

MINUTES OF THE TWO HUNDRED AND EIGHTY-FIRST MEETING
September 10, 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 September 10, 1974 with 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 Chairman directed that the minutes show that J. Phillip Richley, O. L. Teagarden, Daniel E. Bricker and James W. Shocknessy were present. He said that Ralph H. Anderson was unavoidably out of the state at a professional meeting in Colorado Springs. He said the Commission had received a letter from Mr. Anderson to which he would refer later.

A motion was made by Mr. Bricker, seconded by Mr. Richley, that the minutes for the meeting of July 30, 1974, which had been examined by the Members and on which the corrections suggested by the Members had been made, be approved without reading.

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

Ayes: Bricker, Richley, Teagarden, Shocknessy.

Nays: None.

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

The Chairman reported that the interesting thing, if not the most interesting thing, he had to mention was that since the previous meeting on July 30 the Commission had retired nine and one-half million dollars in bonds, which made the total for the year \$11,113,000. He said in the presence of the Comptroller, William G. Gerber; the Trustee, P. Joseph Sesler; and the Executive Director, Allan V. Johnson, he was willing to stand on what he had said at the beginning of the year that by the end of the year the Commission would have retired a total of \$213,000,000 which would leave approximately \$114,000,000 to \$112,000,000 unpaid. He said it would be done in the face of the energy crisis and the exorbitant prices of gasoline. He said also that the traffic on the Ohio Turnpike had held up beyond anyone's most sanguine expectations at the beginning of the so-called "energy crisis".

The Chairman reported further that as passenger traffic had diminished, the commercial traffic had increased so that the net drop for the year's business was what might be called negligible under crisis circumstances. He said revenues for August 1974 were approximately \$5,320,000, the second highest all-time monthly total and only \$162,000 less than the all-time monthly total. He said tolls had been more than \$100,000 a day for more than 70 days preceding the meeting. He said there had been some increase in investment income and some increase in income from restaurants but the greatest income was from tolls which had held up remarkably well.

The Chairman reported also that on August 28 he had been in Berea for the retirement party held for James D. Hartshorne, Deputy Executive Director and Executive Assistant to the Chairman. He said he wanted to report to all the Members present at the meeting that Mr. Teagarden also was at the party and that those who were not there may know that the retirement party was a most appropriate occasion. He said all the Members could be proud of the dignity with which the occasion had been invested. He said Talbot Harding, Director of Information and Research, had been chairman of the Retirement Party Committee and that his committee had done a fine job and that Mr. and Mrs. Hartshorne were transported with pleasure by the events of the occasion which were not only thoughtful and considerate, but in the best tradition. He said before he and the Executive Director went to the dinner, the Executive Director had said to him, "Now, I want to tell you something, he is going to get a watch." He said the Executive Director had said that because he knew how the Chairman felt about "watch" parties, but the Executive Director had said that the watch was Mr. Hartshorne's choice. The Executive Director told him, he said, that Mr. Hartshorne had never bothered with a watch but when he and Mrs. Hartshorne went on vacation to Alaska that summer he had dug out an old watch which had practically exploded on the trip, so that the watch was not unwelcome.

The Chairman said that Mr. Hartshorne, as all the Members knew, had worked for The Plain Dealer for 24 years before he came to the Turnpike, where he worked for 22 years. He said George E. Condon, Sr., of The Plain Dealer, was at the party and gave a little talk and said that it was the second retirement party he had attended for Mr. Hartshorne. The Chairman reported that Mr. Condon said that Mr. Hartshorne had retired from The Plain Dealer before he had come to the Turnpike and that he, Mr. Condon, was ready for still another retirement party from his next job and asked Mr. Hartshorne where he was going. The Chairman said that those giving the party had also given Mr. Hartshorne a bronze Ohio Turnpike Commission plaque that had been discarded when I-71 was built

and the former service building became redundant. He said the plaque that was on the old service building had been taken down so the committee thought it would be a great thing to give it to Mr. Hartshorne as a memento with his name already on it. He said Mr. Hartshorne had been delighted with the memento, but the memento could not be lifted by two men and four boys. The Chairman said Mr. Hartshorne had taken it home in his car and said that it was a wonderful gift but that he had no place to put it. He said Mr. Hartshorne had asked if he might give it to the Ohio Historical Society and that he had told Mr. Hartshorne he thought that would be a great idea.

The Chairman reported also that the Executive Director had told Mr. Hartshorne to announce at the retirement party that the Commission had given its assent to the Executive Director's appointing Mr. G. Alan Plain as Deputy Executive Director to succeed Mr. Hartshorne and that the appointment had been received with a great deal of satisfaction by the people who were there which were more than 100. The Chairman said that there were staff members from long ago at the party, Judge Lockwood Thompson, former General Counsel, Ralph J. Lehman, former Chief Engineer, C. W. Hartford, former Executive Director, E. W. Meeker, former Chief Engineer, and Charles B. Mudd of the Consulting Engineers' office in Baltimore had been there.

The Chairman reported also that the Commission was then in its 26th year, that the Ohio Turnpike Act became effective 25 years ago on September 1. He said he and Mr. Teagarden were actually sworn in as Members of the Commission on September 8, 1949. He said therefore he and Mr. Teagarden had done their full stint of 25 years and he challenged the rest of the Members to do a similar time.

The Chairman reported that there had been two fatal accidents during the month of August but there had been no fatal accidents over the Labor Day weekend. He said that went to prove what the Commission had always known, that if drivers were alert, they stayed alive. He said the slogan "Stay Alert, Stay Alive" had originated in the Commission meeting room and that he was the author of it.

The Chairman reported also that an article had appeared in one of the great newspapers of the State which indicated that a dispute existed between the Executive Director and Mr. Anderson which might also be a dispute between Mr. Anderson and the rest of the Members of the Commission. The Chairman said Mr. Anderson had been deeply troubled by the article when it appeared and he had written a letter to the Executive Director dated September 3, copies of which were in the Members' folders. The Chairman read the letter as follows:

"Ralph H. Anderson
355 Country Club Road
Columbus, Ohio 43213

"September 3, 1974

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

"Dear Allan,

"As indicated to you in our discussion of the article under the byline of Ronald D. Clark in the Akron Beacon Journal of Saturday, August 17, 1974, Mr. Clark gleaned an almost total misunderstanding of my remarks to him which were made only casually in a telephone conversation in response to a question with respect to the report being prepared for the Ohio Turnpike Commission by the J. E. Greiner Company to provide advisory information for the Statewide Transportation Development Program being prepared by the Ohio Department of Transportation. I had no intention of indicating to Mr. Clark that I knew nothing about the preparation of the said Greiner report or the discussions at several Commission meetings, especially between the Chairman and the Director of Transportation, with respect to the financing of any construction which may be required contemporaneously with the delivery of the Ohio Turnpike debt free to the Director of Transportation and acceptance as provided by the Ohio Turnpike Act. I am well aware and have so been of the position both of the Chairman and the Director of Transportation as to providing any conformity construction from sources other than tolls paid for the use of the existing Ohio Turnpike facility by the public users. I have no 'dispute' with you or with the Director of Transportation or with the Chairman of the Commission with respect to the views both have spoken and which were accepted tacitly by the other members as the position of the Commission.

"Yours very truly,

"Ralph H. Anderson"

The Chairman said that Mr. Anderson was not present at the meeting or he would have been glad to read the letter himself. The Chairman said he and Mr. Richley had had rich discussions during the last year especially about what he had chosen to call "conformity construction" and then

both he and Mr. Richley had indicated to the Members of the Commission that they both hoped that any conformity construction required in the future to incorporate the Turnpike within the transportation system of the State would be financed by the United States up to about 90% of the cost. He said such construction could be undertaken when the Turnpike was debt free. He said that neither Mr. Richley on his own behalf, nor on behalf of any successors of his nor the Chairman in his own behalf nor on behalf of any successors of his or of either of them was concerned with the difference between 90% and 100%. He said neither he nor Mr. Richley believed, nor did Squire, Sanders & Dempsey believe, that the Turnpike Indenture would permit the expenditure of Turnpike funds for uses other than payment of bonds and construction, operation and maintenance of the Turnpike as conceived by its engineers and as financed under the prospectus and as provided in the Indenture. The Chairman said that otherwise the Turnpike, as he had once said, could be retained as "a work horse in perpetuity". The Chairman said there once had been a problem under the Tripartite Agreement with respect to whether or not Turnpike funds should be used even to add an additional lane in the Cuyahoga River Valley. He said he remembered the Commission had to get an opinion from Squire, Sanders & Dempsey that construction of that necessary kind might be required in pursuit of the Turnpike's maintenance and operation but that the Federal government took rather a dim view of it and felt that the Commission should not so use toll funds. He said the Trustee also had a responsibility, so he was glad to have the letter from Mr. Anderson to Mr. Johnson so that it could go into the record which once again reaffirmed the position of the Commission as totally respectful of its obligations under the Indenture. The Chairman said the Commission had no obligation to provide from present users a new and different kind of facility for posterity. He said the newspaper article had stated that upgrading the Ohio Turnpike could cost more than the original price. He said that well might be if Mr. Richley wanted to spend that kind of money but the money was not going to come from tolls before bonds are paid. He asked if Mr. Richley were agreed. Mr. Richley said that he did not know where the reporter could have found all the numbers he used and seemed to assent.

The Chairman said that the Akron Beacon Journal told him that its reporter had called Mr. Richley and asked him a question and Mr. Richley had said to "call the Chairman". He said that was as far as he wanted to go on that subject and that he had apprised Squire, Sanders & Dempsey of the discussion so that they would be advised that in the event they received a question, that the Commission had already had such a question and he considered the thing rounded out. The same reporter, the Chairman said, talked to Mr. Teagarden and Mr. Teagarden had not told the reporter anything that would indicate a dispute existed so the reporter did not quote Mr. Teagarden.

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

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

1. Accountants' Report - Financial Statements - June 30, 1974.
2. Detail of investment transactions which took place in July and August 1974.
3. Traffic & Revenue Report for July 1974.
4. Financial Statements as of July 31, 1974.
5. Draft of the minutes of the July 30, 1974 meeting.
6. Month end release.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The Assistant Secretary-Treasurer reported for the chairman of the Committee on Budget and Finance, Mr. Anderson, that he would like to add to the comments already made on traffic and the resulting revenue and say that the figures had been improving every week. He said passenger car travel was now approaching the record levels of comparable periods in 1973. He said he could offer as an example the fact that the toll revenue for the week ending August 24 which was \$1,003,544 or only \$6,000 less than the same period in 1973. He said that was a drop of just a little more than a half of one per cent so the Turnpike was approaching the 1973 levels.

The Chairman said that that record was made in the face of bad publicity about gasoline prices.

The Assistant Secretary-Treasurer reported further that Commission revenues from restaurant sales had risen slightly and the Commission's investments were producing record yields. He said that over \$7,000,000 of funds that were held in the Reserve Account were used on August 27 to purchase Treasury Bills with a yield to maturity of 10.63%.

The Assistant Secretary-Treasurer reported also that the staff work on the preliminary budget for 1975 had been completed and was ready for review by the Budget and Finance Committee prior to its presentation to the Commission at the October meeting as required by the Trust Agreement. Mr. Richley asked when he might see the preliminary budget for 1975. The Assistant Secretary-Treasurer said he would mail copies of the preliminary budget to the members of the Budget and Finance Committee, of which Mr. Richley was a member, when he returned to Berea and that Mr. Richley should have his copy by September 12. He said the Commission was required to take action on the preliminary budget for 1975 in October and to adopt the annual budget for 1975 in December. He said if it were necessary to supplement or amend the 1974 budget that also would be done in December.

The Chairman said the report of the Committee on Budget and Finance 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, said that before he gave his report he wanted to thank all the Members of the Commission for their concern in sending cards and making phone calls during his recent illness. He said he had appreciated them very much. The Chairman said that Mr. Teagarden had been missed at the July 30 meeting and that the Members then had said all kinds of nice things about Mr. Teagarden.

Mr. Teagarden reported that traffic for the summer season about to end had been below the record levels of 1973 but the summer was closing on an improved note. He said the restaurants and service stations were hosts to throngs of people who took to the highway during the Labor Day weekend. He reported that a rock concert at Cleveland Stadium and attractions at Cedar Point and Sea World had drawn large crowds and it was apparent that many travelers had decided to get to those attractions by using the Turnpike. The Chairman said that the Cedar Point traffic problems that the Commission had in 1973 and 1972 looked to him as if they had dissipated. The Executive Director said the situation was under control.

Mr. Teagarden reported also that members of the Patron Services Department had visited all the plazas during the holiday weekend and that except in brief periods when the number of people temporarily exceeded the capacities of the facilities, there were no service problems and sanitary conditions were well maintained.

Mr. Teagarden reported also that in September for the third consecutive month, the four oil companies operating on the Turnpike had

advised that Turnpike service stations would be on at least a 100% allocation fraction and since the companies were able to get through July and August without limiting the number of gallons of gasoline sold per customer, it was anticipated that it would not be necessary to restrict gasoline sales to Turnpike travelers during September.

Mr. Teagarden reported further that sales for the first six months on the Turnpike in the eight restaurants operated by the Gladioux Food Services, Inc. had shown an increase. He said that in the first six months of 1974 total sales had been \$1,858,972 compared to sales of \$1,850,724 in the like period of 1973. He said the eight restaurants operated by the Howard Johnson Company of New York had also shown an increase. He said the first six months' figures for Howard Johnson in 1973 was \$2,275,846 compared to \$2,356,686 in 1974. He said a great deal of the increase must be attributed to the increased prices which the Commission had permitted them.

The Chairman said that was what was happening to the government of the United States. He said the government of the United States was profiting from the inflation and that so far this year had profited by about \$20,000,000,000.

Mr. Teagarden said that the restaurants results indicated that the patrons were satisfied not only with the prices but with the service, which the Commission was trying its best to maintain at a high level. The Chairman said that he had not received one complaint about the service plazas all summer long. He said no one had felt he had had to send him some toilet paper or a dirty napkin or something else to let him know that things were not the way they ought to be so he knew the chairman of the Committee on Service Plazas was doing a great job.

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

The chairman of the Committee on Employee Relations, Mr. Teagarden, reported that had he been present on July 30th he would have reported to the Commission what he was reporting and that was that the Employee Relations Committee had completed its discussions with employees in June and made its recommendations to the Executive Director. He said most of the recommendations of the Committee made at that time had been put into effect by the Executive Director and some of the remaining ones had his attention and would probably be inserted into the Employee Manual very soon. He said that was his report unless Mr. Bricker, as a member of the Committee, would like to add something to it. The Chairman said that Mr. Bricker had been scheduled to give the report when Mr. Teagarden was ill but that he had

not reached the meeting. Mr. Bricker said he had been given a Braille calendar and so in case he went to sleep he would be able to read it. He said he apologized to the Commission. The Chairman said he did not need to apologize. Mr. Bricker said he had commented to the Executive Director that for his third or fourth meeting he had flown back from Washington to attend and immediately after the meeting had flown back to Washington again and that on the occasion of July 30 meeting he was in Columbus just as if nothing were happening and about seven o'clock the next morning it dawned on him that he had missed a meeting so he immediately called the Chairman. The Chairman said that in his usual curmudgeon fashion he had told Mr. Bricker where the building was, how to get to the building, the day and the hour of the meeting.

The Chairman said at the July 30 meeting that he had given Mr. Bricker a ringing endorsement as a member of the Employee Relations Committee. He said he had told how great a Committee it was and how proud the Commission was that it had somebody with life experience in Labor and somebody who had life experience in business on the Committee. He said he had said that the Commission had never had a comparable committee. He said at that point Mr. Anderson had said that he had served on the Employee Relations Committee and he thought he was a pretty good man and the Chairman had said, "Well, of course, you have had a great deal of experience in business and labor but you didn't have a total experience in labor to the extent that Mr. Bricker has." He said Mr. Anderson certainly was a man of great competence but he still thought that on balance the Committee was the best the Commission had ever had with Mr. Teagarden and Mr. Bricker representing the expertise backed up by special experience.

Mr. Teagarden said he would like to add to what the Chairman had said about Mr. Bricker. He said it was a real pleasure to have Mr. Bricker sit alongside of him during the deliberations and discussions and that he welcomed him on the Committee and hoped he would not back out of it and say he was sorry he could not serve on the Employee Relations Committee any more.

Mr. Bricker said he had enjoyed the opportunity as he had told the Chairman and that he enjoyed serving on the Committee. He said it was very enlightening for him to sit in management's position, and yet as he had told the Chairman, the Commission and the people involved were more than fair, and that the fact that the union members ratified the decisions reached by a vote of 85% proved that statement. Mr. Bricker said he had handled a lot of ratifications and a lot of contracts and one just did not get 85% because there were always dissidents who would not go along with anything under any

circumstances. Therefore, it was obvious the package was good. He said he was extremely pleased at the expertise shown by the Executive Director and his staff and he so told the Chairman. He said it made his job very simple and he was really impressed with the legal counsel, William C. Hartman, of Squire, Sanders & Dempsey. He said Mr. Hartman had taught him a couple of things, too. He said Mr. Hartman was very competent and he would really do his homework before meeting with him on anything. He said he enjoyed the discussions very much and that he wanted to tell Mr. Teagarden, who had been chairman of the Committee, that he had done an extremely fine job of keeping things moving. He said he had never before sat down to negotiate with 26 people in all the years he had conducted negotiations, let alone in one meeting. He said the only other comment he had was on what he called the working agreement. He said it was not strictly that, but the Employee Manual. He said he had read it many times and he could say that it was very fair and a really wise document. He said he felt that with the position the Commission was in, without any contractual requirements or otherwise, that the Manual was just about as fair a document as he had ever seen in the field of labor relations. Mr. Teagarden said the Chairman had written the original manual.

The Chairman said that what he had originally called the "grievance procedure" had developed into the Manual and he thought the Manual had a great deal to do with the meaningful relations that the Commission had had over the years with its employees. He said he believed the Commission was the first public agency in Ohio to have a meaningful statement of relationships between employer and employee. He said the Manual had contributed a great deal but it was only as good as those who worked with it. He said Mr. Teagarden for many years had done just what Mr. Bricker had seen and the Executive Directors from the beginning down through Mr. Johnson had all manifested a profound and deep interest in the Commission's employees and as a consequence the Commission had an esprit de corps as well as confidence. He said that esprit had been one of the things that impressed him at the Hartshorne retirement party. He said he was glad to hear what Mr. Bricker had to say about the Manual and what Mr. Teagarden had to say about it because Mr. Teagarden had had so much to do with it over the years.

The Chairman said that he wanted to tell a little thing that Mr. Bricker had said when he had told the Chairman all the good things about negotiations and that for Mr. Bricker's benefit he would use the word "negotiations" which he had never called the discussions. The Chairman said Mr. Bricker had said to him in all the years that he had negotiated labor agreements, he had never dealt with a five cent increase. He said there had been quite a long discussion about increasing the price of milk five cents and Mr. Bricker had been impressed with the fact that the Commission considered the matter profoundly.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He ascertained there would be no report by the Director of Transportation. Mr. Richley asked if the Executive Director would report on the status of the toll-audit project. The Executive Director said that he would later in his report. Mr. Richley expressed regret that he was not able to attend the Hartshorne retirement party.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that there were two fatalities during the month of August and that they occurred in separate accidents both of which involved commercial vehicles and for neither of which was there any adequate explanation. He said both vehicles just drove off the road; one ran into the back of another vehicle which was parked on the berm and the other one just drove over an embankment. The Chairman asked whether it was not true that both accidents were caused by inattentiveness and probably sleep. Mr. Johnson said there was no question that one accident was caused by the driver falling asleep. He said in the other the driver who was killed had his toll ticket in his hand and was driving into the sunset and probably glanced away from his driving duties to look at his toll ticket and drove off the road onto the berm and then hit the other vehicle. He said despite the two accidents in August, the total number of fatalities for the year was only seven which compared to 18 for the same period in 1973. The Chairman said that the number of fatal accidents was substantially lower than in 1973 and there was no longer any denial that the speed limitation had had a profound impact as well as the price of gasoline which had reduced the number of people on the road. He said the proportion of accidents was reduced dramatically over the comparable period.

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 he had already reported to the Commission that a new interchange was being constructed by the Ohio Department of Transportation, an interchange to serve the Turnpike and Interstate Route 90 in Lorain County, and that the planning, preparation and construction of the toll facilities of that interchange were the responsibility of the Commission. He said the necessary plans had been prepared for the Commission by the Consulting Engineers and that the project had been advertised and bids had been received. He said the bids had been reviewed by the Consulting Engineers; by the Chief Engineer of the Ohio Turnpike

Commission, Frank A. Dutton, and both had recommended that a contract be awarded to the low bidder.

The Executive Director reported further that the General Counsel of the Commission, Francis K. Cole, had reviewed all the documents and proceedings and had advised the Commission that it might legally award the contract to the low bidder. He said he, too, had examined the bids and reviewed the recommendations of the Consulting Engineers and the Chief Engineer and had reviewed the advice to the Commission of the General Counsel and he concurred in the recommendations to award the contract which was designated as contract RMP 55-74-1 to the low bidder, the Joseph Lach Construction Company of Avon, Ohio, in the amount of \$899,000. He said a resolution had been prepared to make the award to the Joseph Lach Construction Company and he recommended that it be adopted.

In response to a question by Mr. Richley, the Executive Director said the bids had been opened on August 27, 1974. In response to further questions by Mr. Richley, the Executive Director said that the estimated cost of the interchange was slightly more than \$1,300,000 and that the bids received were substantially under the estimate. He said the next higher bid was \$960,600 submitted by the Mosser Construction, Inc. and that the completion date specified was June 6, 1975. He said the Commission staff had been planning the project in anticipation of making the Commission's completion date match with the project completion date of the contract under construction by the Department of Transportation. He said that date was July 31, 1975 but he had learned that the project was ahead of schedule and that it was expected that the project could be available before the planned completion date. He said the Commission, therefore, specified a June 6 date which, although it might not be entirely coincidental with the completion of the state project, was the earliest the Commission staff felt it could put into the contract and still complete the project, so the June 6 date was chosen which was two months earlier than the State contract. He said the staff would do everything it could throughout the contract after the award to keep it moving so that its completion would be coincidental with the completion of the State's work.

Mr. Richley asked whether the Executive Director had spoken to Edwin L. Toberen, District Engineer for District 3 of the Division of Highways of the Ohio Department of Transportation. The Executive Director said he had not talked to Mr. Toberen but he had talked to William W. Baker, Deputy Director, Division of Highways, and to Richard Turner, Engineer of Construction, Ohio Department of Transportation. He said those he talked to indicated that they did not know precisely when the ODOT contract would be finished but the project was being paved. He said it was likely that most of the paving would be finished by the end of the 1974 construction season but

there were still bridges to be built over the Turnpike which was work that could not be started again until the right time. He said he thought the completion dates would not be too far apart. He said the interchange would be the closing link project between sections of I-90 that were finished in Lorain County and those in western Cuyahoga County so that it would be most useful to have the project completed and available. Mr. Richley said he was wondering that if the highway project should be ready to be opened several months ahead of the toll facilities, whether temporary facilities might be utilized until more complete facilities were in place in order not to have any delay. The Chairman said the Turnpike Commission would do a Cedar Point job. He said Mr. Richley and he had gotten together on that two years before. He said that if the ODOT part of the project were several months ahead of schedule something could be worked out but that although he did not want to bet against Mr. Richley he would make book with him that the project would not be finished that soon. Mr. Richley said the Department usually finished behind schedule but the section under construction was a critical section and he would like to see it in operation as soon as possible.

The Chairman said he would like to have it operating by Memorial Day but the proposed dates were about as realistic as one could get on what had to be done. He said perhaps there had been some lack of information back and forth on the matter but he would say to Mr. Richley that if he opened the road early the Commission would work something out. He said the first time he saw the Cedar Point program he thought it was a tough, tough deal but the Commission and Mr. Richley had worked it out so there was no complaint about Cedar Point this summer. He said he had not received a single telephone call about traffic backup at Cedar Point. The Executive Director said he could not say there had not been minor situations but the general situation had been taken by the horns and worked out with careful observation by the Ohio State Highway Patrol and by District 10 of the Patrol through the use of airplanes coordinating the entire activity in that area up to the park gates. The Chairman said the public had been better served by the Commission than it was by the entrepreneurs. The Executive Director said there had been some minor improvements made at the entrance to the park itself which had helped. He said everyone working together had made the situation tolerable.

The Chairman said that if the State finished the work on the interchange with I-90 two months ahead of them he would tip his hat to Mr. Richley on St. Patrick's Day. He said that would be about the date of completion if the Department of Transportation finished the work two months ahead of time. He said if the work were done then he would do something for Mr. Richley.

Mr. Richley asked if in the future the Members of the Commission

might have the bids before the Commission meeting so they might be reviewed. He said he should like to see the estimate, the tabulation, not the detail item by item tabulation, the low bid, the comparison of bidders, etc. The Executive Director said he should make a point of doing that and he would have done so in this case, but the staff had been rushing at the end on the matter of the interchange because he learned during the summer that the ODOT project was farther ahead of schedule than expected and therefore the Turnpike Commission staff moved up its bid date and also moved up the completion date. He said otherwise the staff would have probably brought the plans to the Commission before the current meeting but this was being done on a combined operation basis in the interest of saving as much time as possible. He said he would be sure that the next contract would be so handled and one was soon to come up on I-680 in Mahoning County.

Mr. Richley asked what the conditions of the contract were. The Executive Director said that in line with the earlier discussions at the Ohio Turnpike Commission, those things settled upon had been included in the new contract but there were still some other things that were still not yet resolved. The Chairman determined that the Executive Director had conformed with Mr. Richley's earlier suggestions which had been derived from ODOT procedures insofar as he could, particularly to the bond. Mr. Richley asked about prequalification. The Executive Director said the contractor was known to the Commission and had worked for it before as had the other bidder and that the Commission had checked the State list of prequalified contractors and found that both were on the State list. Mr. Richley said he had no question about the contractor, he was wondering whether or not procedures had been set up that had been discussed. He asked whether the liquidated damages matched those of the State. The Executive Director said that they did. Mr. Richley asked whether the liquidated damages would be \$100 a day and the Executive Director said that on this contract they would be \$150 a day. The Chairman asked whether Mr. Richley wanted to see the paragraph in the contract relating to the liquidated damages and Mr. Richley said he did not.

A resolution awarding contract RMP 55-74-1 for construction of toll plaza and related work at Interchange between the Ohio Turnpike and Interstate Route 90 was moved for adoption by Mr. Richley, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 16-1974

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the construction of a toll

plaza and utility building, together with work related thereto, for the interchange of the Ohio Turnpike with Interstate Route 90 in Lorain County, Ohio, which contract is designated Contract RMP 55-74-1, and proof of said advertisement is before the Commission;

"WHEREAS there are before this meeting the plans and forms of other contract documents for said contract, to-wit: forms of notice to bidders, instructions to bidders, proposal, contract, bond, and general conditions and special provisions for said contract, which comprise the contract documents therefore;

"WHEREAS bids for the performance of said contract have been received, and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

"WHEREAS all of the aforesaid 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 Joseph Lach Construction Co., Inc. of Avon, Ohio, in the amount of \$899,000, for the performance of Contract RMP 55-74-1 is, and is by the Commission determined to be, the lowest of all said bids, and 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 bid for the construction of the aforesaid toll plaza; 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 Commission hereby approves, adopts, and ratified the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for and in connection with the construction of a toll plaza and utility building, together with other work related thereto, at the interchange of the Ohio Turnpike with Interstate Route 90, and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to

said contract be, and the same hereby is, ratified, approved, and confirmed; and

"FURTHER RESOLVED that the bid of Joseph Lach Construction Co., Inc., a corporation formed under the laws of the State of Ohio, in the amount of \$899,000, for the performance of Contract RMP 55-74-1 be, and hereby it is, determined to be the lowest and best of all said bids for the aforesaid contract, 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 return to the other bidder the bid security furnished, (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said 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."

The Chairman said everyone had heard the resolution offered by Mr. Richley, who was the Director of Transportation and the Commission's engineering expert, and seconded by Mr. Bricker for the award of a contract as offered by the Executive Director. He said in the absence of further discussion, a vote by ayes and nays would be taken and all Members present would respond to roll call. The vote was as follows:

Ayes: Richley, Bricker, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with all Members present voting in the affirmative. He said the Executive Director might proceed forthwith to execute the contract. The resolution was identified as No. 16-1974.

The Chairman said he had read in the morning paper that morning about criticism by the Auditor of State of another agency of the State with respect to formalities observed in keeping minutes and that kind of thing. He said he was astounded because the Commission had, he thought, perfect minutes from the first meeting it had ever held. He said the observation was made in the article that the agency derived its authority from law but agents of the agency derived theirs from the actions of the body. He said that was true. He said there had never been any question, including the superfluous resolution that the Commission adopted every time, about the authority of the people who spoke on the Commission's behalf and he just

could not imagine similar validity of that criticism as uttered, reportedly, by the Auditor of State because there was no way to do public business in the absence of public availability of the actions taken by the body. He said he had heard a representative from Franklin County on television the night before talking about a project the representative was interested in and the representative said there ought to be an agency like the Ohio Turnpike Commission to handle the project. Mr. Richley said he had heard the statement. The Chairman said it gave him a lot of personal satisfaction because nobody ever started anything, and no agency was ever set up, that somebody did not say it could be done as the Turnpike Commission was done. He said the Commission had enough prestige which he could mention with his usual immodesty that gave authority to that kind of statement. He said the representative was Michael P. Stinziano, from the 30th District, who had made the statement. He said he doubted he had ever talked to Mr. Stinziano, but Mr. Stinziano was talking about something that had to do with financing and the issuance of bonds and he said he did not see why something could not be done just like the Ohio Turnpike Commission. The Chairman said he had been gratified.

The Executive Director reported also on the matter of the new toll audit system. He said the project had progressed so that a cut-over to the new system was expected in late October. He said the significant events since the last Commission meeting were:

1. Production of 23 toll terminals in August, making a total of 63 to date.
2. Completion of "hands-on" toll terminal training program for all toll collector supervisors.
3. Installation of a host computer at the headquarters in Berea.
4. The start of a toll collector training program, which was to begin that day.
5. Installation of a modified automatic ticket dispenser at Toll Plaza No. 10.
6. Completion of a preventive maintenance program on the weighing scales and load cells.
7. Development of a detailed check list to be used in the final system acceptance.

The Executive Director said the system would be in operation in a little more than a month. The Chairman said the project was a bit delayed but he had seen the time when he thought the system would blow up.

Mr. Richley said the program appeared to be progressing well. The Chairman said in the previous year he had been threatened by counsel for a contractor that either the Commission did certain things or else. He said he had been in the poker business too long for that and had played it close to his vest and went straight along and they were going to finish.

The Chairman said it was a little hard to reach the ticket dispensed by the automatic machine at Exit 10. The Executive Director said that was a good comment and the matter would be examined.

The Executive Director reported also that the Comptroller and he were going to participate in a conference in the International Bridge, Tunnel and Turnpike Association, Inc. at Palm Beach, Florida, on September 23 and 24. He said the Comptroller and he had participated in a panel in Williamsburg, Virginia in 1973 on the new toll audit system and the panel was to bring members of the association up to date. He said all the other toll roads were deeply interested in the new system and that the Ohio Turnpike was farther along than anyone else in acquiring a new system.

The Executive Director reported also that the Chairman had already mentioned the appointment of Mr. Plain by which he also was pleased. He said he regretted to advise the Commission that he had been apprised by the Director of Operations, Andrew R. Grace, that Grace would be leaving at the end of September. He said he also regretted to tell the Commission that Miss Daisy G. Collins, Assistant General Counsel, who was present at the table, would be leaving at the end of the week. The Chairman said that Miss Collins was somewhat of a coward because just after she had been named Assistant General Counsel she decided to quit so all he could say was she was not ready to take it on.

Miss Collins said the Federal Court was just a little bit more demanding than she had anticipated. The Chairman said the Commission had enjoyed having Miss Collins and that she was a good, bright person. He said Mr. Johnson was making some adjustments in personnel that had been occasioned by Mr. Hartshorne's retirement and by Mr. Plain's promotion and along with Mr. Cole, Miss Collins' resignation. The Chairman said the Commission wished it were otherwise because Miss Collins had come to the fore very well. He said in the Spring of 1974, when there was something that he wanted to get across to the General Assembly over the weekend, Miss Collins had made a trip for that purpose and he had not forgotten it. He said he would be glad to

give her any kind of a recommendation that she might like to have and that if sometime she wanted to get herself out of the Federal Court and come back to the Commission, the Commission would be glad to employ her.

The Executive Director reported further that another thing he wanted to say was that he expected to designate Robert P. Barnett, Assistant Director of Information and Research, to the post of Administrative Assistant to the Executive Director. He said the duties of Administrative Assistant would be added to those of the Assistant Director of Information and Research, which duties Mr. Barnett would retain. The Chairman asked Mr. Barnett to stand so that the Commission could congratulate him on becoming part of the administrative department of the Commission's office of the Executive Director. He said he had observed Mr. Barnett's work over the time he had been with the Commission and was delighted Mr. Johnson was making that choice. He said he liked to see promotions made from within the organization. He said he wished Mr. Barnett success and the Members of the Commission wished him success. The Chairman said that the Commission wished Miss Collins success in her work and Mr. Plain success in his. He said he assumed Mr. Plain and Mr. Johnson were proceeding to make adjustments to accommodate Mr. Grace's departure. The Executive Director said he would do so. The Chairman asked when Mr. Grace was to leave and when he began working for the Turnpike. The Executive Director said that Mr. Grace would leave at the end of September and had come to work for the Turnpike on November 15, 1954.

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 said he had no report but he would like to add a word or two of his own concerning Miss Collins because he was more immediately and directly affected and that was to say she left with both his personal good will and that of the department's. He said she left with his personal respect for her and professionally. The Chairman said Miss Collins was entitled to respond.

Miss Collins said she appreciated all the good wishes and was sorry that conditions made it necessary for her to leave. She said she had two cases, both being heard at the same time in Federal Court. She said she had never anticipated that it would work out as it had. She said she had commented to some of her friends earlier that she now knew the meaning of the phrase, "to make a Federal case of it." She said if a Federal case was made of something, one really got very involved. She said it was very time consuming and she could not manage to do all of the work that was necessary during the evenings and on weekends. She said both cases were

very important cases to her and she had to devote the necessary time to them. She said the amount of leave time that she needed was more than the Commission could grant. She said she did not have any choice but to resign.

The Chairman said the General Counsel and the Executive Director would have to make some kind of accommodation and the position would have to be filled again but as he had said, if Miss Collins felt like coming back and seeing the Commission again, it would be glad to receive her. Miss Collins said she had found the work very interesting while she had been at the Ohio Turnpike Commission.

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

Mr. Harnden reported that the Consulting Engineers' Annual Report to the Turnpike Commission was due on October 1, had already been written and had already gone to press and that the date would be met.

Mr. Harnden reported also that Fred S. Cresswell of the J. E. Greiner Company had retired. Mr. Harnden said a retirement party had been held and some of the Turnpike staff had been present. The Chairman said the Executive Director had been at the party. The Chairman asked Mr. Harnden to deliver a message to Mr. Cresswell.

The Chairman said the report of the Consulting Engineers was accepted as offered. He ascertained there would be no report from the Trustee. He said the report of the Director of Information and Research would be received.

The Director of Information and Research said he had no report but as for the Hartshorne retirement party, he wanted to say that he could not have done it without the fine committee he had. He said Mr. Grace had been on the committee and he would be greatly missed because, of course, the committee could not let him serve on his own retirement party. The Chairman asked where Mr. Grace was going to live. Mr. Harding said in California. The Chairman said the Commission would soon have representatives everywhere and as he had told the people in Berea on the occasion of Mr. Hartshorne's retirement party, the Turnpike employees were like one big family.

The Chairman said the report of the Director of Information and Research was accepted as offered and determined that there was no new business to come before the Commission.

Mr. Richley said that before the meeting closed there was something that Confucius had said about 5,000 years ago about modesty and immodesty

which earlier talk reminded him of. Mr. Richley said that Confucius had said that for people of modest ability, modesty was repugnant but that for people of great ability, modesty was unnecessary. The Chairman said he would accept that and said that the Commission had had a fine meeting and that with Mr. Anderson's letter, a solidarity had been manifested at the meeting that had always existed and that did not need manifestation often but that it was occasionally good to have it.

Mr. Bricker asked what the Commission's policy was in making statements to newspaper reporters and other media. The Chairman said everyone was free, of course, to say whatever he wanted to say and his position always had been that everyone spoke at his own peril. He said one talked about such things as he knew about and if he did not know about them, he did not speak. He said it had been the policy over the years and that the policy had been enunciated as such many years ago that official statements of the Commission between meetings would be made by the Chairman. Mr. Bricker said that was what he wanted to know and that he subscribed to the policy.

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

RESOLUTION NO. 17-1974

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on July 30, 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 July 30, 1974 hereby are ratified, approved and confirmed."

The Chairman said that was the resolution he had mentioned. He said he had often said it was superfluous but it might be some consolation to members of the staff to have it said at every meeting and that he had thought of it that morning when he had read that criticism of other agencies

by the State in the paper.

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

Ayes: Teagarden, Bricker, Richley, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 17-1974.

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 October 1 subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Bricker, Richley, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:38 P. M.

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



Ralph H. Anderson, Secretary-Treasurer