

MINUTES OF THE TWO HUNDRED AND SEVENTY-FIFTH MEETING  
February 5, 1974

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 February 5, 1974 with the key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, the Ohio National Bank, 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: Richley, Teagarden, Anderson, Shocknessy.

Absent: None.

The Chairman announced that all Members were present.

A motion was made by Mr. Teagarden, seconded by Mr. Anderson, that the minutes for the meeting of December 4, 1973, 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: Teagarden, Anderson, Richley, Shocknessy.

Nays: None.

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

The Chairman said the first announcement that he had to make was one that saddened him greatly. He said that when he announced that all the Members of the Commission were present that the Members might think that one over because there were only four Members present. He said the reason he could say that all the Members of the Commission were present when there were only four was that it was his unpleasant duty to announce the resignation of Charles J. Chastang, which Mr. Chastang had delivered to Governor Gilligan that morning after many years of service on the Commission. He said he would read Mr. Chastang's letter of resignation, a copy of which had been delivered to him on Mr. Chastang's behalf for the whole Commission:

"February 5, 1974

"Hon. John J. Gilligan  
Governor, State of Ohio  
State House  
Columbus, Ohio 43215

"Your Excellency:

"I note that I still am a member of the Ohio Turnpike Commission which meets today. I cannot continue as a member of the Commission because of the restrictive provisions of Section 102.04 of the Revised Code of Ohio which seeks to arbitrarily control the legitimate practice of law by members of the Bar who also are members of State Commissions. Accordingly, I resign as a member of the Ohio Turnpike Commission as of 10 a. m. this date.

"Respectfully,

"Charles J. Chastang"

The Chairman said Mr. Chastang had been a friend and Member of the Commission and a friend of several of its Members. He said Mr. Chastang had been a friend of the Commission and its purposes before he became a Member, and it was regrettable that he was precluded by law from continuing to serve as a Member of the Commission and practice law before other agencies of the State of Ohio at the same time. He said Mr. Chastang wrote the letter as if that statute struck down only lawyers but it could strike down tomato processors and it could strike down cement manufacturers, if the tomatoes or cement were sold not only to the Commission but to any agency of the State. He said he was not giving that as a legal opinion, but that would be up to other Members' counsel. He said he had not asked the Ohio Turnpike Commission counsel to give any opinion about the law. He said he regretted that Mr. Chastang considered that the statute precluded his further service and the Commission had lost a valued Member thereby. He said he hoped that it would be permitted that he offer a resolution along with all Members which Mr. Teagarden had asked the General Counsel to prepare on behalf of all the Members of the Commission. He said he was glad to acknowledge the authorship and offer it on his behalf with all of the Members joining. The Chairman read the resolution as follows:

RESOLUTION NO. 1-1974

"WHEREAS Charles J. Chastang has been a member of the Commission for over 17 years;

"WHEREAS he has brought to the Commission's business, over the years,

not only a constant dedication to the best interests of the Commission and the people of Ohio but also a sound and sagacious approach to the Commission's affairs, leavened at appropriate times by humorous thrusts which have both illuminated the points at issue and enlivened and enlightened the Commission's meetings; and

"WHEREAS Mr. Chastang has stoutly and effectively championed the Commission's interests both as a member and as a human being and citizen;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission expresses its profound appreciation of Mr. Chastang's dedication and service over the years and its best wishes for him forever."

The Chairman said he would not ask that it be seconded or voted upon but he would assume that it had unanimous approval. The Members indicated that it would. The resolution was identified as No. 1-1974.

The Chairman said Mr. Chastang's resignation was a personal loss to him. He said he and Mr. Chastang had been close personal friends for too long for either of them to admit and he would especially miss him on election day. He said the Commission always met on election day and Mr. Chastang had always supported the wrong candidates and lost and he had always supported the right ones and always won. He said he and Mr. Chastang had had a lot of good happy times together over the elections and he just wanted to say that he would miss Mr. Chastang.

The Chairman said a copy of the resolution would be sent to Mr. Chastang. The Chairman said the press was present and had heard what the Commission had to say about Mr. Chastang. The Chairman said that the office of Secretary-Treasurer was vacant and by the same token the Commission had a vacancy in the office of Assistant Secretary-Treasurer so the Commission would have to elect a Secretary-Treasurer. He said in accordance with the Commission's custom, it would be pro forma and it would be Mr. Anderson. The Chairman asked Mr. Anderson, if nominated and elected, would he accept the office. Mr. Anderson said he would.

A motion was made by Mr. Teagarden, seconded by Mr. Richley, that Mr. Anderson be elected Secretary-Treasurer of the Ohio Turnpike Commission. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Teagarden, Richley, Shocknessy.

Nays: None.

Not Voting: Anderson.

The Chairman declared the vote unanimous. Mr. Anderson said the Commission would need an Assistant Secretary-Treasurer. The Chairman asked him to designate one and Mr. Anderson designated Allan V. Johnson. The Chairman determined that the designation was agreeable with the other Members. He then asked Mr. Anderson to move to the chair at the table that had been occupied by Mr. Chastang and said that it was the first time there had been a change in that chair for almost 18 years. He said there had never been a change in the Chairman's chair nor the Vice Chairman's chair.

The Chairman said it had been the Commission's good fortune for 25 years, to have had very distinguished people as Members of the Commission. He said the Members of the Commission had never been pedestrian in character and had always been men of affairs and men who had made their mark before coming to the Commission. He said the Members had been men who brought prestige to the Commission and not men who derived their greatest prestige from it.

The Chairman said he would like to make a speech about Mr. Johnson, also. He said Mr. Anderson had appointed Mr. Johnson and he was willing for Mr. Teagarden to give Mr. Johnson an accolade. He said Mr. Teagarden had told him on the telephone what a great fellow Mr. Johnson was and the Chairman turned to Mr. Teagarden to express it in public. Mr. Teagarden said he had meant what he said. He said Mr. Johnson had done an excellent job and that he called Mr. Teagarden on Sunday night when Mr. Johnson was at the Turnpike office working. He said he thought Mr. Johnson was a very dedicated person. Mr. Teagarden said he could say a lot more about Mr. Johnson. The Chairman said that Mr. Johnson was industrious and dedicated, knowledgeable and faithful and all the things the Commission expected of people. He directed that the record could show that.

The Chairman named Mr. Anderson chairman of the Budget and Finance Committee and for the purpose of the record declared the serving committee members reappointed. The Chairman then relieved Mr. Anderson of his duties on the Committee on Employee Relations and said that the Vice Chairmanship of the Committee on Employee Relations would be left open for the Member to be appointed. He said when the new Member was appointed by the Governor and attended his first meeting, he would be designated as vice-chairman of the Committee on Employee Relations. He said if it were agreeable to the other Members he would name G. Alan Plain, Administrative Assistant to the Executive Director, to the Committee on Employee Relations and said that accordingly he was so appointed.

Mr. Anderson asked if he would remain on the Committee on Safety and the Chairman said he would still be on the Safety Committee.

The Chairman said he wanted to mention that James D. Hartshorne, Deputy Executive Director and for many years Director of Information and Research

and Executive Assistant to the Chairman, was in Riverside Hospital.

The Chairman reported that the Commission completed the year 1973 with total revenues of \$45,954,564 which had been generated by 24,143,274 vehicles. He said 78% of the vehicles were passenger cars and 22% were commercial vehicles. He reported further that Ohio Turnpike revenue bond retirements during the year amounted to \$23,185,000 which left a debt of only \$131,632,000 of the original \$326,000,000. He said, regardless of snow and sleet and rain and energy crisis, the Commission would have paid off more than \$200,000,000 before the end of 1974. He said he estimated that the retirements for 1974 would amount to \$17,000,000 but that the Commission has always exceeded the estimate. He said the figure contemplated a lesser retirement by \$6,000,000 of what had been retired in 1973 so that it was unlikely that the Commission would suffer any loss of the prospective amount of retirements in 1974. The Chairman said that the Commission had issued a release dated February 1, 1974 in which it was stated:

"A significant decrease in weekend passenger car traffic on the Ohio Turnpike is the primary cause of a 2.5% revenue reduction in January as compared with January 1973. . . Total revenue for the month is estimated at \$2,834,000, which is \$74,000 less than that of the corresponding month of last year. . . The drop in passenger car traffic has been particularly evident on Sundays, due in large part to the general curtailment of gasoline sales on the Turnpike and elsewhere from 9 p. m. on Saturdays to midnight on Sundays. . . There is a beneficial effect of the current energy crisis, however, in its apparent impact upon the frequency and severity of personal injury and property damage accidents on the Turnpike. . . Statistics indicate that the number of accidents on the Turnpike is lower since the Commission posted a voluntary speed limit of 55 miles an hour for all vehicles in accord with the requests of the President and the Governor for such a limit."

The Chairman said the \$74,000 less than the corresponding month of the previous year was not really significant because there had been a drop of \$270,000 in December which was not due to the energy crisis but in large measure to the reduction in revenue experienced because of the so-called truckers' blockade which reduced business for five to eight days, aside from the outright 65 hours when a part of the Turnpike was blocked.

The Chairman said he and Mr. Richley had discussed the voluntary speed limit referred to in the release on February 4. He said the former figures on the speed limit signs had been covered and that 55 miles an hour was posted. Mr. Richley asked if the Chairman was talking about shoulder mounted signs. The Chairman said that the Turnpike's shoulder mounted signs showed a speed limit of 55 miles an hour. Mr. Richley said he did not understand why the Ohio State Highway Patrol would not object to the new posting. He said the Patrol had objected strenuously when the Department of Transportation

attempted to do exactly the same thing on the interstate roads and that was why he raised the question. The Chairman said no one in the state other than the Turnpike Commission had posted such signs. Mr. Richley said that the Patrol's argument was that it would be confusing to the motorist, and the Patrol would not be able to enforce the 55 miles an hour limit. The Chairman said the Commission had not asked the Patrol to do so. Mr. Richley said the Department of Transportation had not done so either but there seemed to be divergent points of view in the Patrol on that particular item. He said he was sure it would be worked out. The Chairman said it was no longer a matter of concern because the signs had been up on the Ohio Turnpike for two months. Mr. Richley said the Department of Transportation had also put up signs but that the Ohio Department of Transportation had not covered the 70 miles an hour speed limit signs. The Chairman said the Ohio Turnpike had done so. Mr. Richley said the Department of Transportation had both limits posted. The Chairman said the Ohio Turnpike Commission was a separate enclave.

The Chairman reported also that on February 1, he, Mr. Richley and the Executive Director, Allan V. Johnson, had delivered the 1973 Annual Report of the Commission to the Governor of Ohio. He said when they delivered the Report to the Governor he mentioned that it was the 25th time that an Annual Report of the Ohio Turnpike Commission had been delivered to a Governor. He said the Report had been presented to five governors and that during that period the State of Ohio had actually had six governors but one of them served for only 12 days and was not in office at the time the Report was due. The Chairman said the Governor was very gracious to Mr. Richley, the Executive Director and the Chairman and took them in to the Cabinet Room where the Governor advised the whole Cabinet in session that the occasion was historic because it was the 25th time that the Annual Report of the Ohio Turnpike Commission had been presented to a governor. He said the Governor had laughingly said that he supposed the Chairman would do it for another 25 times except that the bonds would be paid off before that.

The Chairman said that at the same time the Report was delivered to the Governor that in accordance with law, it was also delivered to the Clerk of the House and the Clerk of the Senate for both houses of the General Assembly. He said on the night before delivery the Report had been mailed to all Members of the General Assembly and in addition to all persons who had an interest in the financial affairs of the Commission. He said those persons were principally the Trustee, bondholders, underwriters and others who had requested the Commission's Report.

The Chairman reported also that in December the Commission had suffered a severe blockade on the Turnpike which he had already mentioned and which the Executive Director had made the subject of a very good report. He said all Members had received a copy of the report and when he presented the Annual Report to the Governor he offered the Governor his copy. The Chairman directed

that the Executive Director send a copy to Colonel Robert M. Chiaramonte, Superintendent of the Ohio State Highway Patrol and to Mr. John E. Hansan, the Chief of Staff of the Governor's office and to all those people who had especial ministerial responsibility during the blockade. The Chairman reported also that the Governor of Ohio had issued a proclamation on February 3 which he directed be included in the business of the meeting. The proclamation read as follows:

#### "PROCLAMATION

"WHEREAS, there exist, in the State of Ohio, and in particular in northeastern Ohio, unlawful assemblies and roving bodies of men acting with intent to commit felonies and to do violence to persons or property in disregard of the laws of the State of Ohio and the United States of America; and

"WHEREAS, said unlawful assemblies and bodies of men have by acts of intimidation and threats of violence put law-abiding citizens in fear of pursuing their normal vocations in the transportation industry; and

"WHEREAS, local government officials are unable with their own forces to bring about a cessation of violence or the threats of violence; and

"WHEREAS, troops of the Ohio National Guard, in cooperation with the Ohio State Highway Patrol and local peace officers, can bring about a restoration of confidence of citizens to move freely over the streets and highways of the State; and

"WHEREAS, the Commander of the Ohio State Highway Patrol has requested the assistance of the militia in maintaining and restoring order and freedom of transportation movement within the State;

"NOW, THEREFORE, I, JOHN J. GILLIGAN, Governor and Commander-in-Chief of the militia of the State of Ohio, do hereby order into active service such personnel and units of the militia as may be designated by the Adjutant General to maintain peace and order and to protect life and property throughout the State of Ohio, and in particular in northeastern Ohio; and said Adjutant General, and through him the commanding officer of an organization of such militia, is authorized and ordered to take action necessary for the restoration of order throughout the State of Ohio. The military forces involved will act in aid of the civil authorities and shall consult with them to the extent necessary to determine the objects to be accomplished, leaving the procedure of execution to the discretion of the commanding military officer designated by the Adjutant General.

"The Adjutant General shall provide all transportation, services, and supplies necessary for the militia; and all statutory provisions requiring

advertisement for bids in relation to their procurement are hereby suspended.

"I command all persons engaged in violent or unlawful proceedings to cease and desist from such activities.

"The active military duty herein ordered is hereby designated as services in a time of public danger.

"This Proclamation shall continue in force until revoked.

"IN WITNESS WHEREFORE, I  
have hereunto subscribed my name and  
caused the Great Seal of the State of Ohio  
to be affixed at Columbus, this 3rd day of  
February, in the year of our Lord,  
one thousand nine hundred and seventy-four.

"John J. Gilligan"

The Chairman reported that after the Governor had issued the Proclamation, the Governor, Mr. Hansan and he had conferences with respect to the prevention of any turmoil which responsibility had been generally placed in the capable and responsible hands of Col. Chiaramonte, as Superintendent of the Highway Patrol and Mr. Johnson as Executive Director of the Turnpike Commission and Mr. Hansan for the Governor. The Chairman said they were empowered by the Governor to meet with one another and they had already had a conference to make plans. He said the three men were a troika to interact in the event of any need. The Chairman said if any assistance was required in addition to Patrol assigned to the Turnpike, the Executive Director would request the Superintendent of the Patrol to provide whatever assistance would be needed from the troops that the Governor had alerted. The Chairman said for the purposes of the Ohio Turnpike Commission the civil authority mentioned in the Proclamation was the Executive Director.

The Chairman reported also that he had before him on the table the first volume of the Annual Reports of the Commission, a volume covering the years 1949 through 1958. He said he had not brought the other Reports but he just wanted to have these first ten Reports on the table. He said the Report for 1950 addressed to Governor Frank J. Lausche had been done on a typewriter in the Chairman's private office, and the Reports for the ensuing years until 1952 also had been prepared and written in his office. He said the first Annual Report which was done in a slick professional fashion was the one for 1952. The Chairman asked whether there were any questions about his report.

Mr. Richley said the Chairman had mentioned the February 1 news release and he wanted to ask the Executive Director a question. Mr. Richley said the



release reported that there had been a 2.5% reduction in revenues compared to January of 1973. Mr. Richley said that amounted to \$74,000 less which was a straight subtraction of income from January 1974 from January 1973 and that he would like to know what the normally expected increase for January 1974 over January 1973 would be in terms of percentage. The Executive Director said the historic increase was 4 to 5% annually. Mr. Richley said the real decrease, therefore, approached something like 6.5%.

The Chairman said that real was a hard word, that the decline from the prospective income would have been 6.5%.

Mr. Richley said the reason he raised the question was not to take issue with the release but because the Turnpike activity was a real barometer for economic activities in Ohio. The Chairman said it was a barometer for economic activity throughout the nation. Mr. Richley said the Turnpike activity gave the Department of Transportation at least a tip of the iceberg indication of what might be in store for it in terms of its own revenues. He said the Department's revenues were certified some six weeks after the closing dates so that it was sometimes very difficult for the Department to keep up; so, in the month of January, as he understood it, there was a decrease in the neighborhood of 6.5%.

The Chairman said the Department might suffer even more. He said the Department of Transportation might have even a greater (decline) because the Turnpike had had some increase in truck traffic in January. The Chairman said traffic on the Turnpike had gone up, in his opinion, because of apprehension. He said he was not stating that the Turnpike was safer but that the Turnpike certainly got a benefit because people were apprehensive. He said the reason he went after the 2.5% on the basis that he did was that he was dealing only with the Commission's prospects for bond retirements. The Chairman said the Commission had retired \$23,185,000 of face value of bonds in 1973. He said the income for 1973 was \$46,000,000 and that based upon the January experience the Commission could expect an income for 1974 of 2.5% less than that figure. He said that was why he spoke as he did because he wanted to reassure people with respect to the credit responsibility of the Commission. Mr. Richley said he agreed but that the particular problem, a decline of \$74,000 from the corresponding month of last year really would be about \$220,000 less than anticipated. The Chairman said that was so but it did not accommodate what the Commission would have hoped for under ordinary circumstances, and that that brought him to something he had been asked about which had appeared in the Annual Report.

(At this point Mr. Richley was called out of the meeting.)

The Chairman said there had been a statement in the Annual Report about the facilities study which probably would, in the event the Turnpike suffered a

great loss of traffic, modify the prediction that all the bonds would be retired in 1980. He did not then see that the prediction needed to be modified but he would not be honest if he did not at least say that it could be modified. The Chairman said that just as Mr. Richley said, what happened to the Turnpike happened to the whole world, the Turnpike was the economic barometer of the nation. He said the Ohio Turnpike was the bridge across which the commerce of the whole nation passed, that if anyone wanted to go anywhere across the nation he would have to cross the bridge in Ohio, which was generally the Ohio Turnpike. The Chairman asked whether the Members would accept the report of the Chairman until he could add to it after Mr. Richley returned.

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. Anderson, asked Mr. Johnson, the Assistant Secretary-Treasurer, to make the report.

Mr. Johnson reported that since the last meeting the following had been sent to all Members:

1. Traffic & Revenue Reports for November and December 1973.
2. Financial Statements as of November 30 and December 31, 1973.
3. Accountants' Report, Summary of Rentals reported by Service Station Operators, period October 1, 1972 through September 30, 1973.
4. Accountants' Report, Summary of Rentals reported by Restaurant Operators, period October 1, 1972 through September 30, 1973.
5. Summary of Bond Purchases - Year 1973.
6. Detail of Investment Transactions which took place in December 1973 and January 1974.
7. Draft of the minutes of the December 4, 1973 meeting.
8. Cost and Budget Report - Year 1973.
9. Report on Concessionaires - Year 1973.
10. Accountants' Report - Financial Statements - December 31, 1973.
11. Annual Report for 1973.

The Chairman asked Mr. Johnson whether he had given his blockade report to the press and said it should be sent to the wire services and to the newspapers and that anyone at the meeting from a service or newspaper should be given a copy. Further, that anyone in the room who had not received a copy of the Annual Report should be given one. The Chairman said the Annual Report had been sent to all the newspapers but he found that certain documents and certain types of releases floated around newspaper offices and did not get to the person who attended the meetings.

(At this point Mr. Richley returned.)

The Chairman said that what he wanted to say before Mr. Richley left the room was that on page 3 of the Annual Report, the Commission said specifically with respect to the facilities study which was being done: "In preparation for the day when the Turnpike becomes a toll free part of the state highway system a study was undertaken to determine what facilities would be needed then with specific emphasis given to the need, or lack thereof, of new or modified interchanges and additional capacity on the roadways. The study is being prepared for the Commission by the J. E. Greiner Company. The conclusions are expected to be presented in 1974, although it will be necessary to assess the effect of the energy crisis which was not contemplated when the study was authorized late in 1972. It is likely, therefore, that the Commission's often stated prediction of paying off its debt and the Turnpike becoming toll free in 1980 will have to be modified and the study adjusted accordingly."

The Chairman said the 1980 prediction might not have to be modified, that on the basis of 2.5% there was no reason that the bonds would not be paid off in 1980 just as expected but the Commission would not be honest with itself or with the public if it did not say that the energy crisis might affect the conclusions of the study and the predictions which had been made.

The Assistant Secretary-Treasurer reported that during the month of January the annual audit of Turnpike affairs by Peat, Marwick, Mitchell & Co. had been completed and submitted and a copy of the report had been distributed to every one of the Commission Members.

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.

Mr. Johnson reported for the Committee on Budget and Finance that the only item he had to mention was that the Commission ended the year 1973 approximately \$300,000 under its budget for the year. He said he attributed that performance to a number of factors including a mild winter so that there were lower expenditures than expected in snow and ice control. The Chairman said there would be expenses to pay from the blockade. Mr. Johnson said

those expenses had been all paid, that most of them had been paid in January. Mr. Johnson said there was a report from the Comptroller, William G. Gerber, which would cover some of the items concerning the blockade and because some of the items would ordinarily be in the Budget and Finance report, the Comptroller would continue the report.

The Chairman said that first he wanted to say that the Governor's office, through Mr. Hansan, had asked him the day before and he had already told the Executive Director about it, that the Commission advise the Governor's office every morning of the number of trucks that passed over the Turnpike during the previous 24 hours, from midnight to midnight. The Chairman said he understood the Executive Director had made an arrangement and was going to talk to Mr. Hansan before he left Columbus to tell him that the figure would be ready and find out whom to call and at what time every morning. The Chairman asked Mr. Richley whether the Department of Transportation was doing something similar. Mr. Richley said that it was not but that he thought a report was being made by the Department of Highway Safety.

The Chairman said that besides the number of trucks, the Governor's office would also want to know whether untoward incidents had occurred during the period, 24 hours ending at midnight.

The Executive Director said that ordinarily the Turnpike staff did not know how many trucks used the Turnpike until the toll tickets had been processed, about a week later. He said that it would be done by making counts at every entrance toll booth, that it was already being done and that it would be continued.

The Comptroller, Mr. Gerber, reported that November was the first month in which energy crisis events affected Turnpike traffic and revenue. He said at that time there was a lower rate of increase in commercial traffic and revenue. He said October increases had been 12% in commercial traffic and 18% in commercial revenue while November increases were 10% and 13%, respectively. He said the service station operators had started to ration diesel fuel in November and that action resulted in a 9% drop in the rate of increase of service station income. He said in October there had been a 26% increase in such income and in November a 17% increase.

The Comptroller reported further that in December 1973 a significant decline in traffic did occur when, for the first time in 20 months, new monthly records for revenue and number of vehicle trips were not set. He said factors contributing to the December revenue decrease of 10% and trip decrease of 11% were the energy crisis and the fact that the Christmas and New Year's holidays fell in mid-week. He said the specific energy crisis events were suspension of Sunday sales of gasoline, a truck blockade on the Turnpike which started in the late evening of December 4 and ended in the afternoon of December 7, and a strike

by independent truckers on December 13 and 14. He said the three events mentioned accounted for 89% of the toll revenue decline of \$274,000 from December 1972. The Comptroller said that if those events had not occurred a \$280,000 increase in toll revenue could have been expected so that actual decline of toll revenue in excess of \$500,000 resulted in December.

The Comptroller said that in addition to the toll revenue loss there had been a decrease of \$67,000 from service station rents and extra operating costs of approximately \$50,000 had been incurred in breaking the truck blockade.

The Comptroller reported further that all other months of 1973 set individual records so that for the twelfth consecutive year passenger car tolls of \$18,032,505 and passenger car trips of 18,835,204 set new annual records. He said commercial traffic also set a new high in revenue of \$19,911,838 and a new high for commercial vehicle trips of 5,308,070. He said for the first time commercial vehicles generated more than half of all tolls collected for the year, 52.5%. He said on an annual comparison with 1972, revenue increased 9.2% and the number of vehicles increased 6.2%.

The Comptroller reported further that during the month of January 1974 it was estimated that revenues would decrease 2.5% and the number of vehicles would decrease 11% from January 1973. He said the primary cause of the reductions was a significant decrease in weekend passenger car traffic especially on the four Sundays, which saw a total revenue reduction of \$75,000 due to the fact that many passenger car drivers did not travel on Sundays. The Comptroller said the Commission was feeling the effects of an independent truckers' strike which started January 31st and the decreased weekend passenger car traffic had caused an estimated reduction of 60,000 trips and \$125,000 between January 31 and February 5. He said some of that loss would be recovered when the trucks started rolling but that meanwhile the Commission was losing more than it did in January.

The Comptroller reported further that January investment income was \$27,000 or 28% more than in January 1972, even though there was \$4,200,000 less principal invested as of January 31, 1974. He said the increase occurred because the present investments were earning about 2% more than the investments of a year ago.

The Chairman determined that no one had any questions to ask the Comptroller. The Chairman said the report of the Comptroller was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that in January the Committee had met to consider requests from both Gladieux Food Services, Inc. and the Howard Johnson Company for

adjustment in prices of certain standard menu items, which prices were controlled under the contracts with the concessionaires. He said the Committee recommended approval of some price increases but did not recommend approval of others requested which the Committee felt were not in the best interests of restaurant patrons. He said the Executive Director had accepted the recommendations of the Committee and by letter dated January 16, 1974 had advised the restaurant operators of the approved changes.

Mr. Teagarden reported also that the restaurant operators had indicated that there had been a substantial reduction in sales on the Sundays during which there were no gasoline sales. He said as a result, Gladieux Food Services, Inc. had requested a meeting with the Committee to discuss the situation and to submit proposals for serving the patrons under the changed circumstances.

Mr. Teagarden said the Committee had accepted an invitation from Mr. Gladieux to meet on February 6 at 10:00 at the Erie Islands Service Plaza. He said he had a phone call from Mr. Gladieux who said his company was having difficulties and Mr. Gladieux suggested as a remedy the percentage of payment to the Commission as covered in the contract be reduced.

In reply to a question by the Chairman, Mr. Teagarden said that the percentage Mr. Gladieux referred to was a percentage of sales. He said he told Mr. Gladieux that as a Member of the Commission he was opposed to any change in connection with the meaning of the contract and that any adjustment would have to be approached in some other way. Mr. Teagarden asked if the Commission would support him on his statement. The Chairman said the Commission had no choice, the contracts were awarded after bid and they could not be altered. He said that Gladieux had said that the Commission gave an advantage to the oil companies on gasoline sales. The Chairman said that was not true. He said all the Commission had said was that if the United States declared any kind of restriction, the Commission would not oppose the honoring of that restriction and by the same token that if the President or any other official issued an executive order on restaurants, the Commission would not oppose that but meanwhile any alterations with respect to service which would be permitted would have to be within the terms of the contract.

Mr. Anderson asked what the length of the contract was with Mr. Gladieux and Mr. Teagarden said it was ten years and expired in 1980 with the provision that it could continue if the Turnpike was still in operation.

Mr. Teagarden reported also that the Commission's anonymous shopper was continuing her periodic inspections of the restaurants and the reports indicated that in general conditions were favorable. He said when the shopper reports were received any problem noted was brought to the attention of the restaurant operators so immediate corrective measures could be taken.

Mr. Teagarden reported also that during January a complaint about one of the Howard Johnson's restaurants was registered by the Honorable Ralph S. Locher, Judge, Probate Court of Cuyahoga County. He said the complaint had been forwarded directly to Howard B. Johnson, president of the Howard Johnson Company, and it brought a favorable response from the Johnson Company to the effect that the Company had improved its management structure of the Ohio Turnpike restaurants. He said a subsequent letter from Judge Locher praised the "remarkable change" in the same restaurant approximately three weeks after the first complaint. He said the Members of the Commission had received copies of the correspondence.

The Chairman said the report of the Committee on Service Plazas was accepted as offered.

The Chairman said that apropos of the shopper, it had occurred to him because of the vacancy on the Commission, that the Commission could well stand a woman member who would take an interest in restaurants and in things that the male Commission Members did not find as interesting as a woman of the Commission might.

He said he was speaking for himself and he was, just as usual, thinking out loud. He said it might be advantageous to have a woman trained in food management. He said there were many people who had operated restaurants in department stores and things of that sort who might want to serve. He said he was not asking for comment. He said by the same token that the shopper was a woman and was assumed to have a certain expertise, a woman might well serve as a Member of the Commission. He said there had never been a woman on the Commission. He said the Commission began by thinking that every Member had to be an engineer and that when Governor Lausche named people other than engineers including the Chairman, there were people who said, "What the hell does a lawyer know about building a road?" and the Commission had to prove whether or not a lawyer could do it. He said there had always been a distinguished engineer on the Commission. He said the Commission had always had people with expertise but it had never had a woman as a Member and he had often thought, "wouldn't it be nice if the Commission had a woman who would interest herself in some of the things that are traditionally of interest to women?" The Chairman said members of the Women's Liberation movement might not agree with him about women having special expertise in food. He said, however, that the Commission had always had help from the garden clubs and the Roadside Council in taking special interest in the Commission's landscaping. The Chairman said he had just said something that he did not know he would say before he sat down at the table but that he had thought of it before. He said there was then a vacancy on the Commission but he had not known until ten o'clock on the morning of the meeting that there would be such a vacancy.

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

The chairman of the Committee on Employee Relations, Mr. Teagarden, reported that at the beginning of the year, wage increases and other changes in working conditions which had been agreed upon during discussions with employee representatives in 1973 went into effect. He said the changes, where appropriate, had been incorporated into the Employee Manual of the Ohio Turnpike Commission and revised copies had been distributed to all employees.

The Chairman said the report of the Committee on Employee Relations was accepted as offered.

The Chairman said he had just happened to look down and had seen the Staff Lawyer, Daisy G. Collins. He said the Commission had had women lawyers down the years. He said Miss Collins had been doing a good job and that he had told her that he liked her memoranda. He said there had been a story about Miss Collins, who had been valedictorian of her class at Berea High School, in the Berea News Sun. He said Miss Collins was no longer living in Berea but that her parents were. He directed that the story from the Berea News Sun be included in the Commission's minutes. The story read as follows:

"BHS Valedictorian Returns to Berea as Turnpike Lawyer

"January 24, 1974

"In June, 1954, when Daisy G. Collins was the valedictorian of her class at Berea High School, the Ohio Turnpike was still under construction.

"Today, Miss Collins pursues a law career as staff lawyer with the Ohio Turnpike Commission in her office at the administration building in Berea.

"She was appointed to the position after only four years as an attorney. However, the daughter of Mr. and Mrs. Booker T. Collins, Sr., 560 Pearl St., Berea, has traveled many a mile along the way, since her graduation from Berea High School.

"Miss Collins had no intention of becoming an attorney when she attended Bowling Green and Ohio State Universities on a scholarship.

" 'I moved to Ohio State after a year at Bowling Green because I wanted to get away from the small town atmosphere, ' the personable young woman explained. 'I'd had plenty of that. ' She was graduated with a bachelor of science degree in business administration with an accounting major.

"Miss Collins moved around quite a bit following college.



" 'I worked in Chicago for Commonwealth Edison for two years; as an accountant for the city of Detroit for four year; and at General Foods in White Plains, N. Y. for two years,' she said.

"She came back to the Cleveland area for 16 months to work for the Harris Seybold Co. Then, after being out of school for nine years, she decided to become a lawyer.

" 'I had taken lots of business law courses during school and one of my professors said that with a few more courses I could take the bar. I also felt it would be more productive to get a law degree than a masters.

" 'I was also quite concerned about civil and human rights and thought it would be a good way to do something about it.'

"Miss Collins was graduated from Howard Law School, Washington, D. C. and was admitted to the bar in May 1970.

" 'In June I went to Greenwood, Miss., where I worked for the North Mississippi Rural Legal Services, under the Office of Economic Opportunity.

" 'We handled all kinds of cases, civil, consumer problems, plantation and school cases involving civil rights. However, I couldn't go into the courts because I wasn't a member of the Mississippi bar.'

"Mississippi didn't present any more racial problems than she had experienced in Berea, Miss Collins said.

" 'I never felt racial prejudice much when I was here. The neighborhood I lived in was all black so I was surrounded by black people.

" 'When I went to school, though, everyone was white. I knew there were certain jobs you just didn't try for, but I really wasn't that aware.'

"She did recall one particular incident 'that brought home the kind of racial prejudice that existed when I was in high school.

" 'At graduation practice we lined up according to height. There were five black kids and 120 white. We just all mixed together,' she recalled.

" 'Well, in the afternoon, the assistant principal called all five of us into the office and told us we had to march together. Someone had gone home and complained to his father he didn't want to walk next to a black girl. Here I was valedictorian and being treated like that. It hurt more than anything.'

"After her stint in Mississippi, Miss Collins was chosen for a fellowship by the Reginald Heber Smith Community Lawyer Fellowship program. She asked to return to Cleveland and was assigned to Legal Aid. Her next step was a year of private practice.

"I liked private practice in some ways and in others I didn't," she explained. "The hours are very long and you get too emotionally involved. Sometimes I worried more about my clients' problems than they did."

"Miss Collins joined the Turnpike Commission last October. 'I didn't apply for the job or anything. I just came home one day and got a message they had called.'"

"As staff lawyer Miss Collins is responsible for perusing contracts in which the turnpike is involved and examining statutes and other regulations. She works under the general counsel, Francis K. Cole.

"Although Miss Collins now lives in West Cleveland, brothers Robert and Booker T. Collins, Jr., are still Berea residents.

"Another brother, Henry, lives in Columbus and a sister, Marie Washington, in Oklahoma City, Okla."

The Chairman said the report of the Director of Transportation would be received.

The Director of Transportation said he had no special report, but he would possibly have discussion on other matters.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that the Members had already received a copy of his report on the subject of the blockade. He said the Ohio State Highway Patrol forces on the Turnpike and all of the Turnpike's own forces had responded as necessary during the blockade. He said the members of the Turnpike staff performed magnificently and that he wished to compliment them because it was a strain. He said it had been necessary to have all staff people alerted 24 hours a day both during the blockade and during the present so-called truckers' strike. He said he wanted to compliment those staff members who responded so well.

Mr. Johnson said at least one key staff member was on alert in Berea 24 hours a day if there were no incidents. He said if incidents occurred all other staff members were called in. He said maintenance forces had been used on the road especially during the blockade period when portions of the Turnpike were closed.

The Chairman said a tribute should be paid to Col. Chiaramonte and the Ohio State Highway Patrol and Mr. Hansan and to the Governor for the total interaction which had been produced in the face of the difficulties.

The Chairman directed that the correspondence between him and the Governor be included in the minutes, as follows:

"17 South High Street  
Columbus, Ohio 43215  
December 10, 1973

"The Honorable John J. Gilligan  
The Governor  
The State House  
Columbus, Ohio 43215

"My dear Governor:

"On my own behalf and in behalf of the Ohio Turnpike Commission I want to extend expressions of gratitude to you as Governor who as such is the official responsible for maintaining law and order in our State and for the patience exercised by you and for the patience, skill and wisdom with which Colonel Chiaramonte addressed his responsibilities as your Superintendent of the State Highway Patrol and I want also to commend you and him for the eminently proper and effective conduct of the members of the State Highway Patrol under Colonel Robert M. Chiaramonte's command and I also want to include for the information of yourself and those who receive copies of this letter a similar and high commendation for Allan V. Johnson, Executive Director of the Ohio Turnpike Commission, and his staff and John E. Hansan of your staff for the solid front all three presented to the dissidents.

"It is a matter of the greatest satisfaction that the National Guard did not have to be called and that the restraint displayed by the State Highway Patrol avoided the danger of violence. The price of a few hours of delay in accomplishing the dispersal even in the face of great public inconvenience was not too high for sparing bloodshed or death as at Kent State which is still a spectre that confronts us when we think of civil disturbances.

"Sincerely,

"James W. Shocknessy  
Chairman"

"Office of the Governor  
Columbus, Ohio 43215  
December 12, 1973

"My dear Mr. Chairman:

"Thank you for your letter of December 10 in which you commented upon the conduct of the Ohio State Highway Patrol and the Ohio National Guard during the course of the recent emergency. With your years of experience in state government, and with dangerous and delicate situations like the one that developed last week on our Turnpike and highways, you undoubtedly recognize, as do I, how easy it is to over-react and to let a situation get out of control, and I am therefore most grateful for your gracious comments.

"I know how difficult that crisis was for you and your employees, and I cannot speak too highly of the manner in which you deployed your forces and met the situation head-on. The co-operation extended to and between the Ohio National Guard, the Ohio State Highway Patrol and your people was exemplary in every respect, and while I hope and trust that we are never confronted with a similar situation, I am more than confident that working together as we did last week we are more than ready to handle any eventuality.

"Congratulations and well done!

"Sincerely,

"John J. Gilligan"

Mr. Johnson said at the time of the blockade the National Guard had supported the Patrol by supplying wreckers and helicopters which had to be used at times. He said that they were also of assistance in taking him to the site of the blockade when they had a meeting with the truckers.

The Chairman said the apropos of Mr. Johnson's report on the blockade he had told both Mr. Johnson and Mr. Hansan that he was of the opinion that the Legislature might well give consideration to extending the authority of the Patrol to include not merely state property but property immediately adjacent to public highways which was threatened and in immediate danger and peril.

Mr. Johnson reported also that there was one fatality in January which involved a driver who had been drinking, whose car turned over in a ditch. He said the driver had been thrown out and crushed by the vehicle.

Mr. Johnson reported further that fatal accidents and all other accidents were down in 1973 despite record traffic on the Turnpike. He said there had been 28 fatalities compared to 30 in 1972.

Mr. Johnson reported also that in 1973 over 170,000 feet of guard rail on the Turnpike were converted to current safety standards and that the program of replacing guard rail would continue in 1974. He said the program to convert sign posts exposed to traffic to the breakaway type was virtually completed. He said the few remaining sign posts of the old type would be changed to breakaway posts within the next month or so.

Mr. Johnson reported also that a resolution had been prepared concerning the speed limit on the Turnpike and he felt that it should be considered.

The Chairman said he had something to say about the resolution. He said the Executive Director had already talked to Mr. Richley, Mr. Teagarden and Mr. Anderson with respect to two resolutions on speed limits which had been prepared. He said one was an emergency which would become effective upon adoption, and the other would be effective ten days after filing with the Secretary of State. He said Mr. Richley and he had a thoughtful conversation about the matter and Mr. Richley thought there were some infirmities in proceeding with the emergency resolution and he was perfectly willing, if Mr. Richley was still of that opinion, to accept that as conclusive. But he said he felt the Commission should adopt a 55 mile an hour limit otherwise as in the resolutions in the folders. He said he felt Mr. Richley's arguments against doing it as an emergency were valid with respect to the disparity that would exist with respect to other highways and it would have an effect on scheduling for commercial vehicles and busses so he would not urge the resolution as such and he then determined that it was agreeable with the other Members, and that Mr. Richley would be willing to offer the resolution.

Mr. Johnson said the resolution would change the speed limit for all vehicles to 55 miles an hour, which would be an absolute limit that would enable the Department of Transportation to submit it in conformance with requirements under the National Act which required absolute limits as opposed to prima facie limits. The Chairman said it would not become effective until after the state law had been amended. He said that was the way the Commission would leave it and the Commission would expect to file at such time that would permit the state and the Turnpike limits to become effective at the same time. He asked Mr. Richley if that was his desire. Mr. Richley said that he felt that would be appropriate and would eliminate any confusion. Mr. Richley said before he offered the resolution, he wanted to state as a matter of information that a companion change in the law that would cover all interstate highways in Ohio had been introduced into the House of Representatives of the General Assembly. He said it was known as amended, substitute H. B. 1052 and had had hearings before the House Transportation Committee. He said he understood it would be on the floor of the House that afternoon and then would be referred to the Senate. He said it was fully expected the bill would be speedily approved in the Senate Transportation Committee and on the Senate floor. He said it was

not only his Department's hope but its objective that it would be in effect by March 3 which was the latest date required by federal law in order that the state be in conformity with the Federal Emergency Act so care should be taken in the filing of the resolution with the Secretary of State so that the latest effective date would be March 3, even if the state law was not changed by March 3. Mr. Richley said there was still some small possibility that something could get hung up in the Senate or in the House in discussion or debate and it might be March 5 or March 6 but in any event he felt that the Turnpike speed limit should be effective by March 3. The Chairman said the Commission should file by February 20.

A resolution amending Section 2.3 of the Rules and Regulations for the Control and Regulation of Traffic with respect to speed of vehicles on the Ohio Turnpike was moved for adoption by Mr. Richley, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 2-1974

"WHEREAS the Commission by Resolution No. 155-1954 adopted Rules and Regulations for the Control and Regulation of Traffic on the Ohio Turnpike, which rules and regulations have from time to time been amended and supplemented;

"WHEREAS the Commission adopted specific regulations with respect to speed, namely, Section 2.3, 'Speed Regulations', of the aforesaid Rules and Regulations for the Control and Regulation of Traffic on the Ohio Turnpike, which speed regulations were amended by Resolution No. 8-1963;

"WHEREAS the Congress of the United States has enacted legislation entitled, 'Emergency Highway Energy Conservation Act', which sets a national speed limit of 55 miles per hour as of March 5, 1974, and requires the Secretary of Transportation of the United States to disapprove federal funds for any highway construction in any state wherein the laws do not conform to said limit; and

"WHEREAS the Commission is authorized by Ohio Revised Code Section 5537.16 to adopt rules and regulations for the control and regulation of traffic, including regulations with respect to speed, and the Commission desires that the speed limits on the Ohio Turnpike shall conform to national policy as established by said 'Emergency Highway Energy Conservation Act';

"NOW, THEREFORE, BE IT

"RESOLVED that Section 2.3, 'Speed Regulations', of the Rules and Regulations for the Control and Regulation of Traffic on the Ohio Turnpike as adopted by Resolution No. 155-1954 and amended by Resolution No. 8-1963, be, and the same hereby is repealed, such repeal to be effective as hereinafter provided;

"FURTHER RESOLVED that Section 2. 3, 'Speed Regulations', be, and the same hereby is, adopted to read as follows:

'Section 2. 3 Speed Regulations

No person shall operate a truck, trailer, semi-trailer, commercial tractor, commercial passenger bus, school bus, or other motor vehicle upon the turnpike at a speed in excess of 55 miles per hour or at any lesser speed which is greater or less than is reasonable or proper, having due regard for the weather, traffic, surface, and any other conditions, and no person shall operate any motor vehicle upon the turnpike at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

'No person shall operate a motor vehicle at a speed in excess of 30 miles per hour on any interchange.

'No person shall operate a motor vehicle at a speed in excess of 20 miles per hour within any service plaza.

'Wherever a speed limit is posted, no person shall operate a motor vehicle within the posted area in excess of such posted speed limit.

'No person shall operate a motor vehicle on the turnpike at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when such reduced speed is necessary for safe operation or when ordered to do so by a police officer.'

"FURTHER RESOLVED that said Section 2. 3 as herein adopted, and the repeal of Section 2. 3 of the Rules and Regulations for the Control and Regulation of Traffic on the Ohio Turnpike as heretofore in effect, be, and the same hereby are, declared to be effective at midnight of the tenth day following the filing hereof with the Secretary of State as provided by law; and

"FURTHER RESOLVED that (1) general counsel shall cause the foregoing Section 2. 3 as amended by the adoption hereof, together with a certified copy of this resolution repealing the said section as heretofore in force, to be filed in the office of the Secretary of State of Ohio; (2) he shall cause said regulation, as amended hereby, to be published in a newspaper of general circulation in Franklin County, Ohio, and shall give such other notice thereof, if any, as he shall deem advisable; and (3) he shall mail a copy hereof to the Department of Highway Safety of the State of Ohio. "

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

Ayes: Richley, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 2-1974.

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 a demonstration of the new toll audit system was given in January under actual conditions which was one of the project milestones. He said the demonstration had taken place at Toll Plaza 9 and at the contractor's plant. He said the two locations had been linked by telephone lines and the demonstration showed, generally to the satisfaction of the staff, that all elements of the system could function under actual field conditions. He said the demonstration had uncovered minor problems, but the problems had since been isolated and corrected. He said the toll audit committee considered the overall demonstration successful and that the contractor would be so notified.

The Executive Director reported further that since the December Commission meeting the remaining plaza computers had been delivered and the final three at the west end of the Turnpike were then being installed. He said all of the telephone communication connections between the toll plazas and the administration building in Berea had been completed.

The Executive Director reported further that on February 8 bids would be opened on the new magnetic toll tickets. He said there had been a delay in the production of the toll booth terminals which he had reported at the December Commission meeting and that because of that delay and other problems that had occurred the cut-over date of the new system would be postponed from sometime in April to sometime in June. He said the staff was reviewing alternate methods of accomplishing the cut-over, on which he would report at the March meeting.

The Executive Director reported also that the facility study was nearly complete and a progress report was in every Member's folder. He said a review of the study had been scheduled for February 14 in Mr. Richley's office with the Consulting Engineers, staff members and himself.

The Executive Director reported also that three resurfacing contracts were before the Commission. He said the bids had been taken the previous week and that he would describe the contracts quickly and individually. He said the first contract was designated Contract RMP 59-74-1 between mileposts 14.8 and 27.5 in Williams and Fulton Counties. He said the contract was for



12.7 miles of paving and that two bids had been received. He said the bids had been reviewed by the Consulting Engineer, by the Chief Engineer and by him and the bids had also been reviewed by Mr. Anderson and Mr. Richley.

The Chairman said Mr. Anderson and Mr. Richley were the Commission's two experts.

The Executive Director said he, the Consulting Engineer, the Chief Engineer and Messrs. Anderson and Richley recommended that the award be made to the low bidder, the S. E. Johnson Company of Maumee, Ohio, on the basis of the alternate bid to use crushed slag in the surface course. He said the Commission had always specified crushed slag on the alternate bids because asphaltic concrete with crushed slag as the aggregate had superior skid resistance to asphaltic concrete with crushed limestone as the aggregate. He said the Commission had taken alternate bids in recent years to instill some competition in what the Commission had seen to be a non-competitive source of supply at the western end of the Turnpike. He said the Commission had succeeded in getting good bids on the crushed slag and that it was recommended that the award be made on the basis of using crushed slag in the surface course. He said a resolution had been prepared for the purpose of awarding the contract to the low bidder and he recommended that it be adopted.

The Chairman asked Mr. Harnden whether he recommended adoption of the resolution and Mr. Harnden said he did. The Chairman asked the General Counsel, Francis K. Cole, whether he recommended the adoption of the bid. Mr. Cole said he had addressed letters to that effect to the Commission. The Chairman determined that there was a letter from the Consulting Engineers recommending the adoption of the bid.

A resolution awarding Contract RMP 59-74-1 was moved for adoption by Mr. Richley, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 3-1974

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original Construction Sections C-55, C-56, C-57, C-58 and C-59 between Milepost 14.8 and Milepost 27.5 in Williams and Fulton Counties, Ohio, which contract is designated Contract RMP 59-74-1, and proof of said advertising is before the Commission;

"WHEREAS the contract so advertised included alternates for the material to be used in the construction of the surface course, one such alternate being for an asphalt concrete surface course using limestone, and the other such alternate being for an asphalt concrete surface course using crushed slag in the construction;

"WHEREAS there was also an alternate whereby each bidder was afforded the opportunity of providing special access to the Turnpike for the performance of the work;

"WHEREAS the Commission received six bids from two bidders for the performance of said contract, one bidder having submitted two bids for the performance of the contract using limestone in the surface course, and two bids therefor using crushed slag in the surface course, in each instance one of such bids being for the performance thereof without special access and the other of such bids proposing to perform the same with special access to the Turnpike, and the other bidder, the S. E. Johnson Company of Maumee, Ohio, having submitted a bid for the performance of the contract using limestone in the surface course, and the other bid therefor using crushed slag but not having submitted any bid proposing special access to the Turnpike;

"WHEREAS the bids of the S. E. Johnson Company were both lower than any of the other bids received;

"WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its chief engineer, and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated thereon;

"WHEREAS the bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders and the bid of the S. E. Johnson Company of Maumee, Ohio, in the amount of \$2, 433, 751. 00 for the performance of said Contract RMP 59-74-1 using crushed slag in the surface course is, and is by the Commission determined to be, the lowest and best of the bids received for the performance of said contract, and it is determined to be in the best interest of the Commission to accept such bid;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537. 04 of the Revised Code of Ohio, and the terms, conditions and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of the S. E. Johnson Company of Maumee, Ohio, in the amount of \$2, 433, 751. 00, for the performance of Contract RMP 59-74-1

using crushed slag in the surface course it, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidder of its bid security, (3) to direct the return to successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract. "

Mr. Richley said he took cognizance to the increasing costs of asphaltic products. He said the Department of Transportation was finding increases in such costs.

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

Ayes: Richley, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 3-1974.

The Executive Director said that before proceeding to the next contract he wanted to mention that the contract covered by the resolution just passed included the settlement problem area at Milepost 15. He said the Turnpike staff and the Consulting Engineers had reviewed the situation including recently obtained elevation readings and had decided that the pavement through the area should be resurfaced under the contract with no other special measures to be taken. He said it had been agreed, however, that a more sophisticated monitoring set-up would be installed in the area and the Consulting Engineers were developing a plan for the monitoring system. He said he expected it would include some types of slope indicators and tell-tales and especially to monitor the counterberm which had been installed ten years ago to offset the settlement in the area.

The Executive Director said the second resurfacing contract was designated RMP 59-74-2 and concerned a resurfacing from milepost 144.0 to milepost 153.4, a total distance of 9.4 miles in Lorain and Cuyahoga Counties. He said the contract was for the second resurfacing in the area. He said only one bid had been received but the bid had been reviewed by the Consulting Engineers, by the Chief Engineer and himself and they considered the bid to be satisfactory and recommended that an award be made to the bidder, the William L. Schloss

Paving Company. He said a resolution had been prepared for the purpose and he recommended that it be adopted.

A resolution awarding Contract RMP 59-74-2 was moved for adoption by Mr. Richley, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 4-1974

"WHEREAS the Commission has duly advertised, according to law, for bids upon a contract for the repair and resurfacing of original Construction Sections C-22, C-23 and C-24 between Milepost 144.0 and Milepost 153.4 in Lorain and Cuyahoga Counties, Ohio, which contract is designated Contract RMP 59-74-2; and proof of said advertising is before the Commission;

"WHEREAS at the bid opening for the performance of said contract there was but one bidder, whose bid was duly opened and read as provided in the public notice for bids, and said bid is before this meeting;

"WHEREAS said bid has been analyzed by the Commission's consulting engineer and by its chief engineer, and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated thereon;

"WHEREAS bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of The William L. Schloss Paving Company, Cleveland, Ohio, in the amount of \$1,195,505.00 is, and is by the Commission determined to be, the lowest and best of the bids received for the performance of said contract, and that it is in the best interest of the Commission to accept the said bid;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The William L. Schloss Paving Company, Cleveland, Ohio, in the amount of \$1,195,505.00 for the performance of all items of said Contract RMP 59-74-2 be, and hereby it is, determined to be

the lowest and best bid received, and is accepted, and that the chairman and executive director, or either of them, be, and each of them hereby is, authorized, (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to said successful bidder of its bid security when the aforesaid contract has been duly executed and said performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Chairman determined that the contractor was one with whom the Turnpike had dealt with in the past. Mr. Teagarden said he noticed that the contract for 9.4 miles was at a cost of \$1,195,000 and the one just previous was for 12.7 miles at \$2,430,000, nearly twice the amount, and he wondered why there was such a wide discrepancy.

The Executive Director said the first contract was one for resurfacing for the first time on top of cement concrete which involved a considerably larger amount of asphalt as a base course and two surface courses would be needed. He said the resolution before the Members was for a second resurfacing and involved only surface courses and would probably use only half as much asphalt. Mr. Teagarden said he was satisfied. Mr. Richley said he applauded the ability of Mr. Teagarden to note the details.

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

Ayes: Richley, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 4-1974.

The Executive Director said the third contract was designated as RMP 59-74-3 and was for resurfacing from milepost 196.3 to milepost 207.3, a total distance of 11.0 miles in Portage and Trumbull Counties. He said three bids had been received and the bids had been reviewed by the Consulting Engineer, the Chief Engineer and himself and they recommended an award be made to the low bidder, the McCourt Construction Company on the basis of its alternate bid to use crushed slag on the surface course and also on the basis of its alternate bid with a temporary special access to the Turnpike. He said a resolution had been prepared for the purpose of awarding the contract and he recommended that it be adopted.

A resolution awarding Contract RMP 59-74-3 was moved for adoption by

Mr. Richley, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 5-1974

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original Construction Sections C-8, C-9 and C-10 between Milepost 196.3 and Milepost 207.3 in Portage and Trumbull Counties, Ohio, which contract is designated Contract RMP 59-74-3, and proof of said advertising is before the Commission;

"WHEREAS the contract so advertised included alternates for the construction of the surface course, one such alternate being for an asphalt concrete surface course using limestone, and the other such alternate being for an asphalt concrete surface course using crushed slag in the construction;

"WHEREAS there were also alternates whereby each bidder was afforded the opportunity of providing special temporary access to the Turnpike for the performance of the work;

"WHEREAS the Commission received ten bids from three bidders for the performance of said contract in accordance with the alternates permitted;

"WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its chief engineer, and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the alternate bid of The McCourt Construction Company, Akron, Ohio, in the amount of \$2,957,225.00 for the performance of RMP 59-74-3 using crushed slag in the surface course, and with special temporary ingress and egress to the Turnpike for the performance of the work is, and has been determined to be, the lowest and best of all bids received, and it is determined to be in the best interest of the Commission to accept such bid;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The McCourt Construction Company of Akron, Ohio, in the amount of \$2,957,225.00 for the performance of Contract RMP 59-74-3 using crushed slag in the surface course, with special temporary access to the Turnpike for the performance of the work is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidder of its bid security, (3) to direct the return to successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

Mr. Anderson said he had reviewed the contract and he considered it a very fair bid. Mr. Teagarden said the contract called for less mileage than the first contract awarded and yet the bid was \$500,000 more than that on the first contract. The Executive Director said it had been traditional that projects on the east end of the Turnpike were more expensive than on the west end. He said he attributed that to several factors: principally high labor costs in the Youngstown area and the availability, generally, of the aggregate. He said aggregate was cheaper on the west end than on the east end of the Turnpike. Mr. Richley said in addition to that heavier traffic volume on the eastern section of the Turnpike would add to the cost of traffic maintenance. Mr. Teagarden said the explanation was accepted.

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

Ayes: Richley, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 5-1974.

The Executive Director said the first and third projects were the last sections of bare concrete still exposed on the Turnpike. He said the second project was a second resurfacing and that every year hereafter the Commission would be working on second resurfacings.

Mr. Richley said he had some comments on the contracts. He said he would ask that the Commission take special precautions in light of the difficulties

that most contractors were experiencing in getting bitumen for asphalt products and in light of the fact that July 1 was the completion date on all of the work as it traditionally was on the Turnpike. He said somehow prior to the beginning of the work, the contractor ought to be able to show that material would be available to him, with a certification that material had been set aside for the project and that it was in fact on hand and available and would be used on the project once the work began. He said the Commission should have assurance, even in addition to the bond which normally would cover that sort of thing, physical assurance that the work would be done. He said it was a special precaution that should be taken because the Commission had a very special cut-off date for completion.

The Executive Director agreed. He said he was aware that the Commission found itself in an entirely different set of circumstances concerning the availability of asphalt, a petroleum derivative, then it formerly was. He said he was in total agreement with what Mr. Richley had said and the staff would do everything it could with the contractors and see if they might have priorities available if they made the proper applications. He said the staff would make that a matter of concern when it met with the contractors at award time and at the pre-construction conferences. The Chairman directed that such matters should be confirmed by letter as well at the award conference. Mr. Anderson said that normally asphalt was more readily available in the spring than in the fall but as the Executive Director had said, these were unusual times and the Commission might have to take unusual precautions.

The Executive Director reported also that he had two other matters. He said one was a resolution concerning the rate paid employees for the use of private automobiles on Commission business. He said the rate had been 10¢ a mile and on the basis of the times that the Commission was now in it was believed that it was entirely appropriate to change that rate. He said it was a matter that had been traditionally handled by the Commission by resolution and so a resolution had been prepared to change the rate from the current 10¢ a mile to 12¢ a mile. He said the resolution contained a provision that should the State of Ohio adopt a higher rate of remuneration for the operation of automobiles by its employees, the Commission could go to such a rate but to no rate higher than that adopted by the State. He said a resolution was in the Members' folders and would repeal the former resolution which was passed in 1970. He said he recommended the adoption of the resolution.

The Chairman said he did not wish to embarrass the Director of Transportation as this was a subject of some concern to him but he thought it was entirely reasonable to increase the rate. Mr. Teagarden asked if it was the rate used for the State of Ohio. Mr. Richley said the State of Ohio's rate was 10¢ a mile for employees and 12¢ a mile for legislators but the whole question was presently undergoing scrutiny and he believed the matter was in the courts.



He said one of the unions had filed a legal action regarding how high the remuneration should be, 15 or 17¢ a mile, which was well beyond 12¢ so he found no problem in approving 12¢ a mile in light of the activities that were presently under way with regard to the State's compensation for mileage. Mr. Johnson said the Commission would have very little expense as its employees rarely used private automobiles on business.

A resolution fixing the rate of reimbursement for automobile mileage was moved for adoption by Mr. Teagarden, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 6-1974

"WHEREAS it is necessary from time to time that members of the Commission and its employees use automobiles not owned or rented by the Commission for travelling upon the Commission's business;

"WHEREAS the Commission by Resolution No. 2-1970 increased the automobile mileage reimbursement rate to ten cents per mile for members of the Commission and its employees; and

"WHEREAS due to inflation and in particular to the increased cost of petroleum products, the Commission deems it necessary again to increase the automobile mileage reimbursement rate for Commission members and employees;

"NOW, THEREFORE, BE IT

"RESOLVED that twelve cents per mile is hereby fixed as the allowance hereafter to be paid for the use of automobiles not owned or rented by the Commission when used by Commission members or employees; provided, however, that if the state of Ohio may hereafter provide reimbursement of state employees at a higher rate for the use of privately-owned vehicles, the executive director may increase the aforesaid rate of reimbursement for Commission members and employees to any rate not in excess of that used by the state. Reimbursement shall likewise be made for necessary tolls and parking charges in addition thereto; and

"FURTHER RESOLVED that Resolution No. 2-1970 be, and hereby it is, rescinded."

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

Ayes: Teagarden, Anderson, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 6-1974.

The Executive Director said he had another item that concerned Commission employees. He said there had been some recent changes in the state law involving unemployment compensation for state employees and that Sections 4141.01 to 4141.46, inclusive, now appeared to include Commission employees. He said the Commission had been in communication with the Ohio Bureau of Employment Services and the Bureau had advised the Commission that it would assign a number to the Commission and include the Commission in its coverage. He said the law had been examined by General Counsel and the Bureau had advised that upon the election of the Commission to include its employees the Bureau would include them. He said the Commission had never been involved in any kind of situation where its employees would have need of unemployment compensation but he felt it was something that would give some comfort, possibly, to Commission employees to know they had unemployment benefits provided. He said there had been occasions in the past when employees had asked for unemployment compensation at annual discussions so a resolution had been prepared electing to have the Commission covered. He said if the resolution were adopted he would transmit it to the Ohio Bureau of Employment Services and he expected that the Bureau would then cover the Commission employees. He said there would be no expense to the Commission unless benefits were paid.

Mr. Richley asked whether the Turnpike Commission would contribute the normal employer's share as a private employer would. The Executive Director said the Commission would not have to contribute anything and that was one of the advantages of the Commission's electing to enter the program on a voluntary elective basis. He said he understood that private employers had to make a 3% or 5% contribution of their annual payrolls upon admission to the program. He said the Turnpike Commission would not have to do that. Mr. Richley said he understood that, in the event of a layoff of an employee of the Ohio Turnpike Commission, the benefit would be paid by the Bureau of Unemployment Compensation and the Bureau would be reimbursed by the Turnpike Commission in a like amount. The Executive Director said that was correct. Mr. Richley said that if there were no layoffs there would be no payments and initial payments would take place at such time as there was a layoff.

The Executive Director said that was correct, that as he saw it, there was no expense whatsoever unless the Commission laid off some employees. The Chairman said that it was a protection that the Commission had been asked to provide. He asked if there was any further discussion.

A resolution electing coverage for Commission employees under the Ohio Unemployment Compensation Law was moved for adoption by Mr. Teagarden,

seconded by Mr. Anderson, as follows:

RESOLUTION NO. 7-1974

"WHEREAS the Commission is authorized by law to elect to have its employees covered by the Ohio Unemployment Compensation Law, which is embodied in Sections 4141.01 to 4141.46, inclusive, of the Revised Code of Ohio;

"WHEREAS upon the making of such election, the Commission will become obligated to reimburse the Ohio Bureau of Employment Services the amount of benefits paid to its employees by said Bureau pursuant to the aforesaid law, including any amendments thereof now or hereafter in effect; and

"WHEREAS the Commission desires to make such election and to provide for the reimbursement of the Ohio Bureau of Employment Services as aforesaid;

"NOW, THEREFORE, BE IT

"RESOLVED (1) that the Ohio Turnpike Commission hereby elects to provide coverage for all of its employees under Sections 4141.01 to 4141.46, inclusive, of the Ohio Revised Code, known as the Ohio Unemployment Compensation Law; (2) that the executive director and comptroller be, and each of them hereby is, directed to cause to be paid to the Ohio Bureau of Employment Services, upon billings submitted by said Bureau, the monies necessary to reimburse said Bureau, according to law, for benefits paid as a result of said election and said coverage; and (3) that The Ohio National Bank of Columbus, as Trustee under the Trust Agreement dated June 1, 1952, between the Ohio Turnpike 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, be, and said The Ohio National Bank of Columbus hereby is, requested and instructed to honor requisitions for payments to be made from funds in its hands as said trustee for the reimbursement of the Ohio Bureau of Employment Services as aforesaid; and (4) that the assistant secretary-treasurer be, and hereby he is, directed to furnish a copy of this resolution to The Ohio National Bank of Columbus, Trustee under the aforesaid agreement."

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

Ayes: Teagarden, Anderson, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1974.

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

The General Counsel, reported that the Ohio Turnpike Commission and Lucas County had been sued in Federal Court by the Vito Trucking and Excavating Company of Utica, Michigan, in the amount of a little over \$1,115,000, of which \$365,000 was essentially for Vito being removed from the Turnpike and the Commission's alleged interference with that part of his contract. He said \$750,000 of the lawsuit was for damage to the reputation of Vito Trucking and Excavating Company resulting from his being put off the Turnpike and from Lucas County declaring a default of his contract. He said the Commission was in communication with counsel for Lucas County, the prosecuting attorney and special counsel for Lucas County, and was arranging to defend the suit. He said at the present stage there was not much more to say about it. He said the Commission was served on the 30th of January and had 20 days to answer. He said Lucas County had filed a suit against Vito in the Common Pleas Court of Lucas County and was going to try to get the case removed. The Chairman asked if the General Counsel meant removed from the Federal Court. The General Counsel said he did, but, however that case might go, he did not know that it would directly affect the Commission. He said the Commission would have to defend its position. The Chairman said the Commission knew when it took the action with respect to the Vito contract, a compelled action, and Lucas County knew that a suit was to be expected so there was no surprise in it. Mr. Richley asked if the Commission was a co-defendent with Lucas County in the Federal Court. The Chairman said the Commission was.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there would be no report from the Consulting Engineers. He said the report of the Director of Information and Research would be received. The Chairman asked the Director of Information and Research, Talbot Harding, to explain what the Sheet-a-Week of the Real Property Inventory sent out to the Members was.

The Director of Information and Research said that Sheet-a-Week was a weekly publication founded in 1932 by the late Howard Whipple Green. He said that the publication had carried Ohio Turnpike annual statistics every year since 1956 and that it was a statistical publication well known in Cleveland. The Chairman asked if Mr. Harding had verified the figures and Mr. Harding said he had.

The Director of Information and Research reported further that production of the Annual Report was accomplished despite a shortage of cover stock, i. e., the heavy weight green cover. He said the shortage was overcome but that it had been an anxious time.

The Chairman said the Annual Report was another austerity document.

He said that, as he had said before, the Commission was in a position to stand an austerity document although he had seen a document issued by one of the state agencies that was a pretty elaborate presentation and expensive looking. He said it was pretty fancy and he felt very virtuous for the Commission when he saw it.

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

The Chairman said he had seen a clipping from the Cleveland Press that said gasless Sundays were coming to an end. He said that was something devoutly to be hoped.

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

RESOLUTION NO. 8-1974

"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 December 4, 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 December 4, 1973 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, Anderson, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 8-1974.

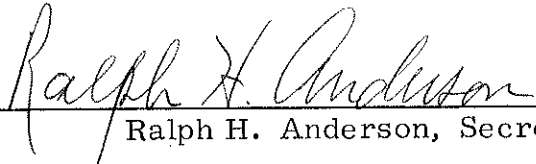
There being no further business to come before the Commission, a motion was made by Mr. Richley, seconded by Mr. Anderson, that the meeting adjourn until March 5, subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Richley, Anderson, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:57 p. m.

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

  
\_\_\_\_\_  
Ralph H. Anderson, Secretary-Treasurer