

MINUTES OF THE TWO HUNDRED AND EIGHTY-EIGHTH MEETING
May 6, 1975

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 11:02 A.M. on May 6, 1975 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. He directed that the minutes should show that O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker, Richard D. Jackson and James W. Shocknessy were present.

Before the meeting began the Chairman and the Director of Transportation had a short discussion concerning the biennial budget of the Ohio Department of Transportation which was then before the General Assembly. The Chairman said that his view about transportation in Ohio was that it was a unit and he liked to know what was doing with respect to total transportation as well as that concerning the Ohio Turnpike Commission, because he liked to see that the State system got what it needed.

The Chairman said that Governor James A. Rhodes and he had had several interesting discussions about the whole subject of cancer that had been unveiled at the April meeting. He said both the Governor and he thought it was a good thing to do, that it was good for the public to know that cancer was being treated adequately. He said the first item of business he had at the present meeting might seem to be in contravention of that. He said he wanted to take sorrowful note of the loss since the last meeting of Haskell Short who had spent many years covering the Ohio Turnpike Commission and who was a newspaperman of great capacity, whose integrity he had always considered unimpeachable and was a man of genuine goodness. He said Governor Rhodes, the Executive Director of the Ohio Turnpike, Allan V. Johnson, and he had gone to the funeral at his church on Morse Road on April 25 and the minister, in his eulogy, had said many of the things that he himself knew even better, he thought, than the minister did because he had lived so close to Haskell over the years. He said the Commission would miss him and he would ask that the whole Commission consider a unanimous resolution memorializing his death and advising his widow not only of the Commission's profound sorrow but the profound respect and affection that the Commission had for him as a Commission and as an official agency of the State of Ohio. The Chairman determined that all Members of the Commission were in agreement. The resolution read as follows:

RESOLUTION NO. 11-1975

"WHEREAS it is with profound sorrow that the Commission has learned

of the death of Haskell Short;

"WHEREAS the Commission, a public body in the State of Ohio, through its association with Mr. Short over the years, during which he reported accurately the activities of the Commission, came to regard him with profound respect and affection; and

"WHEREAS both his high professional and personal qualities, which have been recognized by his many friends and associates throughout Ohio, contribute to the sense of loss resulting from his untimely death at the height of a memorable career;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission expresses its profound sorrow upon the death of Haskell Short, and that the assistant secretary-treasurer be directed to transmit a copy of this resolution to his widow and family as an expression of the Commission's sympathy upon their loss."

The Chairman declared the resolution adopted by a unanimous vote of the Members. The resolution was identified as No. 11-1975.

The Chairman said he was glad that the Governor, the Executive Director and he were able to go to the funeral and he and the Governor had walked down the aisle together as honorary pallbearers.

The Chairman said he wanted to memorialize Judge Adrian B. Fink, Jr. who was resigning from the Common Pleas Court bench in Cuyahoga County. He said he had known Judge Fink for 25 years or more as lawyer, as member of the General Assembly and as judge. He said Judge Fink was always competent, gracious, charming, erudite and courageous. He said Judge Fink had handled the Texaco case in which the Commission was involved with unparalleled courage, prudence and legal erudition and he would like the Executive Director on behalf of the Commission to advise Judge Fink that the Commission congratulated him in meeting on his years of service as lawyer, as member of the General Assembly and as judge. He said the Commission wished Judge Fink great success in the private practice of law.

A motion was made by Mr. Jackson, seconded by Mr. Teagarden, that the minutes for the meeting of April 8, 1975 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: Jackson, Teagarden, Anderson, Bricker, Shocknessy.

Nays: None.

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

The Chairman said it had been an interesting month, especially memorialized by the advertising for proposals for the operation of the 16 service stations on the Ohio Turnpike. The Chairman said the Toledo Blade had said editorially "Turnpike Gasoline will Still Flow" and he wished to repeat that for the benefit of everybody. He said the Commission had advertised and had advertised far enough in advance of the need date to be able to consider any proposals submitted and that more than 70 companies had been furnished the form of proposal and therefore the Commission should get some adequate responses. He said other toll road authorities who had been in the same position had had trouble and some had had to negotiate after advertising. The Chairman asked Mr. Harnden whether the Indiana Toll Road had had to negotiate after advertising. Mr. Harnden said it had had to do so. The Chairman said he hoped the proposals the Ohio Turnpike Commission received would be the kind that the Commission could act favorably upon but if not, the Commission could readvertise and the Commission would fulfill the promise that the Toledo Blade had made for the Commission, the promise that gasoline would flow. The Chairman said that he might be pumping gasoline himself. The Chairman said performance under the new contracts would begin October 1 and the Commission would anxiously await the opening of the bids at Berea on May 28.

The Chairman reported also that revenue was down about 8.8% in April 1975 as contrasted with April of 1974 but April of 1974 had included Easter and the Easter weekend always distorted the comparison with the comparable month in the succeeding year. He said 8.8% was not a disastrous drop nor was it unrelated to the unemployment figures. He said the national unemployment was around the same figure and he had said for many years that the Ohio Turnpike was as good a barometer of the national economy as there was.

The Chairman reported also that the General Assembly was considering a bill to make a 55 mile an hour speed limit permanent (inasmuch as the present state limit would expire June 30, 1975) but the Commission did not have to do anything because it had adopted a 55 mile an hour speed limit in early 1974 which was permanent. The Chairman read the resolution adopted at the February, 1974 meeting into the minutes as follows:

"FURTHER RESOLVED that Section 2.3, 'Speed Regulations,' be, and the same hereby is, adopted to read as follows:

'No person shall operate a truck, trailer, semi-trailer, commercial tractor, commercial passenger bus, school bus, or other motor vehicle upon the turnpike at a speed in excess of 55 miles per hour or at any lesser speed which is greater or less than is reasonable or proper, having due regard for the weather, traffic, surface, and

any other conditions, and no person shall operate any motor vehicle upon the turnpike at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead. ' "

The Chairman said the concern over in the Legislature had to do with points assessed against offending drivers but the Ohio Turnpike Commission did not have to mention points because points had never been charged for such offenses on the Turnpike by the reason of an Attorney General's ruling.

The Executive Director said the lawyer of the Legislative Service Commission, Fred D. Puckett, had also written a memorandum on the subject in 1974. The Chairman then read from the memorandum from Mr. Puckett to Senator Gray dated February 26, 1974 as follows:

"It is, therefore, unnecessary to amend Am. Sub. H. B. 1052 in order to avoid the assessment of points for the special speed regulations adopted by the Turnpike Commission to conform to federal fuel conservation speed limits. It is possible that some forms of amendment designed for this purpose could raise inferences that would make ambiguous a situation that otherwise should remain stable." The Chairman quoted further from the memorandum which referred to the Attorney General's 1960 opinion (No. 1658) in which Puckett said "The opinion is equally clear that points are not to be assessed for violation of any of the Commission's speed regulations, since this is one of the preempted categories."

The Director of Transportation asked if anyone had ever done research to see what the number of arrests for speeding on the Ohio Turnpike were for each million miles travelled compared to the number on other highways in the state where points were applied. The Chairman said that the Commission did not have that comparison. The Executive Director said the statistics to develop the comparison were certainly available. The Director of Transportation said it would be an interesting comparison. The General Counsel, Francis K. Cole, said the Turnpike was more intensively patrolled than were the other highways in the state. The Executive Director said the patrol was intensive, and there were plenty of arrests on the Turnpike. Mr. Jackson said it would be an interesting figure and the Chairman agreed with him. Mr. Bricker said he had read an article that had said that Ohio had wall to wall state police.

The Chairman reported also that since the last meeting he, the Executive Director and the Deputy Executive Director, G. Alan Plain, had been to the ceremony honoring Colonel Robert M. Chiaramonte, recently retired Superintendent of the Ohio State Highway Patrol. He said the Governor had not been there but Donald D. Cook, Director of Highway Safety, had represented the Governor and about 700 people were present. The Chairman said it was a very inspiring occasion and that the Ohio Highway Patrol had a way of doing

a good job with that kind of thing as with all else. He said Colonel Frank R. Blackstone was the master of ceremonies for the occasion which was called "a toast and roast". He said there were many toasts, he thought more toasts than roasts, but there were roasts, too. He said everyone had a good time and Mrs. Chiaramonte had been commended also.

The Chairman reported also that the Executive Director had written a letter about the Florence Township request for an access gate to the Turnpike of which he was very proud. He said it was dated May 5, 1975 and a copy was sent to each of the Commission Members. The Executive Director said it was in the Commission Members' folders. The Chairman quoted from the letter as follows:

"As I have said, we have not refused to meet with you and your pending request for a 'private meeting' is the first request for any type of meeting since we last met on July 24, 1974. The Ohio Turnpike Commission has always been ready and willing to meet with our neighbors in the rational pursuit of our mutual obligations and responsibilities but we will not participate in a 'private meeting' nor will we be whipsawed into providing any access to the Turnpike which we consider to be unwarranted and unsafe. We will be happy to meet with you at any time and place a meeting can be arranged at our mutual convenience (perhaps at one of your regular Township Trustee meetings) so long as it is completely understood that any such meeting will not be 'private'."

The Chairman said he could not have written a better letter himself and he liked the way he said that kind of thing. The Chairman quoted further from the letter:

"Meanwhile, we shall pursue our efforts to obtain an agreement with Berlin Township and we will continue to provide the fire fighting capability of our own forces. We note, however, that notwithstanding any agreements to obtain other assistance, a basic legal responsibility for fire protection rests on your Township and occasions may arise when you will still be called on to assist others or to provide complete fire protection on the Turnpike."

The Chairman said he did not know what the Florence Township people had in mind. He said their fire department had been called out twelve times in 22 years and so as far as he was concerned, it was a maneuver to suit somebody's convenience whose name did not appear on the face of the correspondence. He said he was not going to say another word about it unless he had something to say further. He said he was not above saying whatever he thought needed to be said, but he was saying what he was especially for the Elyria Chronicle-Telegram and for the Lorain Journal, both of which had received copies of Mr. Johnson's letter and both of which had noted a concern. He said one of the two papers had editorialized and had made a mistake - a "German" type mistake - and had used 2 instead of 12 when mentioning the

number of times the fire department had been called out so of course the people in Florence Township had objected.

The Chairman reported also that something else he wanted to mention was that he had not been able to attend the coronation of Oscar L. Teagarden at Oak Harbor on April 2, 1975. The Chairman said that ten of the Turnpike staff had been in Oak Harbor for the annual renewal of the luster on Mr. Teagarden's crown. He said Mr. Teagarden was the head guy in that area and that Senator Frank J. Lausche still called Mr. Teagarden Mayor and that Governor Rhodes also called Mr. Teagarden Mayor. The Chairman said that Mr. Teagarden was the principal employer in Oak Harbor. Mr. Teagarden said he was practically the only one. Mr. Teagarden said he had served as President of the Ohio Association of Cannerymen for two years and that he was the seventh largest packer in the country. The Chairman said that if it were not for his natural immodesty, he would be humbled by appearing at the meeting with Mr. Teagarden on one side of him and Mr. Anderson on the other because they were leaders in their respective industries, leaders who came to the leadership on their own. He said Mr. Teagarden had gone to Oak Harbor and sold more tomatoes than anyone else ever sold and the first thing one knew, he was the head tomato. Mr. Teagarden said he was highly honored to have had the Commission staff and the Executive Director present at the growers' dinner and it was the 49th year he had held one. He said 1976 would be his 50th growers' dinner and his son told him he was going to invite the Chairman to take charge of the program for the 50th anniversary. He said he hoped he would be around for it. The Chairman said he was counting on coming and had even renewed his driver's license. Mr. Teagarden said again it was an honor to have the staff members at his growers' dinner. He said all those whom he had invited accepted and some of them went away with door prizes.

The Chairman inquired whether a letter had been sent to the man in the Toll Collections Department who had won the \$300,000 in the Ohio State Lottery. He was assured that a letter had been sent. He said the Turnpike Commission usually strove for the top and he hoped that someone working for the Turnpike would win the million dollar prize.

The Chairman reported also that there had been a great deal of editorial comment on the April meeting and he wanted it in the record. The clippings read as follows:

"The Journal's Page of Opinion

"4 The Journal. Lorain, Ohio

"Sunday, April 13, 1975

"Mr. Turnpike --- Again

"JAMES W. SHOCKNESSY looks more like a character actor than the chairman of the Ohio Turnpike Commission. In fact, he acts like he's always on stage - in royal robes in his role as King.

"Gov. James Rhodes has reappointed the 68-year-old Shocknessy chairman of the turnpike. If the election had gone the other way, you can bet your last lottery ticket that John Gilligan would have taken great delight in ousting Shocknessy. They cordially disliked each other.

"But Shocknessy is the father of the turnpike. And he seems to run it well and without a trace of scandal to blemish its record.

"Shocknessy's great hope (and fervent promise) is to pay off the toll road bonds sometime in 1980 - and make the turnpike toll free. That would be a greater accomplishment than President Thieu running the Communists out of South Vietnam next week. No other state has made its turnpike free.

"But it's possible that you and I will someday ride for free on the Ohio Turnpike. If we do, we can thank James Shocknessy, who so far has resisted all efforts to use the tolls for other state purposes.

"Shocknessy deserves to finish what he started."

"The Blade's Pages of Opinion

"Page 20 Toledo, Ohio, Thursday, April 10, 1975

"Ohio's Doughty Turnpike Boss

"RECOVERED from cancer surgery and eager to discuss his illness as well as boast of his renewed state of health, James W. Shocknessy, first and only chairman of the Ohio Turnpike Commission, is comfortably out front on at least three counts: He has made a swift physical comeback, his reappointment to the commission for an eight-year term has been announced 11 weeks prior to the expiration of his present term, and his goal of early retirement of turnpike revenue bonds is 12 years ahead of the 1992 repayment deadline.

"The appearance of Governor Rhodes at the commission's monthly meeting occasioned the lively discussion of these three plusses between two old friends. The redoubtable 68-year-old Mr. Shocknessy was in exceptionally fine fettle. In response to his 'I tell you, head man, that I expect to serve as long as God and you desire,' the governor immediately replied that 'we'll announce your reappointment today.'

"When the turnpike chairman was hospitalized early last month, Mr. Rhodes had expressed his optimism that Mr. Shocknessy would 'live long enough to pay those bonds off.' Ohioans know how tenaciously the commission chairman has stuck to his goal of converting the turnpike into a public freeway at the earliest possible date.

"That Mr. Shocknessy would be reappointed to another term on June 30 if his health permitted never was in doubt. It was a typical Jim Rhodes touch to use such an informal time for affirming the chairman's reappointment while remarking affectionately that 'we're happy the good chairman has had this recovery.' So are Ohioans who respect and appreciate a financially responsible fighter for their interests."

"The Cleveland Press

"A Scripps-Howard Newspaper

"Saturday, April 12, 1975

"Page A6

"Three cheers for . . .

"James Shocknessy, back on the job as head of the Ohio Turnpike Commission, just a few weeks after a cancer operation. The energetic, voluble Shocknessy has been appointed to another term by Governor Rhodes. We're glad to have you back, Jim."

"Republican Courier
Findlay, O.
A.M. - Circ. 25,400

"APR-17-75

"WELCOME BACK

"One of Ohio's most colorful figures in public life, James Shocknessy, is back on stage after a winning bout with cancer.

"Returning to his duties after apparently successful surgery for cancer, the chairman of the Ohio Turnpike Commission was promptly reappointed to another eight-year term as chairman of the commission. Gov. James Rhodes attended the commission meeting which welcomed Shocknessy back and announced the reappointment on the spot.

"Shocknessy has been chairman of the Turnpike Commission since its inception under Gov. Frank Lausche. The 68-year-old lawyer hopes to fulfill a dream of seeing turnpike bonds paid off by 1980, or 12 years ahead of schedule. His upcoming eight-year term should offer that opportunity.

"His administration of the 241-mile road has been marked with firmness, fairness and strictly businesslike procedures. A Democrat, Shocknessy has been a dominant figure, respected by Republicans as well as members of his

own party.

"He is past chairman of the board of trustees of Ohio State University and is currently a member of the Ohio Constitutional Revision Commission.

"We welcome the 'old soldier' back in the arena of Ohio public life, where he has served with so much distinction."

The Chairman said the Commission had had an exciting month and he liked to bring to the table personal things so that the Commission stayed together. He said the Commission Members did not fight one another, but he read about other Commissions that were divided five to four. He said that never occurred at an Ohio Turnpike Commission meeting. Mr. Bricker said one Commission had not let the Director chair its meeting. Mr. Jackson said that was the Real Estate Commission. The Chairman said he had read about that occurrence but he had heard about other commissions that were divided five to four on the basis of politics, and so on. He said it was his proud boast that the Ohio Turnpike Commission had five Members, four of them appointed, two Democrats who had been appointed by a Republican Governor and two Republicans who had been appointed by a Democratic Governor. He said the Commission lived together on that basis and the swing member had always been a Member of the Commission. He said there had never been a Director of Highways or a Director of Transportation who did not join the Commission. He said the last previous Director of Transportation was a bit slow but he did join. The Chairman said he was not slow as a person, he was just slow joining.

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 and Revenue Report for March 1975.
2. Financial Statements as of March 31, 1975.
3. Expense and Budget Report - First Quarter 1975.
4. Draft of the minutes of the April 8, 1975 meeting.
5. Detail of investment transactions which took place in April 1975.
6. Month end release.

The Chairman said he would like to amend the Secretary-Treasurer's report by adding a seventh item, the letter to the Florence Township Trustees.

Mr. Anderson accepted the amendment and said that it was a good letter. The Chairman said it was an excellent letter and someone had told him just the other day about how lucky the Commission was to have Mr. Johnson as Executive Director.

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

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported for the Committee that at the previous meeting he reported that the Commission had received a request from Gladieux Food Services, Inc. for some increases in prices of foods and that the Committee had rejected the request and asked the Corporation to resubmit it if in its opinion it felt justified in making an additional request supported by evidence that the Corporation was entitled to the increases. He said the report had been received and after a thorough investigation of the requests some price increases had been granted and some had not been granted. He said the Committee had not permitted an increase in the price of milk. He said the Committee, however, had not closed the door on future requests on the price of milk and that although Gladieux had been turned down on that one item the Committee would consider the matter again if Gladieux could in the future submit sufficient evidence to support and justify the increase. He said the Committee had turned down the increase because it found that Gladieux was paying nine and a half cents for an eight ounce carton and selling it for twenty cents and the Committee felt that that markup should be sufficient. The Chairman said that that markup should be sufficient; that more than 100% markup ought to be enough. Mr. Teagarden said the Committee had not granted increases on canned soft drinks because the prices in the area near the Gladieux restaurants were in line with those at the restaurants. He said the Committee had told Gladieux that it hoped it had seen the last request for 1975 unless conditions changed drastically.

The Chairman said he had always agreed with the Service Plaza Committee recommendations but that the Commission had to be reasonable. He said it had to respect the economy and it had to be respectful of the restaurateurs who were contractors with the Turnpike. He said the Commission represented the public and the public had nobody else to represent it. Mr. Teagarden said the Commission was doing Gladieux a favor, as well. He said if restaurant prices were increased beyond prices in the area the patrons of the Turnpike were going to leave the Turnpike, eventually, for food. The Executive Director said that had not been done in any instance and the prices on the Turnpike were no greater than in comparable restaurants off the Turnpike. The Chairman said that the prices in Turnpike restaurants were not only not more, but they were generally equal to or lower than prices off the Turnpike. He said everybody knew that they were

not higher and that they were frequently lower because it was notorious information that he was very serious about watching the price of milk because he was not a lobbyist for the milk industry but was a lobbyist for children and families and he especially wanted to protect parents who were on the Turnpike and wanted milk for their children. He said one of the last things that he was willing to concede an increase on was milk. He said he had been talking that way ever since Mr. Teagarden had been on the Commission which was a long, long while. He said he had no comment about milk but he wanted to be reasonable and he wanted to look the question straight in the eyes. He said he expected everything else to be looked at straight in the eyes, also. He said on the question of milk he felt the Commission had to look a bit askance where at least 100% markup was allowed. Mr. Teagarden said he had mentioned milk because he wanted the Commission to understand that the question of milk prices had come up several times and that he felt the Committee was justified and he wanted the Commission to know about it. The Chairman said the Committee would have no trouble with him on whatever could be justified but that he hoped it would not be necessary to justify an increase in the price of milk.

The Executive Director said he would like to say one further thing on the price of milk. He said milk marketing conditions had not changed since the Committee had last reviewed and denied a request for a price increase which was in the fall of 1974 and that was the basic reason the Committee was not now allowing the increase. He said he did not pretend to be an expert in the area of restaurant pricing but that when one questioned double the cost as a fair price, both Gladieux and the other restaurant operator had represented to the Committee on many occasions that the retail prices really had to be about triple the cost in order for them to operate the Turnpike restaurants profitably. He said he just pointed that out and the Committee could see that that was evident in other prices they charged. The Chairman said that might be so but he was reminded of one of the first times Mr. Bricker attended a Commission meeting and he said he had never sat so long and listened to so much about five cents. The Executive Director said there were hundreds of thousands of dollars in nickels. Mr. Teagarden said on other items the Committee had gone a little overboard, and on some items the restaurants were compensated for other items that had been held down in order to equalize things. The Executive Director said there had to be a little play in the prices. Mr. Teagarden said he felt the Committee had done a good job. He said if it happened just once in a while he would say it was a good committee, but when it happened all the time it had to be a good chairman. Mr. Teagarden said that one could be President of the United States and if he surrounded himself with good people and listened to them and if one did so one became a good administrator. The Chairman said he wondered if Mr. Teagarden could get the man in Washington to listen to that statement. He said he noticed a couple of times that Vice President Rockefeller had cited Governor Rhodes, especially on the energy matter so that the Vice President, at least, could hear. Mr. Teagarden said Governor Rhodes had had his

picture taken with Vice President Rockefeller and it had appeared in the Miami, Florida, newspapers. The Chairman said that that was one place the picture had appeared. He said at the young president's conference in Miami, one of his friends had been there as a young president, Henry M. (Butch) O'Neill, Jr. He said Butch had come back to Columbus and said that Vice President Rockefeller had mentioned only Governor Rhodes in his talks to the young presidents. He said in a private conference in Cleveland the Vice President had had occasion to refer to Governor Rhodes and had said just about the same thing he said in Miami but had said even more. The Chairman said that if the person who was President did not listen to authoritative advice, perhaps a successor of his would.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there was no report from the Committee on Employee Relations. The Chairman said the General Assembly was considering a public employees' bill and the Commission was observing it. He said the Executive Director was going to attend the hearing on the bill that evening and the General Counsel was also listening. He said he knew the Director of Transportation was also having the hearings audited but the Ohio Turnpike Commission had had no occasion to say anything about the bill and he was not looking for an occasion to say anything about the bill. He said he had often said that he would support the recognition of an exclusive bargaining agent by or for Turnpike employees if and when the law authorized such recognition. Mr. Teagarden asked the Chairman if Mr. Ferguson (for whom the current act governing relationships with state employees was named) was a member of the House or Senate when the act named for him was introduced. The Chairman said that David McKinley Ferguson, then Senator Ferguson, a Republican, from the district which included Cambridge, Ohio, had been the author of the act. The Chairman said that Frank J. Lausche had been Governor because someone had come downstairs from the Legislative Chambers and had said that Lausche was now going to jump out the window. He said Dave Ferguson's name had been attached to the act and that Joe and Tom Ferguson, both Democrats, had enough trouble without carrying the onus of the bill.

The Executive Director said the Joint Organizing Council of the Operating Engineers and Laborers' Union had now complied with all the requirements of the Commission for check off of dues for their members on the Turnpike and that the staff expected to institute check off starting with the next payroll. The Chairman said that that would be two unions for which the Turnpike was checking off dues and that the staff now discussed matters with two unions and one non-union group.

The Chairman said he would tell a story related to the Ferguson Act. The Chairman said that when Joseph Bartunek was in the Senate, he decided at one time that he was going to retire and had told the Chairman that he was going to retire. The Chairman had told him then; "This isn't the time

for you to retire. You could be President Pro Tem next time." Bartunek then said, "Well, I brought over a list of Senators who are running for re-election and I would like you to go over it with me and count the vote that I have." The Chairman said when they reached Dave Ferguson's district he had said "He's going to be beaten" and Bartunek had said "You think Dave Ferguson can be beaten?" The Chairman then said, "Yes. You'll get a vote from that district." He said Bartunek had closed his memorandum book and he evidently thought the Chairman was crazy, but there was a Democratic President Pro Tem at the next General Assembly but Bartunek did not run and came back to the Assembly as Clerk of the Senate. He said some people in the room might remember that that was the period in which Mr. Bartunek turned off the lights. The Chairman said it was Dave Ferguson who was not coming back. He said Bartunek had known how strong a candidate Dave Ferguson was in that district so Bartunek had decided the Chairman did not know what he was talking about and announced his retirement from the Senate. The Chairman said Dave Ferguson was beaten in the election. Mr. Bricker asked if the Chairman recalled if Robert T. Secrest, a Democrat, had beaten Dave Ferguson. The Chairman said Ferguson was beaten by a Democrat but he doubted if Bob Secrest was the man who did so because he did not believe that Secrest had been in the General Assembly that long ago. Mr. Bricker said that Secrest had been in the General Assembly before World War II although he might have been in the House. The Chairman said Secrest had been a Congressman before World War II. Mr. Bricker said that was what he was thinking of, that Secrest had resigned from Congress to enter the service and came back and ran for the State Senate. Mr. Bricker said he was only nine years old at the time. The Chairman said that he was not born when Washington was President but he knew about it.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He said William C. Hartman of Squire, Sanders & Dempsey, the labor counsel to the Commission, was to be at the State House that night observing the hearings on the workmen's compensation bill and the public employees' bill. The Chairman said there were a half dozen bills at the State House on such subjects and he assumed all of them included a repeal of the so-called Ferguson Act. The Executive Director said the one that was being considered had not yet been printed and that it was either Substitute House Bill 70 or Senate Bill 70. The Chairman said that frequently bills were not printed until after all the amendments or after the committee had held its hearing.

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

The Director of Transportation said that it appeared that everything was going along adequately to meet the completion dates for the two new interchanges under construction. The Chairman asked how the interchange with I-480 was progressing. The Director of Transportation reported that meetings

had been going on trying to resolve problems having to do with right of way which he considered to be the critical item. The Chairman said he watched that very carefully. He said that had the Commission and the Interstate Coordinators' Conference had to contend with all the bureaucratic regulations that the Director of Transportation had to contend with neither the Ohio Turnpike nor I-71 would be taking traffic. The Director of Transportation said that was correct. The Chairman said the person who had given him as much trouble personally as anybody was Bill Stinchcomb who was a good man but devoted to the lakes and parks around Cleveland which he called the Emerald Necklace and who had said that the Turnpike would never go through the Metropolitan Park. The Chairman said Stinchcomb had not thought he was worth bothering with and, as Stinchcomb had known Frank Lausche, the Governor, from way back, he had said he would deal with Lausche. He said Stinchcomb had done so and Lausche had dealt with him and the Commission had built the Turnpike and the Commission did not do violence to the Metropolitan Park nor to the Emerald Necklace nor would violence be done in many of the instances that the environmental people were complaining about. He said the Director of Transportation was as well motivated as the Ohio Turnpike Commission had been in 1949 and 1950. The Chairman said he had been reading about highway problems as they were related to the environment and he thought that if he had had to go through the bureaucratic harrassment that public officials, especially state officials, had to go through now, the Turnpike, I-71 and I-90 never would have been built. He said that was an endorsement for highways and for transportation, always keeping in mind that balance was a virtue and that highways had a place, other forms of transportation had a place, and environment had a place. He said it was necessary to keep everything in balance and people were not willing to look at balancing, everybody had to have his own way.

The Director of Transportation said that the Chairman was quite right and that he was glad he had put it in the record. He asked to be excused to make a telephone call.

The Chairman excused him and said the report of the Director of Transportation was accepted as offered. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, said he regretted there had been four fatalities on the Turnpike during April in three separate accidents. He said all the accidents could be attributed to some form of driver inattention. He said one was a double fatality in a blinding snow storm during which an automobile struck a truck and then caused a chain reaction accident involving at least four other trucks and two of the occupants of the car lost their lives. He said that since all the fatalities could be attributed to driver inattention, it was something that no road or no safety device could correct or cure. In response to a question by Mr. Teagarden, Mr. Johnson said there had been seven fatalities on the road to date which was substantially

more than at the same time in 1974 when there were only ten deaths on the Turnpike throughout the year. He said the record was still good compared to other years but not as good as compared to 1974 so far.

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 it was just ten years ago that the Interstate Coordinators' Conference started major construction of the projects in the Cleveland area on I-71 and it was about nine years ago in June that the piers on one of the bridges under construction in Cleveland shifted and cracked. He said he brought it up because he had just learned that after nine long years the Federal Government had released a substantial portion of the moneys that it was withholding for the corrective work that was needed to repair the bridge. The Executive Director said the State's money had been used to finance the construction and the Federal Government was to reimburse the State but the Federal Government had denied participation for nine years. He said since he had come to the Commission he had been working with the State in trying to get the problem worked out. The Chairman congratulated the Executive Director on getting the money. He said he would never forget the day when Mr. Johnson came to him and whispered to him that the bridge piers were shifting. He said he had said, "They don't dare. It cannot be." He said the question had been faced right up to and he had called a special meeting and had Governor Rhodes come to the meeting and Highway Director P. E. Masheter and everybody looked the thing straight in the eye and proceeded to correct it. He said every time he went into that area he looked at the bridge and when the Executive Director started to mention it he thought "Oh, God, they are not shifting again."

The Director of Transportation said he had looked at the I-71 area at Cleveland Metropolitan General Hospital the day before the meeting and it was still there. The Chairman said the State had paid for coal silos removed at the hospital. The Executive Director reminded him also of Buhrer School. The Chairman said the State had had to appeal a decision by Judge Bartunek and have it set aside. He said Bartunek had handed down a bad decision on the value of the school and the Chairman had told him it was bad and said, "We are going to set you aside," and the State had done so. He said the Supreme Court of Ohio had upheld the view of the Chairman. The Executive Director said the case had then been appealed by the school board to the Supreme Court of the United States and the Supreme Court of the United States had refused to hear the case. The Chairman said the Board of Education of the City of Cleveland had asked for a reproduction cost new formula for determining the value of the school and that school was about 80 years old. The Executive Director said the school had been 90 years old. The Chairman said the Cleveland Board of Education had wanted the State of Ohio to build a new school. The Chairman told the Director of Transportation that no business had been transacted while he was out of the room and told the Executive Director

to continue with his report.

The Executive Director reported also that all four resurfacing contracts totaling some 38.7 miles were well under way and were between 30% and 50% completed. He said it appeared that all were progressing satisfactorily for their scheduled completion prior to the busy summer traffic period although there were some labor strikes that were possible and looming and could possibly affect one or two of the projects. He said as of that day all were working and he had been told on a report that he had just received that morning that on one there could be a problem on May 12 and on another there was possibly a problem on a day-to-day basis involving one of the labor unions from the Toledo area.

The Executive Director reported also that on the toll plaza contracts at the interchanges with I-90 and I-680 everything was progressing well. He said the Director of Transportation had commented on the I-90 project in Lorain County and that the contract for the toll plaza was scheduled for completion in June and was then 70% complete. He said the State's contract for the interchange and the related roadways was not scheduled for completion until July 31 but it was well along and the Commission and the Department of Transportation must now confer to try to pick an opening date. He said the opening was just around the corner, probably within one or two months. He said the staff was making plans to man and equip the toll plaza.

The Chairman said that I-71 had been opened in the Cincinnati area and after all the work the Commission personnel had done on I-71, they had not been invited. He said he had gallons of his own blood in I-71 and then it had been opened without inviting him. The Director of Transportation said the opening ceremony had taken place before his term of office. The Chairman said that should be a lesson to anyone who had any openings of anything the Commission had anything to do with and that he expected to be invited. The Director of Transportation said he wished to invite the Chairman right then to the opening of the last section of I-270 in Columbus. The Chairman thanked the Director of Transportation and said he was especially interested in that one because it was out in his own residential area. He said he had been a Christian about such matters, that he never tried to take any special advantage in all years he had been in public life. He said it used to be said that Vic Donahey had all the roads to New Philadelphia improved when he was Governor. He said in those days they were just putting in gravel highways but he had never asked for any favor with relation to his personal convenience in his area that had just been mentioned but he would be very glad to be present for the opening. The Director of Transportation said the date had not yet been set but he hoped it would be close to July 1, and he would like it before the July 4th weekend.

The Executive Director showed a copy of the Annual Report for the year 1974 and pointed out that there was a picture of the Turnpike and I-90

interchange on the cover. He showed the area in which the toll booths were to stand and also showed the portion of roadway that was being built under the State contract. He explained that the contract for the roadway portion was not the Ohio Turnpike Commission's contract and that was why it required a mutual arrangement for the Commission and the State to coordinate the completion of the toll plaza with the completion of the road. He said it was an important missing link of a section of I-90 that was already completed into western Cuyahoga County and he expected that it would get quite heavy use when it opened. He said it would not be fully completed until the remaining sections in the City of Cleveland were put under contract and completed.

Mr. Anderson asked the Executive Director what effect the opening would have on the revenues of the Ohio Turnpike. The Executive Director said it was too early to say. He said it was expected that the new interchange would take traffic off the Turnpike at that point that now went all the way up to Exit 10, the Interchange with I-71 in Cuyahoga County. He said it was a very heavily travelled section and the Commission could stand some relief in that area. The Chairman said that in the traffic pattern readjustments the Commission had never suffered because traffic increases in the past 20 years were likely to require more facilities rather than less. The Chairman said the traffic was heaviest at that point so the Commission could afford to let someone else take part of the burden. The Executive Director said the temporary burden on the interchange at I-71 was taxing the capacity of the interchange.

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 the Staff Lawyer, Philip A. Loftus, was not at the meeting because he was expecting momentarily to become a father. The Chairman said that did something for him; that it had been a long time since they had young fathers around the Turnpike. The Chairman determined that the Assistant Director of Information and Research, Robert P. Barnett, was to become a father on the 27th of June.

Mr. Teagarden asked the General Counsel what the status of the lawsuit in Toledo was, in which the Turnpike Commission and the County Commissioners of Lucas County were being sued by a contractor. The General Counsel said the suit was still progressing and that his staff was gathering evidence. He said the plaintiff had asked for admission of the authenticity of certain documents of Lucas County and he had been there together with local counsel for the Turnpike and attended the production of documents and he said he and his staff were interviewing witnesses. The Chairman said the Turnpike Commission had asked to be dismissed as defendants in the suit but the court had not dismissed the Turnpike Commission. He said despite that he was not the slightest bit concerned about it. The General Counsel said the Commission was also a third party defendant in a lawsuit filed against Vito (the contractor) to collect money and it was a very odd type of complaint and repeated all the causes of

action in the other lawsuits. The Chairman asked who Vito's lawyers were. The General Counsel said the original counsel for Vito was Marshall R. Desmond but that he had died. The Chairman said that was not one of the Desmonds that he had known and that he knew. He asked if the General Counsel had anything more. The General Counsel said he had nothing more and Mr. Teagarden asked if it was likely to be a long and drawn-out case. The General Counsel said it was. The Chairman said that one case in the western part of the State that was still going on had lasted 17 or 18 years.

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

Mr. Harnden said the annual inspection of roadways and structures by the Consulting Engineers would be completed during the week and that the building inspection would probably start within a week or so at which time the Consulting Engineers would look at the restaurants and the rest of the 42 buildings. The Executive Director said the bridge inspection had been performed according to federal standards and would be submitted earlier than the official submission date of October 1 through the state.

Mr. Harnden advised that George S. Jenkins had resigned as President of Greiner Engineering Sciences, Inc., as Chairman of Greiner Environmental Sciences, Inc. and as a partner in J. E. Greiner Company, the General Consultant to the Commission, effective April 1, 1975. Effective the same date, Frank T. Callahan was appointed President and Chief Executive Officer of Greiner Engineering Sciences, Inc. He reported also that Mr. Callahan and Thomas E. Donnelly, Executive Vice President of Greiner Engineering Sciences, Inc. are the remaining partners of J. E. Greiner Company, and that Mr. Callahan had been a partner of J. E. Greiner Company prior to April 1, 1975.

The Chairman said the report of the Consulting Engineers was accepted as offered. He ascertained there would be no report from the Trustee. He asked Mr. Sesler when he would begin to buy bonds. Mr. Sesler said possibly a very few would be bought in July. The Chairman said he would like to see some redeemed in July if possible. He said he was still counting on the same figure he had been aiming at throughout the year. He asked the Comptroller, William G. Gerber, whether he was still sure of the figure. The Comptroller said that he was estimating \$15 million as the amount of bonds that would be redeemed during the year. The Chairman said that was the figure he had predicted and that it would take a loss of 18% or 20% in revenues to affect that figure and he asked Mr. Gerber if he felt comfortable with the \$15 million figure. Mr. Gerber said he did feel comfortable with that figure.

The Director of Transportation asked how the bond sale the State had held the morning of the meeting had gone. The Chairman said he did not know and he had planned to ask the Director of Transportation. The Director of

Transportation said he did not know and he could hardly wait to find out. The Chairman said he was especially interested because there were utility debentures that had been marketed on May 5 that brought more than 9%. The Chairman asked what Mr. Jackson thought the Department of Transportation bonds would sell at. Mr. Jackson said he thought the final return would be just a little under 6%. The Chairman said he was going to say that it would be a little under 6% or at 6%. Mr. Anderson said the general prediction was around 5% or 6%. The Director of Transportation said he had heard predictions somewhat higher than that but his guess was that they would sell a little under 6%. The Chairman said that he guessed somewhere in the 6% area and that was terrible but it could be worse, that some public authorities had paid more. The Director of Transportation said that most of the money was for Issue 1 projects and that it was a matter of cash flow for jobs that were already under way. The Chairman asked how much authority was left on Issue 1. The Director of Transportation said that with the \$50 million in bonds to be marketed that morning that he believed \$70 million would be left in the authority plus the turnover.

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

The Director of Information and Research, Talbot Harding, said he had no report. The Chairman asked the Director of Information and Research for a report on Costa Rica. The Director of Information and Research said Costa Rica was a very wonderful place, if one did not get papalemoyo or torcelo or some of the other nice bites that one could receive there. The Chairman said he had not asked the Executive Director anything about Rome. The Executive Director said Rome was just absolutely delightful. He said the weather was perfect, it was springtime in Rome which it was not in Ohio when he left and it was Holy Year there. He said he enjoyed it. He said he had even gone to see Queen Christina on this visit. The Chairman said it was time he did so, the last time the Executive Director was in Rome he did not know who Queen Christina was. The Chairman said that Queen Christina was a Swedish Queen in the Reformation period who was buried in the Vatican. The Executive Director said she was buried in St. Peter's just inside the Holy Door now opened for the Holy Year. The Chairman said that should attract some Swedes to Rome for the Holy Year. He said as a matter of fact, his Church was getting ecumenical and that he had already told those people in the room that the night before he had his surgery he turned down no prayers from anyone.

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

RESOLUTION NO. 12-1975

"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 April 8, 1975, 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 April 8, 1975 hereby are ratified, approved and confirmed."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 12-1975.


There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. Bricker, that the meeting adjourn until June 3, 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: Teagarden, Bricker, Anderson, Jackson, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. Time of adjournment was 12:28 P. M.

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


Ralph H. Anderson, Secretary-Treasurer