

MINUTES OF THE TWO HUNDRED AND EIGHTY-FOURTH MEETING
December 17, 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 December 17, 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 said all Members were present and that the minutes should show that O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker, J. Phillip Richley and James W. Shocknessy were present.

A motion was made by Mr. Bricker, seconded by Mr. Richley, that the minutes for the meeting of November 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.

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 minutes stood adopted with all Members voting in the affirmative.

The Chairman said it was the Commission's bitter sweet duty to bid adieu to the ex officio member. He said he had done so often in the past with other ex officio members when they left and that he would postpone giving the valedictory for the present ex officio member until the end of the meeting. He said he had always been able to give a heartfelt valedictory at the last meeting attended by an ex officio member and he expected to do the same for Mr. Richley.

The Chairman said the Commission was meeting to accomplish the final reading on the Commission's fiscal year and the Commission would have a new member at the next meeting which, he hoped, would not be until February so that the new Director of Transportation would have an opportunity to adjust himself to his responsibilities and to membership on the Commission, before he had to appear. The Chairman determined that there was nothing that needed to come to the Commission before the first of February and he determined that it was agreeable to the Commission not to have a meeting until February.

The Chairman said that when Mr. Richley had not come to his first meeting of the Commission, the Chairman was not sure if Mr. Richley had it in mind to cut the Chairman's throat but he had waited to take a look at him before he really found out what Mr. Richley intended and he found out Mr. Richley was satisfied just to twist his tail, and that was what Mr. Richley had done for the last 46 months. He said Mr. Richley, just before the meeting, had referred to and thus had given him an opportunity that morning to mention an editorial which had appeared in the Columbus Dispatch on December 15, about secret meetings, of which he read the first and last paragraphs, as follows:

"Ohio Lottery Needs Legislative Scrutiny

"It will be up to members of the new Ohio General Assembly to remind officers and staff of the Ohio Lottery Commission of their roles in state government.

"No one is indicting the lottery commissioners, staff members or the marketing consultants on any charge other than failing to act as a public body for public scrutiny. The legislature should provide that scrutiny."

The Chairman said he also wanted to mention that one of the Commission's charter members, if that term might be used, certainly an original member of the Commission and a very great man, Murray Seasongood, had celebrated his 96th birthday in Cincinnati since the last previous meeting of the Commission and that the Chairman had written him a letter of congratulations from the Commission. He said he had received a letter from Mr. Seasongood dated the 5th of December, as follows:

"James W. Shocknessy, Esq.
Chairman, Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Jim,

"Your letter received December 2 makes me considerably puffed up and I appreciate deeply your having sent it. I thought you might be mildly interested in the enclosed clipping from the Cincinnati Post of November 23, 1974. Of course, I know I have about as much chance as the proverbial snowball in the hot place to be the choice of the Cincinnati Chamber of Commerce. But the sentiments expressed in the leader are a real satisfaction for me.

"Sincerely,

"Murray Seasongood"

The Chairman said that Mr. Seasongood was one of the founders of the Charter Party in Cincinnati, the party from which Governor John J. Gilligan derived, and that Mr. Seasongood had been Mr. Shocknessy's first employer. He said he had been a young lawyer in Mr. Seasongood's office more than 40 years before. He said when he got out of law school Mr. Seasongood had invited him to come into his office and at the same time Charles Taft, who was practicing law with his partner, had said to him that he should come to work in the Taft law office. He said Mr. Taft told him that the Taft law office had everything but a Democrat and Mr. Taft said their office ought to have a Democrat. He said he did not know whether Mr. Taft was offering him a job or not but he did not seek it. He said he did go to Mr. Seasongood's office. He said he and Mr. Seasongood had been friends ever since and the Chairman considered him a patron although when Mr. Seasongood was on the Commission he and the Chairman did not get along very well and Mr. Seasongood used to leave the meetings in a high dudgeon.

The Chairman said Mr. Teagarden's continuity and association and his own continuity and association with the Ohio Turnpike Commission and each other assured total continuity to the only public body in Ohio that really had continuity in all respects. He said even the Highway Department, now the Department of Transportation, did not have the same kind of continuity that the Commission had. He said he wanted the record to show that Mr. Seasongood had attained the age of 96. He said he had told Mr. Seasongood in the letter to him, "As Almighty God left the prophets of old to live to great age that they might manifest Him to the generations of their posterity so has He left you to impart His and your wisdom to us. May He grant more years to you to the benefit of all of us!" He said there were many people, especially in the Republican Party in the early days, who questioned whether or not Mr. Seasongood was either wise or a Republican but Mr. Seasongood had been both. He said he was told many years ago when he was in Mr. Seasongood's office, that Mr. Seasongood had supported the then Senator Robert J. Bulkley (Democrat) and that the Senator, Mr. Seasongood and he had all been involved with the repeal of the iniquitous prohibition law and someone had said to him at that time "What are you talking about - calling Mr. Seasongood a Republican. I have never known a Republican he was for." He said the person who had said that was speaking in terms of Cincinnati. The Chairman said that Mr. Seasongood founded the Charter Party and did great things for Cincinnati and that it was a great joy to him to be able to know him and to work with him over many years and to congratulate him at the age of 96. He said perhaps if he lived until he was 96, some of the people who would not like to congratulate him at the moment might do so then.

The Chairman said also that he wanted to congratulate the Executive Director, Allan V. Johnson, because of an editorial from the Elyria Chronicle-Telegram which he was sure everyone had seen. He directed that the editorial

be included in the minutes of the Commission, as follows:

"Turnpike Progress Report

"A clarification of the new toll audit system installed recently on the Ohio Turnpike has been received from Allan V. Johnson, executive director, in answer to a reader's criticism.

"In the first place, Johnson said, the present system was becoming obsolete and maintenance was increasingly more expensive and difficult.

"Secondly, the equipment would be inadequate to handle traffic until 1980 or 1981, when the last tolls are to be collected and the turnpike turned into a free road.

"Cost of installing and operating a new system will be less than the cost of retaining and operating the existing equipment. The new installation, in addition, makes use of the latest in data processing machinery.

"Some problems were encountered at first, but most already have been eliminated and toll collections are being facilitated. Apparently, some motorists had been delayed a few minutes in the first days of the new installation.

"The turnpike had been criticized by a few for spending \$2.8 million on equipment which did not seem to be speeding drivers through the gates. Having watched the turnpike commission's operations over the year, however, we felt sure the expense was justified.

"The Ohio Turnpike issued \$326 million in bonds to pay for its construction. The last of these was to be paid off in 1992, according to the original schedule.

"Because of increasingly heavy traffic and the turnpike's efficient management, however, the pike will become a free road in 1981, 10 years ahead of schedule.

"Johnson reported bonds totaling \$209,421,000 have been retired to date. An additional \$4 million probably will be paid off this year, leaving \$102 million on the books. As we said, this is a tribute to the vision of the pike's planners and the efficiency of its management.

"In a way, we hate to see the turnpike relegated to just another road. Now, its maintenance and operation is being paid for by those who use it, which is an admirable arrangement.

"We wonder if it would be possible to keep it as a toll road after 1981,

with fee reduced. Perhaps it could be put on automatic basis, like those roads we've seen where you toss a quarter in a basket as you drive by.

"Its something to think about. "

The Chairman said he and the Chronicle-Telegram had not always agreed but in recent years they had and not only had the Chronicle-Telegram and its publisher, O. B. Schoepfle, become an adherent of the Commission but it had congratulated the Executive Director and he was proud of it.

The Chairman reported that revenue for the month of November had been \$3,277,350 which was the third time in the history of the Ohio Turnpike that revenue for the month of November had been more than \$3,000,000, but it was still \$254,000 less than the corresponding month in 1973. He said he wished to congratulate the Commission again on having the foresight over the past 20 years of its operation to husband its funds so that the Commission could meet the lean years with assurance and could pay its way until the end.

The Chairman reported also that the Trustee had purchased revenue bonds in the amount of \$4,421,000 which brought the retirements to date in 1974 to \$19,474,000 and brought the unpaid portion of the debt to only \$112,158,000. He said that made it certain that during 1975, regardless of gasoline rationing, gasoline tax, or anything else, the indebtedness would be brought down to less than \$100,000,000. He said an informal schedule projected by the Commission and Squire, Sanders & Dempsey in 1969 contemplated payment of \$12,913,000 in 1974 but, in any case the Commission had retired almost \$20,000,000 during the year.

The Chairman reported also that there had been only two fatal accidents during the month, one of them was a truck driver who apparently fell asleep and one was a pedestrian who attempted to cross the highway.

The Chairman reported also that under the terms of the Trust Agreement the Commission was to adopt the budget for 1975 and would amend the budget for 1974, which did not involve additional money but would reallocate funds within the budget already approved.

The Chairman reported also that Squire, Sanders & Dempsey had rendered an opinion on the use of toll revenue and also that the Director of Transportation would submit the statewide transportation study to the Governor on the following Monday. He said the Executive Director would report on the new toll audit system.

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

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

1. Traffic & Revenue Reports for October and November 1974.
2. Financial Statements as of October 31, 1974.
3. Detail of Investment Transactions which took place in November 1974.
4. Draft of the minutes of the November 5, 1974 meeting.
5. Month-end Release dated December 1, 1974.

The Assistant Secretary-Treasurer, Mr. Johnson, said a resolution was before the Commission to authorize replacement of certain lost bonds upon the affidavit and application of National City Bank of Cleveland to the Ohio National Bank as Trustee. The Assistant Secretary-Treasurer said the necessary related documents had been submitted by the Trustee to the Commission and that all was in conformance with the Commission's procedure for replacing lost bonds and it was recommended that the resolution be adopted.

A resolution authorizing issuance of \$47,000 of new bonds to replace various lost bonds as identified by the affidavit and application of National City Bank was moved for adoption by Mr. Anderson, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 21-1974

"WHEREAS by Resolution No. 100-1954, adopted by the Commission on June 8, 1954, provision was made for the execution, authentication, and delivery of new bonds in lieu of and in substitution for bonds destroyed or lost and their coupons, pursuant to Section 211 of the trust agreement relating to Turnpike Revenue Bonds, Project No. 1, and by said resolution certain requirements for execution and issuance of such new bonds and coupons were established; and

"WHEREAS National City Bank, Cleveland, Ohio, has submitted an affidavit and application for the issuance of new bonds in substitution for bonds lost to The Ohio National Bank of Columbus, as Trustee, and The Ohio National Bank of Columbus, pursuant to the conditions provided for in said Resolution No. 100-1954, has approved the affidavit and application and related documents and submitted same to the Commission, said documents including a surety bond in the amount of \$122,258.75 relating to Bonds Nos. M-211004/5, M-140600/7, M-134567/8, M-169332, M-1676/7, M-17757, M-186309, M-186274/88, M-257593/6, M-83878, M-60561, M-16371/2, M-246851/5, M-284807/8, each of the denomination of \$1,000 with coupons dated June 1, 1974, and all subsequently maturing coupons attached in

bearer form, which bonds, according to the affidavit and application submitted to the Commission, belong to National City Bank, Cleveland, Ohio;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves the documents submitted to it by The Ohio National Bank of Columbus, as Trustee, as aforesaid and authorizes the execution, authentication and delivery of the new bonds in lieu of the aforesaid bonds pursuant to Section 211 of said trust agreement, and the officers of the Commission are authorized to take any and all action necessary and proper to effect the execution, authentication, and delivery of such new bonds, and that said bonds be in definitive form with all coupons maturing subsequent to June 1, 1974, attached."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 21-1974.

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

The chairman of the Committee on Budget and Finance, Mr. Anderson, reported that a careful analysis of expenses for 1974 compared to the Annual Budget for the fiscal year 1974, as adopted by the Commission in December 1973, had revealed that the total amount budgeted would be adequate to cover expenses for the year but that the annual budget should be amended by transferring \$90,000 from the Administration and Insurance classification to the Operations classification. He said the Trust Agreement provided that the Commission might adopt an amended annual budget at any time and that such amended annual budget should be approved effective upon approval by the Consulting Engineers. He said the Consulting Engineers had approved the amendment in a memorandum dated December 17, 1974 to the Executive Director from H. A. Harnden, as follows:

"TO: A. V. Johnson, Executive Director
Ohio Turnpike Commission

"FROM: H. A. Harnden
J. E. Greiner Company

"SUBJECT: Ohio Turnpike Budget for 1974 Amendment

"A comparison of the expenses at the end of November 1974 with the budget for that period reveals that the Administration and Insurance expenses are under the budget by approximately \$100,000, while the Operations expenses are close to the budget.

"There is no latitude for unexpected expenses for the remainder of the year in the Operations account.

"I have been informed that the Commission is preparing a resolution for the purpose of amending the budget for 1974 by decreasing the budget amount for Administration and Insurance expenses by \$90,000 and increasing the amount for the Operations account by \$90,000. The total amount of the budget for 1974 will thus remain unchanged.

"We recommend the budget for 1974 be so amended.

"H. A. Harnden"

The Secretary-Treasurer said, accordingly, a resolution had been prepared to amend the Annual Budget for fiscal year 1974 and he recommended that the resolution be adopted.

A resolution adopting amendment to annual budget for the fiscal year 1974 was moved for adoption by Mr. Anderson, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 22-1974

"WHEREAS pursuant to Section 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank, New York), as co-trustee, the Commission, by Resolution No. 22-1973, adopted an annual budget for the fiscal year 1974;

"WHEREAS pursuant to Section 505 of the said trust agreement, the Commission may at any time, adopt an amended or supplemental annual budget for the remainder of the then current fiscal year;

"WHEREAS experience in the operation of the Ohio Turnpike now indicates that while there is no need for supplementary budget allowances for the remainder of the current fiscal year, an amendment of allocations as between Administration & Insurance on the one hand, and Operations on the other, is required to cover actual expenses for the remainder of the current fiscal year; and

"WHEREAS an amendment to the annual budget for the remainder of the

year 1974 has been submitted to the Commission by the executive director and is now before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following amendment to the previously adopted budget of current expenses for the fiscal year 1974:

Amendment to Annual Budget for Fiscal Year 1974

Expenses

Administration & Insurance (decrease in estimate)	-\$90,000
Operations (increase in estimate)	+ 90,000
Trust Indenture Expense (no change)	<u>0</u>
Total	0

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

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

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

Nays: None.

The Chairman declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 22-1974. He said the cost of any big snow storm that occurred after the meeting date would be paid in 1975. Mr. Anderson reminded the Chairman that letters of praise had been received in regard to the fine job the Ohio Turnpike Commission staff had done in keeping the road clear of snow and opened during the Thanksgiving weekend storm. Mr. Anderson said that the Turnpike had been open when some other roads were open only in one direction. Mr. Richley said the Turnpike ran east and west and the principal highways for which the Department of Transportation was responsible in the area of the Ohio Turnpike ran north and south and that he did not have to say much more than that. The Chairman said he would go further. He said the Ohio Turnpike was just as far north as the Department of Transportation was in most instances and that as a matter of fact the Ohio Turnpike traversed the

the whole northern part of the State of Ohio. The Chairman said the roads that were closed were in the area of the Ohio Turnpike, the same area in which the Ohio Turnpike did stay open. Mr. Richley said the roads ran in different directions.

Mr. Anderson reported also that at the October 1, 1974 meeting, the Commission had adopted a preliminary budget for the fiscal year 1975 as required by the Trust Agreement and the preliminary budget had subsequently been filed with the Trustee and mailed to the Consulting Engineers and to the Principal Underwriters. He said there had been no request for a hearing to modify the budget as provided by the Trust Agreement and the Consulting Engineers had recommended adoption of the preliminary budget as the final annual budget for fiscal year 1975 in a memorandum to the Executive Director signed by H. A. Harnden under date of December 13, 1974, as follows:

"TO: A. V. Johnson, Executive Director
Ohio Turnpike Commission

"FROM: H. A. Harnden
J. E. Greiner Company

"SUBJECT: Ohio Turnpike Annual Budget for Fiscal Year 1975

"The Ohio Turnpike Commission, by its Resolution No. 18-1974, adopted a preliminary budget of income and expenses for the fiscal year of 1975 as follows:

"Income	\$42,000,000
"Current Expenses:	
Administration & Insurance	\$ 2,888,400
Operations	\$11,895,600
Trust Indenture Expense	<u>\$ 187,500</u>
"Total Current Expenses	\$14,971,500

"This budget for current expenses corresponds precisely with the estimate contained in our Nineteenth Annual Report forwarded to the Commission on September 27, 1974.

"No subsequent considerations have developed to indicate the desirability of revisions to this budget. We now recommend it be finally adopted as the Annual Budget for the Fiscal Year 1975.

"J. E. Greiner Company

by:

"H. A. Harnden"

Mr. Anderson said a resolution had been prepared to adopt the preliminary budget as the final budget.

A resolution adopting annual budget for the fiscal year 1975 was moved for adoption by Mr. Anderson, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 23-1974

"WHEREAS the Commission, by resolution No. 18-1974, adopted a preliminary budget for the fiscal year 1975, and caused copies thereof to be filed with the trustee and mailed to the consulting engineers and the principal underwriters;

"WHEREAS no request whatsoever for a public hearing thereon has been made to the Commission by any person or persons whomsoever;

"WHEREAS pursuant to Section 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank, New York), as co-trustee, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1975, to be designated the "Annual Budget"; and

"WHEREAS Section 505 of the trust agreement provides that the total appropriations in any division of the annual budget will not exceed the total appropriations in the corresponding division of the preliminary budget;

"NOW, THEREFORE, BE IT

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

Annual Budget of Income and Current Expenses
for the Fiscal Year 1975

Income		\$42, 000, 000
Current Expenses		
Administration & Insurance	\$ 2, 888, 400	
Operations	11, 895, 600	
Trust Indenture Expense	<u>187, 500</u>	
Total Current Expenses	\$14, 971, 500	

"FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed the total appropriations in the corresponding division of the preliminary budget heretofore adopted by resolution No. 18-1974; and

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

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 23-1974.

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, reported that a request had been received from both operators of restaurants on the Turnpike, Gladioux Food Services, Inc. and Howard Johnson Company for increased prices on the menu items that were controlled by the Commission. He said a price comparison survey had been completed and that all members of the committee had been given a copy of the report and that they should very soon arrive at a decision. Mr. Teagarden said it was a very extensive investigation. He said the committee did not merely rubber stamp requests by the concessionaires and he said that both conces-

sionaires already had increased prices on certain non-controlled items. Mr. Teagarden said the committee looked at those non-controlled prices as well as the controlled prices to make certain they were not out of line. He said if such prices were found by the committee not to be in line with prices charged off the Turnpike the Commission had the option of placing those items under control. The Executive Director said that if the prices charged for non-controlled items exceeded the comparable off-Turnpike items, the Commission could ask the concessionaire either to remove the item from sale or lower the price of the item. The Chairman said that he recognized that inflation affected even the price of milk but he still wanted the children who travelled on the Turnpike to be able to get milk as cheaply as possible. The Executive Director said the committee was giving very careful scrutiny to the milk situation since it had last been considered.

Mr. Teagarden said the Committee on Service Plazas had a very difficult decision to make because the request of the restaurant operators on some items were for increases that ranged from 33% to 50%. The Chairman said he could see that items which contained a lot of sugar would cost the operators more to produce and that the concessionaires might be justified in asking for increases on such items.

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 or from the Director of Transportation.

The Chairman said he happened to have something for the Director of Transportation, an editorial from the Akron-Beacon Journal of November 21, 1974, on the use of gasoline tax for things other than roads. The Chairman read the editorial as follows:

"Use Tax for More Than Roads

"Among the controversial issues the new General Assembly should take up is the redistribution of Ohio's seven-cents-a-gallon gasoline tax.

"All the revenues from the tax must now go for highways. But the transportation needs of the state go beyond the need for improved highways. In the age of energy shortages, increased emphasis is needed on urban mass transit, intercity transit within the state, and even state aid for some possible Amtrak runs in Ohio.

"Of course, none of these needs means that Ohio won't have to improve its roads, or that much of the gasoline tax money won't be needed for years to come to pay off the highway bond issues approved in the last Rhodes administration. But the state needs a balanced transportation system and the most sensible way to finance it is to tap the gasoline tax that already exists.

"Before this can be done, the legislature will have to put on the ballot a constitutional amendment that will allow gasoline tax revenue to be used for other than highway purposes.

"Legislators will have to stand up to the highway lobby to do that, and the people of Ohio will have to fully understand the importance of funding balanced transportation before such an amendment could pass. Undoubtedly it would be a tough fight.

"But there may not be a better time to tackle it than now when the price of overdependence on the automobile is becoming more and more evident in the American economy."

The Chairman said that Mr. Richley was for such taxes morally but he was not for it at the moment but he, the Chairman, was for it as soon as it could be accomplished. Mr. Richley said he was for it as soon as it could be accomplished. The Chairman said they then differed on when that could be. Mr. Richley said he initiated studies four years before. The Chairman said if Mr. Richley had lit the torch, the Chairman had carried it. Mr. Richley said he was grateful to the Chairman.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that the Thanksgiving holiday period had been accompanied by snow and that at times the visibility had been poor but that the holiday period passed without any fatal accidents and that there had been only ten fatal accidents thus far during the year which was the fewest since the Turnpike was opened and compared with 28 fatalities in the same period in 1973. He said the Turnpike was kept open through the snow by getting on the job early and persevering under rather severe conditions. He said he was gratified that the Commission was able to keep the road open and that it got complimentary response from many people.

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 the new toll audit system was put into operation on November 9 and the salvage phase or removal of the old system was now being carried out. He said the new system was performing admirably and the minor, inevitable problems which were being uncovered were being handled routinely. He said an agreement had been concluded with the Pennsylvania Turnpike Commission to sell it 33 of the Ohio Turnpike Commission's old entry consoles and related tariff equipment for a price of \$85,000 including the furnishing to the Ohio Turnpike of certain microwave communications equipment which was no longer needed

by the Pennsylvania Turnpike Commission. He said that was \$85,000 more than had been bid for the old equipment as salvage at an earlier time.

The Executive Director reported also that bids had been opened that morning for the sale of an IBM Model 360 Computer at Berea headquarters Building, a computer that was no longer needed since the installation of the new toll audit system. He said five bids had been received ranging from \$32,000 to \$41,000 and that again was encouraging because on a previous occasion only \$2,500 had been bid for that computer. He said it appeared that the Ohio Turnpike Commission would receive something in the neighborhood of \$120,000 for equipment that would no longer be needed and this compared to almost nothing on earlier bids.

The Executive Director reported also that the staff was analyzing the service plaza contracts which would expire in September. He said the staff was attempting to determine how current Federal regulations would affect the contracts and bidding procedures for the service stations. He said he had attended a meeting of the International Bridge, Tunnel & Turnpike Association in November at which time he had conferred with officials from New York, New Jersey, Maryland, Pennsylvania, Florida, Kentucky, Indiana and Kansas toll roads. He said all these had had to renegotiate their service station contracts recently. He said the most helpful experience likely would be that of Indiana because their existing contracts would expire at the end of 1974 and the Indiana Toll Road authorities were in the process of seeking a determination from the Federal Energy Administration as to how the Federal regulations would affect service station contracts on that road. The Executive Director said he expected any ruling that Indiana could obtain would also pertain to the Ohio Turnpike Commission. The Executive Director said he had nothing further to report on the service station contracts but that the General Counsel, Francis K. Cole, might have something to add.

The General Counsel reported that he had not been able to reach the General Counsel of the Indiana Toll Road but he had talked to its Chief Engineer who had told him that the Toll Road Authority was in the process of renegotiating its contracts with the oil companies and the oil companies had indicated that they were not agreeable to accepting some conditions they had been agreeable to in the past.

The Chairman said in its memorandum, dated October 11, 1974, acknowledging notice from the oil companies that they would not renew their contracts, the Ohio Turnpike Commission had very specifically taken note of the fact that the United States might adopt regulations which might even require the service stations to continue their contracts. The Chairman said the Commission would wait to see what emanated from Washington. He said it was very difficult to write specifications for people who were subject

to as many caprices as those people in Washington seemed to be.

The Executive Director reported also that in the past the Commission had by resolution arranged for vacation carryover for certain individually named supervisory and office employees. He said the Committee on Employee Relations, in its discussions earlier in the year with toll and maintenance representatives, had agreed to extend the same opportunity to those employees and since this eventually could involve hundreds of employees, it was no longer practical to name every employee individually and that he had had a resolution prepared that would grant vacation carryover to all employees so long as it did not adversely affect the operations or exceed the amount that an individual employee could earn in two years. He recommended that the resolution be adopted.

A resolution authorizing deferments of days of annual vacations of employees of the Commission was moved for adoption by Mr. Teagarden, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 24-1974

"WHEREAS the Commission has heretofore by specific resolution authorized deferment of days of vacation accumulated but not used for employees named in each such resolution, on recommendation of the department heads concerned; and

"WHEREAS the Commission now desires to authorize the executive director to defer days of vacation accumulated but not used by any employee of the Commission when he shall deem that there is good and sufficient cause for such deferment and that such deferment shall not interfere with the efficient maintenance or operation of the turnpike, the authority to be granted being subject to the limitation hereinafter set forth;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and hereby he is, authorized to defer accumulated but unused days of vacation of any Commission employee to the following year when he shall deem that there is good and sufficient cause for such deferment and that same will not interfere with the efficient maintenance or operation of the turnpike; provided, however, that no such deferment shall exceed twice the number of days of annual vacation to which the employee would be entitled during the year in which such deferment is made had he taken no vacation during such year, and provided, further, that days of vacation thus deferred from one year to the next may again be deferred, subject to the limitation set forth in the preceding proviso. "

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 24-1974.

The Executive Director reported also that the Employee Manual provided that an employee could accumulate 120 days of sick leave credit but the Manual also provided that an employee who had earned but not accumulated sick leave beyond 120 days might be granted up to 30 days additional sick leave to relieve hardship upon the recommendation of the Executive Director and with the approval of the Commission. He said an Assistant Senior Toll Collector, Francis Englehardt, who had been an employee of the Commission since 1956, had earned 199-3/4 sick days. He said Mr. Englehardt had an excellent work and attendance record before he became ill and that he had exhausted his 120 days and the Executive Director proposed to grant an additional 30 days as provided in the Manual unless there was some objection by the Commission. He said the action did not require a resolution.

The Chairman said that there was no objection by any Member of the Commission to grant an additional 30 days sick leave to Assistant Senior Toll Collector Francis Englehardt and Mr. Englehardt might be so advised.

The Executive Director reported also that he had advised the Members of the Commission by memorandum of the result of the opening of bids on December 4, 1974 for the construction of the toll plaza portion of the interchange between the Ohio Turnpike and Interstate Route 680 in Mahoning County. He said four bids were opened and read but one contained certain irregularities and was declared invalid. He said of the remaining three bids, the bid of the Joseph Lach Construction Co., Inc. of Avon, Ohio in the amount of \$739,000 was the lowest. He said the lowest bid had been carefully evaluated by the staff and by the Consulting Engineers and the staff had reviewed the confidential financial and qualification questionnaire submitted by the contractor as part of the bid and the contractor had been interviewed. He said as a result, the Consulting Engineers had determined that the Joseph Lach Construction Co., Inc. bid was the best bid and recommended an award to that company. The Executive Director said the Chief Engineer had concurred in the recommendation and that the General Counsel had reviewed all the legal aspects of the bid and advised that the contract might be legally awarded. He said he, too, had reviewed all aspects of the bids and he had conferred with Mr. Richley and others in the Department of Transportation about the state projects of which this project would become a part, and that all circumstances considered, he concurred in the recommendation to award the contract to the Joseph Lach Construction Co., Inc. He said a resolution for that purpose had been prepared and he recommended it be adopted.

A resolution awarding Contract RMP 55-74-2 for construction of toll plaza and related work at interchange between the Ohio Turnpike and Interstate Route 680 was moved for adoption by Mr. Richley, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 25-1974

"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 680 in Mahoning County, Ohio, which contract is designated Contract RMP 55-74-2, 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 therefor;

"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 \$739,000, for the performance of Contract RMP 55-74-2 is, and is by the Commission determined to be, the lowest and best 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 ratifies 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 680, 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 \$739,000, for the performance of Contract RMP 55-74-2 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 bidders the bid security furnished by each, (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."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 25-1974.

The Executive Director reported also that the annual Christmas luncheon for employees would be held on December 20th at the Administration Building and if any of the Commission Members could be there, they would be most welcome.

The Executive Director reported also that all employees had been advised of the Commission's policy against accepting gifts or gratuities from any contractors or suppliers.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no reports from the General Counsel, from the Consulting Engineers, from the Trustee or from the

Director of Information and Research.

The Chairman said that brought him to the subject of new business and he wanted to take note especially of the letter that he mentioned from Squire, Sanders & Dempsey that had to do with the use of toll revenue, which read as follows:

"Squire, Sanders & Dempsey
Counsellors at Law
1800 Union Commerce Building
Cleveland, Ohio 44115

"December 12, 1974

"Francis K. Cole, Esquire
General Counsel
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Mr. Cole:

"This responds to your request for an opinion 'embodying conclusions with respect to the use of toll revenues for capital improvements not necessary for the operation of the Ohio Turnpike as conceived and financed in 1952, but rather . . . related to the needs of the Turnpike after it is delivered debt-free to the State of Ohio.'

"It is clear to us that the word 'improvement(s)' as used in the Turnpike Act and Trust Agreement is not, and was not intended to be; subject to precise abstract definition. However, we readily conclude that capital improvements paid for from Turnpike revenues must be made for Turnpike or Commission purposes, and that Turnpike revenues may not be used to pay for capital improvements made solely for the benefit of the roadway or its users after the Turnpike becomes free of tolls.

"Section 509 of the Trust Agreement provides that Reserve Maintenance Fund moneys shall be used to pay, among other things, the cost of 'engineering expenses relating to the functions of the Commission' and 'improvements', and shall be disbursed only for the purposes referred to in Section 509. As we previously advised you and the Chairman, in our judgment the question of what constitutes an improvement within the meaning of Section 509 does not, and can not, arise--much less be resolved--unless and until there is a recommendation by the Consulting Engineers as to a specific improvement. The question is basically one of fact to be determined in the first instance by the Commission, with the Consulting Engineers' recommendations before it (as called for in the Trust Agreement) as to

'the proper maintenance, repair and operation of the Turnpike during the ensuing fiscal year and an estimate of the amount of money necessary for such purposes' and as to the 'amount that should be deposited during the ensuing fiscal year to the credit of the Reserve Maintenance Fund for the purposes set forth in Section 509'. We understand that such has in essence been the approach used by the Commission in considering expenditures for specific improvements from Reserve Maintenance Fund moneys.

"An essential determination to be made before any given improvement is paid for from Turnpike revenues is that an authorized Turnpike or Commission purpose would be served by making it. That is, would it be in furtherance of the Commission's authority or duties, for example, to maintain, repair, and operate the Turnpike and keep it in good condition, or to place the Turnpike in good condition and repair to the satisfaction of the Director of Transportation in connection with the Turnpike eventually becoming part of the state highway system free of tolls.

"A key covenant, having the effect of limiting the use for capital improvements of Turnpike revenues to improvements made for Turnpike or Commission purposes, is that in Section 710:

'The Commission covenants and agrees that, until the bonds and the interest thereon shall have been paid or provision for such payment shall have been made, none of the revenues of the Turnpike will be used for any purpose other than as provided in this Agreement and no contract or contracts will be entered into or any action taken by which the rights of the Trustee or of the bondholders will be impaired or diminished.'

Further supporting such implicit limitation on the meaning of 'improvement(s)' is the Supreme Court opinion that even the required liberal construction of the Turnpike Act (Section 5537.23, R. C.) 'pertains to the establishment of turnpikes and their facilities' but cannot, without clearer statutory authorization, reasonably be said to comprehend appropriation of lands and uses which 'are not necessary in the construction and operation of a turnpike proper'; Ellis v. Ohio Turnpike Commission, 162 Ohio St. 86 (1954) (emphasis added). See also the July 16, 1964 opinion of the Ohio Attorney General, addressed to the then Director of Highways and rendered in connection with the Tripartite Agreement, concluding that in using the phrase 'good condition and repair' in Section 5537.21, R. C., the General Assembly 'contemplated merely the delivery of the road to the director in usable condition', and that the 'statute means only to go to the extent of the road being maintained in usable condition to the time of delivery, but does not contemplate the enlargement or extension of facilities.'

"Capital improvements approved by the Commission but not authorized to be paid for from Turnpike revenues could, of course, be paid for from

other sources.

"Very truly yours,

"Squire, Sanders & Dempsey

"Ralph H. Gibbon:cw

cc: James W. Shocknessy, Esquire"

The Chairman said he wished to emphasize the second paragraph of Squire, Sanders & Dempsey's letter of December 12. The Chairman said he also had a letter that had been given to him by Mr. Richley that morning. He said the letter was from Squire, Sanders & Dempsey and was addressed to Mr. Richley as Director of Transportation. He said the letter was dated December 11 and directed that it be included in the minutes, as follows:

"Squire, Sanders & Dempsey
Counsellors at Law
1800 Union Commerce Building
Cleveland, Ohio 44115

"December 11, 1974

"J. Phillip Richley, Director of
Transportation
Ohio Department of Transportation
ODOT Building
25 S. Front Street
Columbus, Ohio 43215

"Dear Director Richley:

"This responds to your inquiry to us, in our capacity as Ohio Transportation Development Program legal sub-consultants, as to whether Federal-aid highway funds are, under existing Federal law, available for constructing capital improvements to Ohio toll roads approved as a part of the Interstate System, and, if not, to identify changes in such law that might permit such availability.

"There is no present Federal statutory provision that would make such funds available for such purpose. To the contrary, clear provision is made in 23 USC 129(b) that 'No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956.'

"The only statutory exceptions to the general prohibition in 129(b)

have been specific ones, none of which apply to Ohio, such as the 'two lane' provision of Section 129(e) (which we believe was targetted at the prior West Virginia situation), and the Louisiana reimbursement' provision passed as Section 149 of the 1973 Act; the latter, as originally passed by the Senate, would have applied to toll roads generally. The following provision, added to Section 129(b) by the Federal-Aid Highway Act of 1973, would make Federal-aid funds available only when any such toll road is made toll-free:

'When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b) (5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System. '

"To provide clear statutory authority for Federal-aid highway funds being available for such capital improvements, existing Federal law would have to be amended. Such amendments might take a variety of forms. They could be in the nature of repeal of the present generally applicable prohibitions (such as that in Section 129(b), and perhaps that in 23 USC 301). Another approach could be to add express authorizations of such use, perhaps using standard 'notwithstanding Section 129(b)' language, which authorizations could be of applicability to toll roads generally or of specific applicability to the Ohio situation.

"Very truly yours,

(Signed) "(Dean L. Barry)"

The Chairman said the letter was conclusive for the record, and he hoped that it would be conclusive forever as the Assistant Secretary-Treasurer had said in his covering letter forwarding the December 12 letter from Squire, Sanders & Dempsey to the Members of the Commission.

The Chairman said that he knew that Mr. Richley was in a hurry to leave but he did not want him to leave until he had told him personally that he had enjoyed working with him. He said Mr. Richley had been a constant challenge and that he had said earlier in the meeting when he first saw Mr. Richley when he first came to the Commission at the second meeting after he became a Member that the Chairman was not at all sure but that Mr. Richley's purpose was to cut his throat, but he found out, whether he was right or wrong later, that Mr. Richley had been satisfied just to twist the Chairman's tail and he had done that rather effectively throughout the years of his membership on the Commission. The Chairman said that there had never been a member of the Commission with more acute perception of

its problems. He said there had never been a member of the Commission with whom he had had to cross swords more often on serious matters. He said occasions like the present one were bitter sweet and so far as he was concerned, the bitterness came in losing someone as a friend and associate and as a challenger. He said he hoped he was not losing Mr. Richley as a friend. He said Mr. Richley's questions had always been properly motivated and that whether he agreed with him or not and that he and Mr. Richley had always left the room either literally or figuratively arm in arm. He said Mr. Richley was a young man and he hoped the experience Mr. Richley had had with the Commission and as Director of Transportation would enrich his life materially as well as spiritually. He said he knew Mr. Richley's life had already been enriched spiritually. He said he hoped that Mr. Richley would have success. He said it was bitter that the Commission lost him but that it was sweet in that the Commission Members knew with his qualities, Mr. Richley would succeed handsomely in broader fields and the nomination (for Governor) which Mr. Teagarden had given him a couple of months before was not ill said. He said Mr. Richley had all the qualities that made for leadership and he wanted the new Director of Transportation, whoever he might be, since it would not be Allan V. Johnson, to be advised of the recent letters from Squire, Sanders & Dempsey and the position about the earmarking of highway funds. He said when he and Mr. Johnson conferred with the new Director of Transportation they would advise him of the matters which were critical to Ohio and to the Commission as relating to the Commission and as to highways.

The Chairman said he had advised the incoming Governor, James A. Rhodes, that if he chose to re-establish what was called until October 26, 1970, the Interstate Coordinators' Conference, he would be glad to lend his support and he was sure the Members of the Commission would be willing to have the Executive Director lend his support in whatever way he could. He said the Executive Director had served as a member of that coordinating conference as an employee of the Highway Department, and that he, the Chairman, had served as chairman of the conference for more than seven years upon the invitation of the then Governor Rhodes, an effort which was undertaken on April 16, 1963. He said there were things left over from those days which he had examined in the report which Mr. Johnson had prepared for the October meeting of the conference in 1970 and he had suggested that the report be made available to the new Director of Transportation when he was named so that he might have the information when he talked with the Chairman and the Executive Director as Governor Rhodes had indicated he was going to do.

The Chairman said he wanted Mr. Richley to know all he had said not only with respect to Mr. Richley personally but what he had in mind for the future as a courtesy to the years that Mr. Richley had given the Commission and he wanted to say on behalf of the Commission, as he had said to Mr. Seasongood, "Ad multos annos!" The Chairman said he said that rather doubly to Mr. Richley because he hoped his years would exceed those of

Mr. Seasongood and he, the Chairman personally thanked Mr. Richley and said he had enjoyed knowing him and he was sure that whatever Mr. Richley did in the future in his professional capacity, he could not avoid the Commission entirely and he hoped Mr. Richley would not do so. He gave his best to Mr. Richley.

Mr. Teagarden said he first met Mr. Richley nearly four years before when he had come to the Commission and he had a great respect and high regard for him. He said Mr. Richley had rendered invaluable services to the Members of the Commission and he would miss Mr. Richley's presence.

Mr. Anderson said he had not known Mr. Richley before he had come to Columbus as Highway Director and later became Director of Transportation but he had found out Mr. Richley was a very dedicated highway engineer and a man that could handle people and work with people. He said everyone had the highest respect for Mr. Richley.

Mr. Bricker said he could not put it as well as the Chairman had but he certainly wished Mr. Richley well and he knew that he would be successful. He said it had been a pleasure to work with Mr. Richley.

Mr. Richley said he did not think the meeting could end without allowing him to reciprocate for just a minute or two. He said he had been delighted to have an opportunity to serve on the Turnpike Commission the past four years because he thought the opportunity to serve was sometimes more important than the service itself. He said he wanted to publicly thank all the Members and Mr. Chastang for the cooperation he had received over the last four years and he hoped as every new Member entered on his new duties and as every Member left, the affairs of the Turnpike would become just a little bit better as a result. He said he wanted to thank Governor John J. Gilligan for giving him the opportunity to be a Member of the Commission. He said he thought he had gained more from it than anyone else had. He said he hoped the rest of the staff and the Commission as a whole would continue to maintain the same kind of liaison with the new Director of the Department of Transportation that they had with him. He said he thought the functions of the Commission and those of the Department of Transportation were inseparable and there was no way one could continue without the other. He said that was a good, solid, healthy relationship that would be continued for a long, long time. He said it was true that on occasion he had twisted the tail of the Chairman and he noticed that it was slightly bent but obviously not broken. He said his own tail had been broken three or four times and he had a habit of growing new tails and he intended to grow a few more so perhaps in the future he and the Chairman might continue to twist one another's tails in other capacities.

Mr. Richley said one could tell the nature of the man by the company he kept so he looked around at the Turnpike Commission and he thought the

company the Chairman kept was excellent and the results had to be excellent and that the Turnpike Commission and its staff reflected the Chairman's kind of thinking and that was the kind of thinking that had held the Commission together so beautifully for so many years. He said while he and the Chairman had had differences, they had been philosophical differences and they had not been technical differences or differences in law, they had strictly been differences on approaches to how problems ought to be solved. He said he hoped that there would continue to be differences because differences brought out the merit of different points of view that allowed for discussion and made things much healthier in terms of solutions. He said he had the opportunity a few weeks before to be with Lester P. Lamm, Executive Director of the Federal Highway Administration and he talked with him and his legal counsel for over an hour concerning the future of the Ohio Turnpike and a number of other turnpikes in the country that now bore interstate numbers and that would eventually become free highways and what their status might be. He said Mr. Lamm recognized that there was a serious problem not only for the states but for the Federal Government and Mr. Lamm had encouraged the Ohio Department of Transportation to submit whatever proposals it felt were necessary or desirable. He said Mr. Lamm regarded Ohio as a bellwether state because of the timing of the matter. He said that the Ohio Turnpike would probably be the first to become toll free and, therefore, would set the tone, direction and outline the procedures for what would happen with other turnpikes across the nation that were on the interstate system. He said that exchange, of course, had spawned some discussion between the Department, Squire, Sanders & Dempsey, and the Turnpike Commission. He said there had been an attempt to bring into focus rationale and logic that might be acceptable to the highway administration. Mr. Richley said it would be up to the General Assembly to solve the problem but he did know that it would not be solved in the next two minutes but he was certain it would be solved eventually. He said he wanted to make it clear that at no time was there any effort on his part or any intent on his part to demean in any way the status or the stature of the Ohio Turnpike whether it was the operation of the Turnpike or the administration of the Turnpike. He said he merely wished to continue the fine service into the future when the road became a public and a free highway and gave the benefit of the tax dollars that the Ohio taxpayer had paid and bring that benefit back to Ohio in terms of new improvements on the Turnpike rather than to allow those tax dollars to go to other states where the Turnpike facilities were not on the interstate system. He said he felt the J. E. Greiner Co. report would serve as a means by which the problem could be highlighted. He said his sole purpose was simply to highlight the problems, put them on the table, and to make people aware of the problems and find a way to go. He said he would address that problem to some degree in the Transportation Report that would go to the General Assembly together with the legal opinions provided by counsel. He said if nothing else, he felt very gratified by the fact that the problem was out and visible and he was hopeful a solution that would satisfy all parties would come about.

The Chairman asked if he might read Mr. Richley's letter (to the Federal Highway Administration) before he sent it and Mr. Richley said the Chairman would be advised. The Chairman said he did not wish to be advised, that he wanted to see the letter. Mr. Richley said he and the Chairman did not always agree on the choice of words and since he would be its author, he would reserve the choice of words. He said that was his one last twist. The Chairman said that if Mr. Richley proceeded in that way he would have a chance, perhaps, to have his tail broken again.

Mr. Richley said he again expressed his gratitude and appreciation to all Members of the Commission for what he considered to be an excellent opportunity in his own professional development. He said he wished all of them and all their families a very happy, healthy and prosperous New Year.

The Chairman said that reminded him that the Executive Director should extend expressions of gratitude for the cooperation that the Commission had received from the Governor and tell him how much the Commission thought of Mr. Richley and that he would like the Executive Director to advise the new Governor of the Commission's intention to cooperate with him just as it had cooperated with him in his past administrations and as it had cooperated with all his predecessors since the Commission came into being. He said he might tell Governor Gilligan that the Commission remembered very pleasantly the one visit he made to it and that the Commission wished him well. He directed that the Executive Director give the Governor best wishes for his future.

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

RESOLUTION NO. 26-1974

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on November 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 November 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. 26-1974.

There being no further business to come before the Commission, a motion was made by Mr. Richley, seconded by Mr. Teagarden, that the meeting adjourn until February 4, 1975, subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

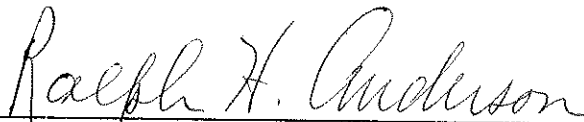
Ayes: Richley, Teagarden, Anderson, Bricker, Shocknessy.

Nays: None.

The Chairman said on behalf of the Commission he extended his good wishes to the Commission staff and on his own behalf he extended good wishes for the holidays to all Members.

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

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



Ralph H. Anderson, Secretary-Treasurer