

MINUTES OF THE TWO-HUNDRED AND SEVENTY-SEVENTH MEETING
April 2, 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 April 2, 1974 with the key member of the staff; a representative, Harvey A. Harn- den, of the Consulting Engineers; representatives, Robert H. Bartholomew and 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 Chairman said before the roll was called he would announce that a new Member was present, a copy of whose Oath of Office was before him and the Oath had been sworn to before a notary public in Franklin County on the 22nd day of March. The Chairman read the Oath:

"I, Daniel E. Bricker, promise and swear to support the Constitution of the United States and the Constitution of this State, and faithfully to dis- charge the duties of the office of Member, Ohio Turnpike Commission, to which I have been appointed for a term beginning July 1, 1973 and ending at the close of business June 30, 1981."

The Chairman said the appointment itself read as follows:

"I, John J. Gilligan, Governor of the State of Ohio, do hereby appoint Daniel E. Bricker (Republican) Dublin, Franklin County, Ohio, as a Member, Ohio Turnpike Commission, for a term beginning July 1, 1973 and ending at the close of business June 30, 1981, vice Charles Chastang, whose term expired.

(The Great Seal)
(of the State)
(of Ohio)

"IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 14th day of March, in the year of our Lord, one thousand nine hundred and seventy-four.

"John J. Gilligan
Governor"

The Chairman said Mr. Chastang had continued as a Member of the Commission because no successor had been appointed for him and then sub- mitted a resignation on February 5, 1974, pursuant to his belief that he had

been precluded from continuing to serve because of the new statute on conflict of interest. The Chairman said that there was no misunderstanding or error in the appointment or in the oath taken by Mr. Bricker as there had been in the appointment of Ralph H. Anderson when there had been a misunderstanding in the appointment. The Chairman said that having Mr. Anderson as a Member of the Commission was worth all the hullabaloo that had been caused and all the Commission Members had enjoyed having him as a Member. The Chairman said this was the first opportunity he had to say that the Commission had enjoyed having Mr. Anderson and he was a great man, a man of great accomplishment. The Chairman said the Commission welcomed Mr. Bricker and he had had the pleasure of having a very meaningful and satisfactory conference with Mr. Bricker before the Governor of Ohio appointed him. He said the interview was a courtesy that had been extended to him by Governor John J. Gilligan and his assistant, John E. Hansan, that he had the opportunity of meeting Mr. Bricker and telling him what he would be in for and giving him a last chance before he picked up the paper from Governor Gilligan to turn it down. The Chairman said that after Mr. Bricker had talked with him, he decided that he would serve on the Commission and he had come to serve on the Commission and the Commission was delighted to have him. The Chairman said Mr. Bricker brought a long experience to the Commission, an experience from which the Commission might well benefit. He said it was the first time the Commission had a member who had had professional experience in the field of labor. He said there had been numbers of men on the Commission, and he might parenthetically say that he had indicated it would be nice, perhaps, to have a woman on the Commission but he was glad to drop that recommendation, which he would not call a preference, in favor of the appointment which had been made.

The Chairman said the Commission had had men over the years who had experience as employers dealing with labor matters and who had served nobly. He said the Commission's relationship with its employees had always been wholesome and he believed that in the Commission's relationship with its employees it had been respectful of their rights as individuals and as employees before it had been generally understood by public bodies that employees of public bodies had rights. He said he told Mr. Bricker that he had personally written the first grievance procedure for the Commission about 20 years before and that at that time it had been a novelty for a public body to have an understandable and meaningful grievance procedure and the Commission had one. The Chairman said Mr. Bricker had received the Commission's Employee Manual and he was sure that the Commission would benefit by Mr. Bricker's service and by his experience in the field of labor as a professional. He said the Commission would ask him to serve on the Committee on Employee Relations as vice chairman. The Chairman said Mr. Teagarden had been chairman of the committee for many years and had served very ably and most untiringly. He said he had talked to Mr. Teagarden and he had talked to all the other Members after he had talked with Mr. Bricker and had advised the other Members of his impending appointment and that he had had a satisfactory conference with Mr. Bricker.

He said he had also told them that he and Mr. Bricker understood one another. He said Mr. Bricker was coming to the Commission not as a representative of labor or of organized labor on the Commission, but as a citizen with experience in the field of labor. Mr. Bricker agreed that that was so.

The Chairman said there was little more that he could say, that Mr. Bricker's appointment was official but he had postponed calling the roll and that he would keep the roll open for Mr. Richley's arrival. He said he wished to shake Mr. Bricker's hand in the presence of everybody. (He did so and so did the other Members). The Chairman said the Commission was happy to have Mr. Bricker. Mr. Bricker thanked the Chairman. Mr. Anderson said he would like to say something about Mr. Bricker. He said both he and Mr. Bricker were Columbus people and he knew Mr. Bricker and that Mr. Bricker had the highest name and regard among those who did business with the Building Trades Council and those in the Building Trades Council. He said there had never been a time when he had heard anything detrimental about Mr. Bricker.

The Chairman said that was not the first testimonial the Commission had had, that he had told Mr. Bricker that he had had a number of testimonials and that he was glad Mr. Anderson spoke as he did because it gave the Chairman another opening to say that he had testimonials for Mr. Bricker not merely from the Governor of Ohio and others through Mr. Hansan and his office, but from the President of The Ohio State University, Harold Enarson, who said on the telephone one day right after the appointment was announced, "Say, Jim, you've got a good man coming on that Turnpike Commission." He said President Enarson told him that Mr. Bricker had made a presentation at the University and that President Enarson thought highly of him. The Chairman said that he had talked with Novice G. Fawcett, President Emeritus of The Ohio State University on the telephone and that President Fawcett told him that he too had worked with Mr. Bricker and that he too thought highly of him. He said he had also heard from Mr. Bricker's namesake, John W. Bricker, former Governor Ohio and former Senator of Ohio, who said what a great man Mr. Bricker was. He said that a number of others, professional Republicans like the Senator, had also praised Mr. Bricker to him. He said Milt Staub had said, "Say, Jim, that man Bricker is a good man." The Chairman said Mr. Bricker had a difficult billing to live up to because his billing had been very, very good.

Mr. Bricker said that the Chairman's remarks were very kind and certainly were appreciated. He said he was very proud to have the opportunity to serve on the Commission and that he wished all the membership of his union could have heard what had been said. He said his members really did not think that highly of him.

The Chairman said this was the first meeting when the Commission did not have a majority originally appointed by Governor Frank J. Lausche. He said that for twenty-five years there had always been three members who had been appointed by Governor Lausche. He said Mr. Teagarden and he had been appointed 25 years ago and then Charles J. Chastang, whom Mr. Bricker knew well and who spoke very highly of Mr. Bricker, was appointed at the very end of the Lausche administration 17 years ago and that prior to Chastang the Commission had only people appointed by Lausche. He said he would give the Assistant Secretary-Treasurer, Allan V. Johnson, copies of the appointment and the oath for his file. He said Mr. Bricker had already been to Berea and had seen the Administration Building there.

The Chairman directed that the Assistant Secretary-Treasurer call the roll. The roll was then called and the attendance was reported to be as follows:

Present: O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker,
James W. Shocknessy

Absent: None

The Chairman announced that a quorum was present and said that the roll would be kept open because Mr. Richley had advised the Commission that he would be a bit late because he had to make an address. He said the Commission would provide him with a transcript of the things that had been said thus far.

A motion was made by Mr. Teagarden, seconded by Mr. Anderson, that the minutes for the meeting of March 5, 1974, which had been examined by the Members and on which the corrections suggested by the Members had been made, be approved without reading.

The Chairman said Mr. Bricker would not be asked to vote on their approval. A vote by ayes and nays was taken and all other Members present responded to roll call. The vote was as follows:

Ayes: Teagarden, Anderson, Shocknessy

Nays: None

The Chairman declared the minutes stood adopted with three Members present voting in the affirmative. He ascertained that Mr. Bricker had received a copy of the minutes.

The Chairman said that it was his custom to report to the Commission any significant matter that occurred between meetings and that in accordance

with the Commission's bylaws the Chairman acted as Chief Executive Officer. He said that from time to time there were occurrences which the Commission wished to include in the record of the ensuing meeting. The Chairman said that Members were always advised of any such occurrences but that the occurrence, whatever it was, was mentioned at the meeting to make it a part of the business of the meeting. He said the Commission probably was less formal in its meetings than Mr. Bricker's union meetings but that was the way that the Commission generally operated. The Chairman said the Commission had no need for great formality except in taking action upon matters of legal significance.

The Chairman reported that the revenue for March was \$131,000 more than revenues of the corresponding month in 1972 which was the last normal year the Commission had, and \$238,000 less than March of 1973. He said March of 1973 might be considered a normal month because fuel was in abundance then but except for March of 1973 the income for March 1974 was higher than any previous March. He said there were no fatal accidents during the month and read portions of the Commission's press release of April 1 as follows: "Those who predicted the decline in the accident rate when the Ohio Turnpike reduced its passenger car speed limit from 70 miles an hour to 55 on March 1 may take comfort in the results for March when the number of accidents per million vehicle miles of travel declined from 1.72, the March 1973 figure, to 0.98, without a single fatal accident.

"Indeed, in the last 69 days, which include all of February and March, there have been no deaths from traffic accidents on the Ohio Turnpike. This can be attributed in part to the new speed limit, which was posted as an advisory limit on December 8 and to the Saturday and Sunday closing of gas stations which began December 1 and was discontinued on March 23 when all stations remained open for the whole weekend as on all other days and will so remain open every day hereafter with the Commission intensively policing prices charged.

"Revenues for the first quarter of 1974, the first full quarter to be affected by fuel and speed restrictions, are about \$8,410,000, which is nine per cent more than the comparative period of 1972 and only 5.4 per cent less than the first quarter of 1973 when revenues were \$8,885,906."

The Chairman said gasoline sales policies would not be changed unless another request came from the president of the United States, or from appropriate authority in the Federal Energy Office, requesting a limitation of one kind or another and that otherwise the Commission relied upon its contracts.

The Chairman said if the Commission was to go through the year with no less a reduction than 5.4% it certainly would have nothing to be concerned about so far as finances were involved. He said the Commission had no reason to believe that 5.4% as a reduced figure would continue because the public was becoming accustomed very rapidly to the 55 mile an hour speed

limit and the President had said that the energy shortage, or the energy crisis rather, had been abated. He said the President had said something or other to the effect that it was over but he would not go that far. He said Mr. Richley had reminded him last time that the President had said that the energy crisis was over but there was still a problem and he had responded to that by saying, "Yes, and he is the problem."

The Chairman reported also that resurfacing was proceeding on 20.4 miles of the Turnpike which when completed would make a total of 228.4 miles of the 241 miles of the Turnpike which would have been resurfaced. He said that at the March meeting a contract for 12.7 miles had been rejected. He said Mr. Anderson had not been at the meeting, but he had been consulted about the matter by telephone. The Chairman said that whereas it would have been appropriate to resurface that mileage in 1974, if it were postponed because of inflation and because of the scarcity of asphalt products, it was doubtful that anybody would suffer.

The Chairman reported also that there had been disputes of one kind or another with the four oil companies holding contracts about the interpretation of the contracts. He said that the Commission stood upon its interpretation of its contracts and considered that it had no right in the absence of a legitimate order, and it had interpreted the President's request to be tantamount to an order, to change the terms of the contracts. He said the contracts were bid on a specification and it was his position on public contracts that they had to be performed in accordance with the terms of the specifications. He said otherwise bidders who were not awarded a contract would have a legitimate complaint. He said that therefore performance had to be in accordance with the provisions of the contract but the Commission had also taken the position that if a legitimate order had been handed down by the United States that the Commission would consider that order adequate to permit a temporary revision of the contract with respect to the amount of goods, of whatever kind, that the contract required to be provided.

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

The Assistant Secretary-Treasurer, Allan V. Johnson, reported for the Secretary-Treasurer, Mr. Anderson, that since the last meeting the following had been sent to all Members :

1. Traffic and Revenue Report for February 1974.
2. Financial Statements as of February 28, 1974.
3. Draft of the minutes of the March 5, 1974 meeting.
4. Detail of Investment Transactions which took place in March 1974.

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

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that on Thursday, March 14, representatives of the Howard Johnson Company met with the Service Plaza Committee to review progress made by the Company in refurbishing various areas of the restaurants and upgrading service, which had recently been the subject of concern by the Commission. He said the Committee had been favorably impressed with the improvements which had been made and had pledged its continued cooperation with the Howard Johnson Company in the improvement program.

The chairman of the Committee on Service Plazas reported further that in March Gladieux Food Services, Inc. and the Howard Johnson Company submitted requests to the Committee for price increases on certain food items controlled under the Standard Menu specified in their contracts. He said a survey of off-turnpike food prices had been conducted and a meeting was scheduled between the Committee and representatives of the Gladieux Food Services for April 3 at Erie Islands Service Plaza to discuss the requests for price relief.

The Chairman asked if the anonymous shopper was still at work. The answer was in the affirmative. The Chairman said he had received no complaints about the Service Plazas or the restaurants recently so apparently Mr. Teagarden was a good housekeeper.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report from the Committee on Employee Relations.

Mr. Teagarden said that sometime during the month of April or May the Committee on Employee Relations would meet with employees to discuss some matters that might be brought before the Commission for the coming year.

The Chairman said the roll was being kept open for Mr. Richley and that the Commission would receive his report at that time if he had one.

(At this point Mr. Richley entered the room)

The Chairman said Mr. Richley had missed all the speeches. Mr. Richley said he had made a speech of his own and handed the Chairman a program of the meeting at which he had spoken. The Chairman directed that the program be placed in the archives.

The Chairman said that twenty-five years ago when the first Commission was appointed it was as suspect as the members of the Lottery Commission now were. He said it was well known at that time that a commission that would have as much money and power at its disposal as the Turnpike Commission could not possibly be honest and so the Commission was looked upon with grave intensity and skepticism. He said that he and Mr. Teagarden were still on the Commission after 25 years. Mr. Teagarden said that the Commission surprised everybody.

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

Mr. Richley said he had no special report except he wanted to take the privilege also of welcoming Mr. Bricker to the Commission and hoped that he would get as much out of it as Mr. Richley had and enjoy the relationship and privilege of being able to serve on the Commission. He said that Mr. Bricker, with his wide background in labor affairs, was on a most appropriate committee which had been handled well in the past. He said he was very impressed by Mr. Bricker's credentials especially in such a young man. Mr. Richley said Mr. Bricker had been a very busy man and wished him good luck and a very happy tenure.

The Chairman said Mr. Richley was a pretty good young fellow too and had had quite a career. Mr. Richley said he was about three or four years older than Mr. Bricker. Mr. Bricker said he was forty-four.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that it had been more than 70 days since the last fatality and there had been only one so far in 1974. He said he considered the record remarkable.

The chairman of the Committee on Safety reported further that the accident rate had dropped sharply. He said March was the first full month of enforcement of the lower speed limit and the Ohio State Highway Patrol reported that despite the lower speed limit and continued intensive surveillance, arrests had not increased substantially. He said that meant that drivers generally were obeying the lower limit and, in fact, they had been doing so even when it was a voluntary limit. He said it was his opinion that the public had accepted the lower limit very well.

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, Mr. Johnson, reported that the toll audit project was being delayed primarily by a financial squeeze on the contractor which had hampered the production of the toll booth terminals. He said the situation had led to a review of the project by the bonding company during March and that review resulted in a request to the Commission by the bonding company that the Commission agree to reduce the bonding company's liability under the performance bond by the amount of any financial assistance the bonding company might provide to the contractor to keep the project going. He said the request had been referred to the Commission's fiscal counsel, Squire, Sanders & Dempsey, who had advised that the Commission had no authority to enter into such an agreement. He said the advice had been given directly to the bonding company and as a result the bonding company had taken no further action. He said the contractor had been able to continue. He said the first production terminals were completed in the week before the meeting and all of the Commission's staff evaluations to date indicated that the system was technically sound and that the Commission could expect it to meet or exceed all of the required specifications. He said he was hopeful that the project would be completed but it was expected that it would be delayed somewhat.

In answer to a question by the Chairman, the Executive Director reported that the system was originally expected to be in operation at the end of April but it would now be in operation some time this summer but he could not tell exactly when. The Chairman asked if that would not be too great an inconvenience. The Executive Director said there was no expectation that it would be a significant inconvenience. He said the only other item on toll audit was a separate contract had been executed for the new magnetic stripe toll tickets which would be used in the new system. He said the contract had been written with a separate company after bids were solicited on two occasions. No bids were submitted on the first invitation and only one was submitted on the second, and it was not responsive. He said a contract was then negotiated and executed with the sole bidder (Hackett Corporation) on terms more favorable to both parties than the bid.

The Executive Director reported also on the fuel situation. He said the court hearing on March 5 on the Texaco Inc. case had resulted in a journal entry by Judge Adrian B. Fink, Jr. of the Court of Common Pleas of Cuyahoga County which permitted the company to comply with the federal gasoline allocation program as long as the company did not restrict sales without prior approval from the Commission. The Chairman said that Texaco was required by the order to lift the restriction that they had imposed and consult with the Commission before any further restriction was imposed. The Executive Director said the entry also provided that the company had to supply information to the Commission on which the Commission could base any decisions about limitations. He said such information had been provided and had led to the limiting of sales at three of the four Texaco stations during March to

assure that those stations did not use up their allocations before the end of the month. He said in the meantime a ruling had been obtained from the Federal Energy Office to treat the four stations as a single unit, which would allow balancing of supplies among the stations. The Executive Director said another ruling had been obtained to separate gasoline stored in the underground tanks at the end of the month from whatever was supplied the following month. He said that would be a help and that fuel sales to trucks were being separated from the allocation and that again would help. He said trucks were being given unlimited supplies of gasoline and diesel fuel.

The Executive Director reported further that gasoline sales on weekends had been resumed on March 23 for the first time since December 1 in response to the President's announcement that Sunday closings were no longer necessary. He said that Texaco was the only company that found it necessary to limit sales in any fashion throughout March and that Texaco had said nothing about April. He said the other companies had not indicated any need to limit sales in any fashion in March nor had they said anything about April.

The Chairman said the President had promised in his address on March 19 that the Federal Energy Office would provide additional fuel in the ensuing months. He said he did not know that it had so done but at least the promise had been made.

The Executive Director reported also that the resurfacing projects on which contracts had been awarded were in their preliminary stages with no significant progress to report. He said the resurfacing projects at interchanges and service plazas would be performed by the Commission's own forces and were also in their early stages.

The Executive Director reported further that the Commission's own forces would resurface a short length of the area on which the bids had been rejected at the March meeting and that the part resurfaced would include the area at milepost 15.

The Executive Director reported also that work was progressing on the new interchange with I-90 near Lorain. He said the project was being built by the Ohio Department of Transportation and was scheduled for completion in July 1975. He said plans were being prepared for the Commission by the Consulting Engineers for the toll facilities and toll plaza that would be needed at that interchange and a contract would be let by the Commission for those facilities some time in the immediate future.

The Executive Director reported also that the Ohio Department of Transportation awarded a contract for the new interchange with I-680 near Youngstown in March and the Commission was preparing plans for the toll

facility portion of that interchange and would let a contract for that work about a year in advance of the completion date of the project.

The Executive Director reported also that work on the contract for renovating the old section of the administration building had begun and was expected to make the old section compatible with the recently completed addition.

The Executive Director reported also that the staff of the Commission and the Consulting Engineers were still reviewing the entire Reserve Maintenance Fund program in view of the situation caused by the annulment and rejection of the resurfacing contract for the section between milepost 14.8 and milepost 27.5 before any substitute project was offered and that he would review the priorities for the project before he made a recommendation. He said he hoped to have the recommendation ready to present to the Commission at the May meeting.

The Executive Director reported also that the Legal Department was reviewing the bidding procedures as requested by Mr. Richley at the last Commission meeting.

The Executive Director reported also that the annual inspection of Turnpike facilities by Consulting Engineers, including the bridge inspection, was about to begin. He said the bridge inspection would be done in accordance with federal bridge inspection requirements and the necessary forms would be submitted to the Ohio Department of Transportation. He said in addition to inspection of bridges the inspection included all other Turnpike facilities and especially the service plazas.

The Chairman asked Mr. Richley whether he was satisfied with respect to examination of the bidding procedure. Mr. Richley said he was.

Mr. Anderson said that had he been present at the March meeting he certainly would have voted to annul the contract with S. E. Johnson and to reject the joint bid by S. E. Johnson Company and Arthur S. Langenderfer, Inc. He said the Commission certainly needed to modernize its bidding procedures.

The Chairman said that the record would show that had Mr. Anderson been present he would have voted to annul Contract RMP 59-74-1 and voted to reject the proposal for Contract RMP 59-74-1 (readvertised).

The Chairman said Mr. Richley had recommended that the Commission examine its bid bond requirements and its performance bond requirements

and establish prequalification requirements and that the Commission had accepted the recommendation and was proceeding accordingly.

Mr. Teagarden said he was glad to know that the Consulting Engineers were going to examine the service plazas. He said their report was a wonderful help to the Committee on Service Plazas and he said the Committee reviewed that part of the Consulting Engineers' report very, very carefully and followed its recommendations

Mr. Richley asked the Executive Director to review the first quarter of 1974 income. He said he had noticed that it was 5.4% below 1973. He said that, as a matter of information, it was about where the Ohio Department of Transportation stood, but that when the loss of growth was considered, the Department of Transportation was down about 10.48%. Mr. Richley said the Turnpike had had a month of experience with the speed limit reduction and its data was current, while that of the Ohio Department of Transportation was six weeks after the fact. He said he would be interested in knowing what had happened to fuel consumption in addition to the normal conservation that was a result of the speed limit.

The Executive Director said that March was probably not a good month to use as a comparison because it was the first month that the restrictions on Sunday sales had been removed and he did not think the public had accepted the fact that gasoline stations were open on Sunday. He said the public had grown very accustomed to not having gasoline on weekends and had changed its travel habits accordingly. The Chairman said the service station operators had found that they enjoyed having the weekend off, too. He said he had noticed in Columbus that many operators were closed. He said he could not say that they were closed by choice but there were a large number of stations that were closed. He said the Turnpike stations, of course, had been open because everyone knew how far the Commission would go in enforcing its rights.

Mr. Richley asked whether there were any contemplated changes in the configuration of Interchange 16 at State Route 7 as a result of the construction of I-680. The Executive Director replied that none were contemplated. He said there would be no change in the operation of the present facility at Interchange 16.

Mr. Richley said that the Commission was aware that the Federal Highway Administration had approved the connector for Mahoning County at Exit 15 provided the County constructed a grade separation at the intersection. Mr. Richley said Mahoning County had had the information from the FHWA but he did not know whether it had been acted upon as yet. He said there was an estimate that there would be an added expense of \$200,000, or it might be \$150,000, for the grade separation.

The Executive Director said the Commission had long ago indicated that it would cooperate to the extent it could in providing facilities that were owned by the Commission and now abandoned.

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, Francis K. Cole, reported that the Commission had filed a motion in Federal District court seeking an order dismissing the suit brought by Vito's Trucking and Excavating Company against the Commission. He said that Vito had alleged defamation of character because the Turnpike Commission had taken the action it did. The General Counsel said the dismissal of that count was asked for on the grounds that there was no averment of malice and that the Commission believed that anyone could assert his rights without it being construed as defamation and that public bodies had a privilege to take action without being liable for libel. He said another of Vito's claims was that he had been thrown off the Turnpike and that the Commission had based its motion primarily on the fact that Vito had not alleged at all that he had been complying with the permit which was the basis of his right to be on the Turnpike.

The General Counsel reported also that he had assigned a staff lawyer, Miss Daisy G. Collins, to work on some of the matters regarding prequalification. He reported further that there would be no problem in requiring larger bonds under the present statutes. He said the question of prequalification would be somewhat different in the Commission's case. He said the Commission had always asserted the right to determine whether a successful bidder was qualified or not. He said at one time the Commission required a rather elaborate financial and experience questionnaire showing all the financial and other capacity available as well as other work being done by the contractor but no attempt was made to determine whether the qualifications were satisfactory until the Commission had ascertained whether the contractor had the low bid. He said the question of prequalifying did raise a problem of whether, under a statute such as the Ohio Turnpike Act which was explicit, the Act implied that any bid received in accordance with the procedures set forth in the statute had at least to be considered. He said the question was still under research and he was not prepared to answer. He said he was not sure that it would not require legislation.

The Chairman said that that was not a matter of great concern because, after a bid was received and before a recommendation was made as to which was lowest and best, that determination could still be made. He said it was not too serious even if the Commission was not authorized to ask for pre-qualifications because the same thing could be accomplished and he did not want to go looking for legislation.

Mr. Richley said that the problem was that at that point four, five or six weeks might have been lost if the qualifications were reviewed at the time the bid was scrutinized. He said a second problem, the one which he regarded as more important, applied to the particular case of the two reputable and qualified contractors. He said they were qualified to do work with the Ohio Department of Transportation but were not prequalified to bid a joint venture without prior notification to the Department so that the Department would know in advance whether or not they were legally qualified to bid as a joint venture. He said that under the Department of Transportation rules a ten day notification was required if a joint venture bid were to be submitted. He said the Ohio Department of Transportation procedure allowed ten days and conditions could change in terms of what the Commission might or might not want to do, especially when there did not appear to be adequate competition. Mr. Anderson said that procedure might attract more bidders. The Chairman said it could work the other way. Mr. Richley said he felt the question needed some review. The Chairman appointed a committee to review the question. He appointed the General Counsel as chairman with Mr. Richley and Mr. Anderson as members and the Executive Director as an ex officio member. Mr. Richley asked if any legal problems had been found with respect to revision in the bid bond procedures. The Chairman said there were no legal problems with that. He said that, for a few moments, he had been concerned about the matter but the joy that the Chairman of the Ohio Turnpike Commission had was there were real experts at his side. He said the General Counsel and the Executive Director should decide what was required and get in touch with Mr. Anderson and Mr. Richley so that there would be a committee of experts.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there would be no report from the Consulting Engineers.

The Chairman said from time to time the Commission received inquiries as to whether or not it considered the Greiner Company brigands and there had recently been an inquiry referred to the Commission from the Attorney General of Ohio. He said he found that the man who made the inquiry was a candidate for office from Massachusetts and that he had been sent a copy of the press release that the Commission had made with respect to the J. E. Greiner Company on September 4, 1973. The Chairman directed that Mr. Bricker should have a copy of the release. The Chairman said the State of Georgia had also made a statement with respect to the Greiner Company. Mr. Harnden said that the Greiner Company appreciated the action.

The Chairman said the report of the Director of Information and Research would be received.

The Director of Information and Research, Talbot Harding, reported that all publications of the Ohio Turnpike Commission that mentioned speed had been revised to show the new speed limit.

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

The Executive Director said that Mr. Richley had just opened a project in Cleveland that the Chairman and the Executive Director had worked on a long time ago. He said it was a magnificent improvement in the area and was a connection from I-71 to Cleveland Hopkins International Airport.

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

RESOLUTION NO. 12-1974

"WHEREAS the executive director, acting 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 March 5, 1974, 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 March 5, 1974 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, Richley, Anderson, Bricker, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 12-1974.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Richley, that the meeting

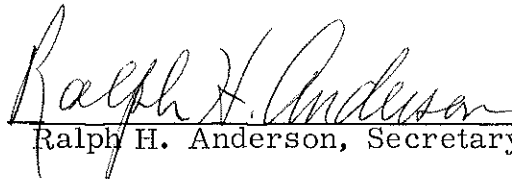
adjourn until May 7 subject to call by the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Bricker, Richley, Teagarden, Anderson, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:17 P. M.

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



Ralph H. Anderson, Secretary-Treasurer