commission owns toll consoles which are located in the toll booths and sundry related equipment;

"WHEREAS the consulting engineers have determined that the aforesaid movable property will no longer be needed or useful in the construction, operation or maintenance of the Ohio Turnpike following the acquisition of new toll audit equipment replacing it;

"WHEREAS the Commission is authorized by Section 713 of the Trust Agreement dated June 1, 1952 and entered into between the Commission and The Ohio National Bank of Columbus, trustee, and The National City Bank of New York (now First National City Bank), co-trustee, to dispose of movable property in such cases; and

"WHEREAS the executive director has recommended that said property be disposed of when replaced, and general counsel has rendered an opinion that competitive bidding is not legally required in accomplishing such disposition;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and hereby he is, authorized and instructed to dispose of the IBM 360 Model 30 Computer located in its central office, and of the consoles in the toll booths and related equipment upon their final replacement by the new toll audit equipment being acquired by the Commission;

"FURTHER RESOLVED that the executive director be, and hereby he is, authorized to dispose of said consoles and related equipment separately from said Computer, with or without competitive bidding in each case, as in his judgment shall appear to be in the best interest of the Commission; and

"FURTHER RESOLVED that the executive director shall report upon said disposition to the Commission."

The Chairman said that the Executive Director had general authority

to dispose of personal property worth up to \$5,000 and that it was not known whether the value of the old equipment would be less than \$5,000. He said he had asked the Executive Director if he wanted the \$5,000 limitation increased and the Executive Director said he did not but that he would want to have the authority to dispose of the unneeded equipment. The Chairman said he had not asked Mr. Harnden specifically about the resolution which the Executive Director had proposed, and which Mr. Cole read, and Mr. Teagarden and Mr. Chastang had offered, as to whether Greiner was in agreement with the proposal but he assumed it was because Mr. Harnden even offered an amendment. Mr. Harnden said that the J. E. Greiner Company was in agreement with them.

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

Ayes: Teagarden, Chastang, Anderson, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 14-1973.

The Executive Director reported also that the bridge inventory which had been conducted on all of the bridges under the jurisdiction of the Ohio Turnpike had been presented to the Department of Transportation in conformance with the new state and federal inspection requirements, and that all the work had been completed and the report submitted before the target date of September 1. He said the work was done in conjunction with the regular annual inspection report but the inventory that had been submitted followed a new reporting procedure and was a special inventory.

The Executive Director reported also that the Greiner Company's study of facilities needed when the Ohio Turnpike became a free road was progressing satisfactorily. He said a progress report on the facility study had reached his office on the morning of the meeting and that he would distribute copies of it to all the Commission Members so that they could see the current status of the report.

The Executive Director reported also that the Commission had received a submission from the Mahoning County Engineer that involved old Exit 15 and a plan to connect that exit with the interchange of I-76 and I-80. He said the plan had been submitted to the Commission for its comment as it might relate to the study of future facilities by the Greiner Company. He said the staff was reviewing the Mahoning County proposal and would provide comments to the Mahoning County Engineer and would discuss it with the Ohio Department of Transportation before such comments were furnished.

The Chairman said Mr. Richley as Director of Transportation and a Member of the Commission, and a former county engineer in Mahoning County had already discussed it with him at his request. He said he had asked Mr. Richley about it and told Mr. Richley the Commission would rely upon his advice with respect to it.

The Executive Director reported also about the situation at milepost 57.8. He said he had furnished the Members with copies of a letter from the Lucas County officials and a copy of the reply. He said Lucas County had presented a plan for open cutting through the eastbound lanes of the Turnpike in order to complete the project and that the situation had been reviewed carefully with consultation by J. E. Greiner Company. He said the folders before the Members of the Commission contained the Greiner Company comments on the plan which had been submitted before the letter of reply was written to Lucas County. He said there had been no formal response but that Lucas County authorities were to hand carry their completed plans for the project to the Berea office on September 6. He said at that time the staff, together with the Greiner Company, would check the plans to determine whether they conformed with the Turnpike's suggestions. He said, if the plans did conform, it was expected that the project would get under way again and be completed before winter. He said he would keep the Commission advised about the subject.

Mr. Teagarden asked the Executive Director if the Turnpike Commission was protected on any expenses that it might be put to in seeing to it that the job was done in a satisfactory manner. The Executive Director said the Commission was so protected. The Chairman said J. E. Greiner Company was keeping that matter under total surveillance, that it was a joint responsibility.

The Executive Director reported also that the addition to the Administration Building was essentially completed and that only minor items remained. He said there would be an inspection in the week of September 10 and the official completion on September 14 would be met, he was convinced, without any difficulty. He said the other active construction projects were the resurfacing projects at service plazas, which were being carried out by the Commission's own maintenance forces. He said all of them were in their final stages, every one of them at least 98 per cent complete. He said all that remained was cleaning up, landscaping and a few minor items. The Executive Director reported further that the Commission forces had completed the painting of the Cuyahoga River bridges, the largest bridges on the Turnpike. He said the project to construct the new interchange of I-90, just west of Exit 8 in Lorain County, had now been let, and the work had been started in a very minor way although there had been no work performed on the Turnpike itself. He said there was another state project, one to widen a bridge over the Turnpike, called the Ellsworth-Bailey Bridge, near the Lordstown Plant of the General Motors Assembly Division that would require some work in the median

of the Turnpike. He said that so far all the contractor had done was to put up some fencing.

Mr. Anderson said he wanted to be sure the Executive Director was aware of the asphalt supply situation. He said that because he was in the asphalt business he wanted to be sure the problem was understood, that some 25 per cent of the asphalt plants were now closed due to lack of asphalt. The Chairman said the Turnpike was in good condition.

Mr. Anderson said he heard the Executive Director say that construction on the Turnpike was done for the year. He said if the Turnpike had any overlays that were going to be advertised for 1974 it would be ideal to continue the custom of advertising in the winter. He advised the Executive Director to begin early because he understood asphalt was going to be in short supply. The Executive Director said the Turnpike had completed the 1973 work and that it advertised and got under way early every year, which was an advantage, but it was expected that there would be a substantial increase in the cost of asphalt in 1974. The Chairman said that only 23 miles remained unresurfaced and it would be necessary to resurface some mileage that had had one overlay. He said that resurfacing was perpetual but it could be adjusted to the exigencies and the Turnpike was in a position to do so. He said it was not as if the Turnpike was just beginning to resurface the whole 241 miles.

In response to a question by Mr. Chastang, the Executive Director said that 23 miles of the Turnpike had yet to receive its first coat of asphalt but that second resurfacing had already begun at the Eastgate section and would continue.

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

The General Counsel said there were several matters he wished to report upon. He said that in November of 1971 a young woman was killed in an accident in which a tandem trailer was involved. He said the trailer struck her vehicle and caused it to hit a light standard and the trucking company which operated the trailer had been sued by the administrator of her estate. He said the trucking company had brought the Turnpike into the suit as a third party defendant. He said the claim of the company was that the Commission should have had breakaway light standards or protected its light standard in such a way that striking it would not cause an injury. He said the claim was unusual in that it related to a tandem trailer accident that was being turned into a design claim. He said that the matter had been referred to Buckeye Union Insurance Company and their attorneys, Weston, Hurd, Fallon, Sullivan & Paisley, of Cleveland who would defend the action.

The General Counsel reported also that the Commission had filed a motion in the Texaco case to strike the Texaco jury demand and also to strike all Texaco references to federal regulations. He said Texaco had replied with a very innocuous little brief in which Texaco said the Turnpike Commission was childish. He said he had had an interesting telephone call from the Florida Department of Transportation indicating that they had a very similar case in which the Florida authorities had obtained a preliminary injunction, which, under Florida procedure, could be and was being appealed.

The General Counsel reported also that the McCormick case, which was a suit by a disenchanted dealer of ARCO against ARCO and the Commission, was argued before Judge Leo M. Spellacy on July 18 on a motion for summary judgment.

The General Counsel reported also that the Stacey case had again come to the fore. He said the Turnpike Commission had received interrogatories and was in the process of replying to them and sending great masses of material. He said that he had asked Judge Lockwood Thompson to remain in that case because he had been associated with it. The Chairman said Judge Thompson had had the case for 17 years. The General Counsel said a conference had been held with local counsel about the case and the Legal Department anticipated pressing for either a settlement or a trial. The Chairman said he was tired of spending money on the case. The General Counsel said it should be brought to a conclusion. The Chairman said the case had been revived only recently.

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

Mr. Harnden said he had no report except to say that his company appreciated the remarks of the Chairman at the meeting. The Chairman said he thought it had to be put in the record and that he and Mr. Teagarden had been on the Commission from the beginning and that Mr. Chastang had observed the Commission closely for years until he became a Member of the Commission. He said the Ohio National Bank of Columbus, the Trustee, was present in the room. He asked its representatives whether they were satisfied with the Commission's posture. They replied that the Bank was and the Chairman directed that the record show that the Bank was satisfied.

The Chairman said the report of the Consulting Engineers was accepted as offered. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Talbot Harding, reported that the Archbold Buckeye, which had a circulation 50 per cent greater than the Geneva Free Press, had a very laudatory editorial about the Turnpike. The

Chairman directed that the record show that it had appeared. He said he had brought the Geneva matter before the Commission for the benefit of the press. He said it was simple if one was sitting up in Geneva to say: "The Turnpike had been built for years, why did they have a consulting engineer?". The Chairman said he had the Executive Director and the Deputy Executive Director go to Geneva and see the editor to let him know why there was a consulting engineer. He said lately the papers in both Geneva and Ashtabula had been hostile to the Turnpike and he did not know why.

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

Mr. Anderson said that, before the meeting adjourned, he wanted to thank everyone for the calls, cards and letters he had received. He said one heard a great many things about the Chairman being tough but that he found him to be a man with a pretty big heart and that the Chairman even visited him in the hospital and it made him feel good. The Chairman thanked Mr. Anderson.

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

RESOLUTION NO. 16-1973

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on July 3, 1973, and the Commission has duly reviewed and considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on July 3, 1973 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, Anderson, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members

present voting in the affirmative. The resolution was identified as No. 16-1973.

The Chairman said he felt that everything the Commission had done at the meeting would be endorsed by Mr. Richley and the only regret he had was that Mr. Richley was not present to hear the account of the Commission's relations with J. E. Greiner Company. He said he wanted the account spread fully in the minutes so that Mr. Richley and everybody else who wanted to, could know the details. He said he had even considered asking E. J. Donnelly of the J. E. Greiner Company to attend the meeting then he thought Mr. Donnelly would be all right at the meeting, but he would be badgered to death once it was found out that he was in Columbus. The Chairman told Mr. Harnden to give Mr. Donnelly a message to the effect that he had had those thoughts and that he wanted Mr. Harnden to talk to Mr. Donnelly personally and to report what had been said at the meeting. He said he thought a great deal of Mr. Donnelly and always had and that he wanted Mr. Donnelly to know that. Mr. Chastang said he thought highly of Mr. Donnelly.

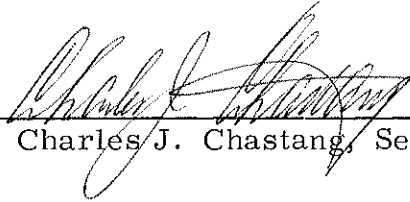
There being no further business to come before the Commission, a motion was made by Mr. Chastang, seconded by Mr. Anderson, that the meeting adjourn until October 2 subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Chastang, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:25 p.m.

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



Charles J. Chastang, Secretary-Treasurer