

MINUTES OF THE TWO HUNDRED AND EIGHTY-NINTH MEETING
June 3, 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 11:05 A.M. on June 3, 1975 with key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; a representative, Robert H. Bartholomew, of the Trustee, the Ohio National Bank, members of the press and others in attendance. The Chairman said all Members were present except the Director of Transportation, Richard D. Jackson, who was on his way to the meeting and that the roll call would be kept open until Mr. Jackson arrived. (Mr. Jackson arrived before any business was transacted). Therefore, those members present were: O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker, Richard D. Jackson and James W. Shocknessy.

The Chairman reported that all Members had been delivered copies of the Commission's correspondence with the Florence Township Trustees and that a letter from the Trustees had been received the day before the meeting dated May 30, in response to the latest letter from the Commission in which the Trustees indicated their willingness to meet. He said part of the Trustees' problem was that they just had not been advised as to their obligations as set forth in the law and in the opinion of the Attorney General. He said the General Counsel, Francis K. Cole, had found the Attorney General's opinion for him and there was nothing like being able to find an opinion or a case that supported one's position and there was nothing that he was more grateful for than a lawyer who produced the law needed. The Chairman said his view about lawyers was that lawyers serve clients best who seek to tell the client how he can do what he wants to do and what he needs to do, rather than what he cannot do. He said in the case of the Florence Township Trustee matter the Attorney General's opinion which the staff found supported the Commission's position foursquare. He said he had dictated a letter to the Trustees advising them that the Commission's Committee on Safety would be convened and meet with them on a convenient date and the Commission would offer three dates which would be convenient and he had suggested meeting at 11:00 in the morning so that the Township Trustees would have ample time to drive to the Berea headquarters, complete their work and drive home again. He read from the draft of the letter, as follows:

"It is also suggested in the interest of efficiency that you present any requests in the depth to which they are entitled to be considered and the Commission's Committee on Safety will be as understanding and amenable as the law and its duties revolving around the safety of the whole public on the Ohio Turnpike will permit."

(The Director of Transportation entered at this point.)

The Chairman, for the benefit of the Director of Transportation, said that the Commission had heard from the Florence Township Trustees and they would meet with the Commission's Committee on Safety. The Chairman said the Committee on Safety had ample power to consider all matters of safety and either determine them finally or refer them to the full Commission, and he had so told the Florence Township Trustees in his letter to them. He said as with other legislative bodies, the Ohio Turnpike Commission went through staff and then through committee and then to the whole Commission.

The Chairman said the first thing he wanted to do was to congratulate Mr. Jackson on the Olentangy Freeway matter. He said the Director of Transportation deserved real commendation not only from the Ohio Department of Transportation and from the Governor of Ohio and from Riverside Hospital but from everybody, the whole public, for resolving a controversy which should never have been. The Chairman said he congratulated the Director for resolving it. He said the amount of loss to the whole public not only in convenience, but in money, was almost incalculable. The Director of Transportation said that was correct. The Chairman said the cost in dollars would be two or three times what the project would have cost had it been built earlier. He said he wanted to be there the day the Olentangy Freeway opened and asked how long it would be until then. The Director of Transportation said it was hoped the project would be under construction by spring of 1976 provided the bond issue passed and that the work would take at least two construction seasons. He said there had not been a great deal of conflict with traffic other than at the point the Olentangy Freeway would cross the Olentangy River Road just south of West North Broadway.

The Chairman said he had no doubt that the Director's experience with the City, where Mr. Jackson had been Service Director, had been a help. He said he had threatened two months before that if someone did not do something he was going to jump in himself as an ad hoc volunteer but that he would now not have to do so.

The Director of Transportation said there were a great many people who were interested and instrumental in settling the controversy and he was pleased that he was a part of being able to put it together and put it to rest. The Chairman said he wanted the record to show that the Ohio Turnpike Commission was glad that one of its Members was instrumental in resolving the Olentangy Freeway problem which had been an acute problem of the state, the city and the county for a long, long while, to say nothing of the problem it had been to the Department of Highways and then to the Department of Transportation,

The Chairman said the next thing he wanted to do was to congratulate Mrs. Lenora Nelson, who had been with the Commission for many years and who was at the meeting as sort of an observer. He said he wanted to wish her well in retirement and to thank her for all the service she had given the

Commission and to remember as well all the hardships of coming to Columbus on snowy, icy and rainy mornings in order to be on time for the Commission meeting, and to thank her for her work on the transcripts and minutes. He said he had a certificate to present to Mrs. Nelson for her 19 years of service with the Comptroller's office and that he had presented the certificate on behalf of the Commission and wished her long and happy years in retirement. Mrs. Nelson expressed her thanks. The Chairman expressed his personal best wishes to Mrs. Nelson and Mrs. Nelson thanked him.

The Chairman said he had also noticed that there was a soldier back on the job who had helped him and Mr. Johnson over the years and he wanted to mention her, Mrs. Fox. The Executive Director, Allan V. Johnson, said Mrs. Leah Fox was assisting in taking the transcript that morning. He said she was an employee in the Department of Transportation who had served on the staff of the Interstate Coordinators' Conference and the I-71 Conference for both Mr. Shocknessy and him for some years. The Chairman said that of course Mrs. Fox had started out with them as a little girl, because when one said "for some years" one should make it clear that she was just a slip of a girl when she came with the conferences. He said she was attending the meeting by the courtesy of the Director of Transportation and he accordingly thanked the Director.

The Chairman reported also that revenues for May were estimated at \$3,587,000 which was a decrease of \$214,000 or about 5.6% from May 1974. He said passenger tolls had risen about 5.7% but that commercial tolls declined 11.9% but that was an improvement over the month of April when commercial tolls had been 12.6% lower than for April of 1974. He said the Commission could stand that kind of drop in revenue without any great concern for its ability to perform everything in accordance with its bond redemption schedule without increasing tolls as had been done on 13 toll facilities since 1973. The Chairman said that Delaware, Indiana, Maryland, New Hampshire, New Jersey, New York Thruway, Texas, West Virginia and Oklahoma had all increased tolls since 1973. The Chairman said the Ohio Turnpike Commission had not made any change in tolls since 1958 and he renewed the luster on the Commission's promises every month to say that it would perform in accordance with the promises with no prospect in the near future of needing to increase tolls nor did he see any prospect of the Commission having to reduce personnel or of being unable to accommodate the exigencies of the inflated economy as to expenses. He said it was a satisfaction to the Commission that it had not had to increase tolls. He said the Commission had not had to reduce personnel but that did not mean that the Commission would not reduce personnel if it were indicated but the kind of drop in revenue the Commission had sustained, which reduced income, still did not reduce the need for the same amount of personnel the Commission customarily had. He said he was not intending to be critical of other facilities but the fact that 13 had had to increase tolls since 1973 was a significant indication.

The Chairman said the Commission had before it bids for the operation of the 16 service stations on the Ohio Turnpike. He said the bids had been opened at the Turnpike's principal office in Berea on May 28 and had been examined intensively by the staff and had been submitted and considered thereafter by the Committee on Service Plazas under whose jurisdiction the service stations came. He said it was a matter of enormous satisfaction to the Commission that there were six bidders. The Chairman said the Toledo Blade in an editorial said "Gasoline Will Flow." He said insofar as the Commission could tell from the bids, gasoline would flow. He said other turnpike commissions and authorities had not had the experience of getting bids such as the Ohio Turnpike Commission had on May 28. The Chairman said some of the others had to rebid or negotiate without any bids but the Ohio Turnpike had bids and he would leave the honor of describing the bids and making the recommendation to the Executive Director and Mr. Teagarden who would, of course, have to make the recommendation of the Committee on Service Plazas. He said Mr. Teagarden might refer to the Executive Director if he wished to do so. He said he had promised the Director of Transportation that he could get away from the meeting early but that he was especially needed for the matter of the service stations.

The chairman of the Committee on Service Plazas, Mr. Teagarden, said that the Chairman had more or less given a review of the bids which had been opened on May 28. He said the staff had tabulated the bids and there were 41 combinations to consider and that the Committee on Service Plazas had finally arrived at what it considered to be the best bid in the interest of the public and of the Commission. He said he had prepared a letter which had been distributed to all the Members of the Commission and he would ask the Executive Director, on behalf of the Committee on Service Plazas, to give a brief synopsis and that he would make the recommendation after the Executive Director had spoken. The Chairman asked Mr. Harnden whether the Consulting Engineers had considered the bids. Mr. Harnden said they had.

The Executive Director said he would summarize as a Member of the Committee and as Executive Director. He reported that on May 28 the bids for the contract to operate the 16 service stations on the Ohio Turnpike had been opened and read at the Commission's principal office in Berea. He said the bids had been advertised and solicited on the form of contract documents authorized in Ohio Turnpike Commission Resolution No. 9-1975 adopted by the Commission at its April 8 meeting. He said the bids were solicited on the basis of 13 contract combinations to operate as few as four and as many as all 16 of the stations. He said the combinations had been selected by the staff after careful review of the available statistics and consideration of the current national energy exigencies and federal regulations so as to maximize the likelihood of bids on every one of the stations including the less desirable ones. The Executive Director said the primary bids had been solicited on the basis of paying to the Commission as rent an amount for every gallon of fuel

sold, but alternate bids were permitted which called for paying a monthly rental for every contract in lieu of any other rental. He said bids had been received from six companies: Amoco Oil Company (Standard Oil of Indiana), Southfield, Michigan; Texaco, Inc.; USA Petroleum Corporation of Santa Monica, California; Mobil Oil Corporation; Standard Oil Company of Ohio (Sohio), and Sanholtz-McKarns, Inc. of Montpelier, Ohio.

The Executive Director reported further that in view of the provisions for alternate bids and in order to prepare a basis for comparing the bids, the contract documents stipulated in the terms and conditions of bidding, the following: "In evaluating the bids the Commission will use the 1972 allocation figures for gasoline as a basis for estimating revenue from that source and the last five years' average experience as a basis for estimating revenue from diesel fuel and sales of tires, batteries, accessories, and so forth." He said the comparison method had been established because current Federal regulations provided that 1972 should be the base period for allocating gasoline, and it was conceivable that no more gasoline than was sold at Turnpike stations in 1972 could legally be supplied under the contracts. He said there were no current restrictions on the amount of truck fuel sold which was essentially diesel fuel, nor on the sale of miscellaneous products permitted at Turnpike stations and therefore the five-year average experience for diesel fuel and miscellaneous products was selected for evaluation purposes. The Executive Director said all statistics necessary to make the estimates he had just outlined had been attached to the bidding documents for the information and possible use of potential bidders. He said in order to estimate the revenue from the various contract bids or the combinations of contracts bid, it had been necessary to determine all possible combinations of contracts that would provide for the operation of all sixteen stations. The Executive Director said there were 41 contract combinations. He said Members had been furnished a tabulation of the 41 possible combinations as an attachment to Mr. Teagarden's report to the Commission. He said the Committee on Service Plazas, consisting of Mr. Teagarden as chairman; the Executive Director; the Deputy Executive Director, G. Alan Plain; the General Counsel; the Comptroller, William G. Gerber, and the Director of Operations, J. Budd Morrison, had met on May 30 to review the bids and all the information developed by the staff from the bids. The Executive Director said two companies of the six had bid on a contract or combination of contracts to operate all 16 stations, and that those two companies were Standard Oil Company of Ohio and the USA Petroleum Corporation. He said on the basis of the evaluation method that he had just described, the bid submitted by Sohio on Contract SS3-G to operate all sixteen stations under a single contract was found to produce the highest amount of revenue of all 41 combinations. He said the bid on that contract by Sohio was 8.01 cents in payment to the Commission for every gallon of fuel sold. He said in the long run the rental was about equal to what the Commission had been receiving from the current concessionaires. Mr. Teagarden said in his opinion it was a little bit better because the Commission would receive 8.01 cents on diesel fuel instead of three cents per gallon it was now receiving.

The Chairman said the contract was perhaps better than the Commission could have hoped which was an astounding experience compared to what many other turnpike authorities had experienced. He said the closest gallon figure was 3.71 cents a gallon bid by Texaco. Mr. Teagarden said that the Texaco bid had referred to only some stations, not all. The Executive Director said that was correct, Texaco had not bid on all the stations. He said the other company that had bid all stations, USA Petroleum, had bid on the alternate, in other words, to pay on a monthly basis rather than on a per gallon basis.

The Chairman said when he had discussed the matter with the Executive Director he had said that the Sohio bid appeared to have been made by someone who had decided that he was going to get the contract and the price was not going to matter. He said that often happened. He said no doubt Mr. Anderson had done it in his business and that everyone who was in business had said to himself at one time or another: "I am going to get it. I am going to outbid everybody else." He said that was apparently what Sohio had done, wanted to make an offer that could not be refused.

The Executive Director said considering what would be in the best interest of the public and the Commission, the Committee had noted that Sohio was an established Ohio corporation with two of its three refineries located in northern Ohio almost adjacent to the Ohio Turnpike and that the quantity of fuel required to service all sixteen Turnpike stations represented only four to five percent of the company's 1974 retail sales. He said the company had an established reputation and market for its products in Ohio and thus would seem to be expected to have a great commitment and concern for users of the Ohio Turnpike. He said in addition the headquarters of Sohio were in Cleveland which was convenient to the headquarters of the Ohio Turnpike Commission in Berea. He said that as had already been mentioned, the per gallon bids on some of the other bidders were so low compared to Sohio that the Committee did not recommend that they be given serious consideration for award. He said, of course, all the contracts and bidders had been given serious consideration in the analysis. He said the Committee reviewed all information that was available to it concerning USA Petroleum Corporation because that company was not well known to the Committee and was involved in 32 of the 41 combinations because it had bid on five of the 13 contracts. The Executive Director said the Committee did not recommend an award even to the second combination of contracts which would include one of the ones with USA Petroleum because it did not appear to the Committee that the company had the capacity to furnish petroleum products in Ohio that were comparable to those of Sohio. He said the USA Petroleum Corporation was basically a west coast, California company that operated about 65 service stations in California and 13 other states, but only one station in Ohio. He said the company was so far away that it did not appear to the Committee that it had the capacity to supply the Turnpike. He said he had attached to the report to the Commission a letter that had been received June 1, 1975 from USA Petro-

leum addressed to the Commission to the Executive Director's attention. He said the letter urged the award of one of the contracts to USA Petroleum. He said although the letter had been received after the Committee had met formally, the Committee considered that its analysis covered all the points or arguments contained in the USA Petroleum letter and that was also pointed out in the analysis to the Commission.

Mr. Teagarden said he would read the recommendation of the Committee of which the Executive Director was vice chairman, the Comptroller secretary and the General Counsel and Director of Operations were members. He said all things considered, the Committee recommended to the Commission that Contract SS3-G for the operation of all sixteen service stations be awarded to the Standard Oil Company of Ohio as being the best bid in consideration of the public interest. He said the Consulting Engineers had examined the bids and concurred in the recommendation of the Committee. He said the Executive Director also concurred in the recommendation, both as Executive Director and as a member of the Committee. He said General Counsel had examined all bids and legal documents and had advised the Commission it might lawfully award the contracts as described. He said it was therefore the recommendation of the Committee that favorable action be taken on the resolution which had been prepared for the purpose of making an award of Contract SS3-G to The Standard Oil Company of Ohio, Cleveland, Ohio, on its bid of 8.01 cents per gallon of fuel sold.

The Chairman asked whether the Ohio National Bank as Trustee had any comment and whether it was satisfied with Mr. Teagarden's recommendation. Mr. Bartholomew said the Trustee was satisfied. The Chairman asked Mr. Harnden if the J. E. Greiner Company, Consulting Engineers to the Commission, was satisfied. Mr. Harnden said J. E. Greiner Company was satisfied. Mr. Teagarden said he had a letter from J. E. Greiner Company to the effect that it was satisfied with Standard Oil Company of Ohio as successful bidder.

A resolution awarding Contract SS3-G was moved for adoption by Mr. Teagarden, seconded by Mr. Jackson, as follows:

RESOLUTION NO. 13-1975

"WHEREAS pursuant to Resolution No. 9-1975 of the Commission the executive director and general counsel were authorized to advertise and solicit bids for each of Contracts SS3-A, SS3-B, SS3-C, SS3-D, SS3-E, SS3-F, SS3-G, SS3-H, SS3-J, SS3-K, SS3-L, SS3-M and SS3-N, being contracts for the operation of various combinations of the dual service stations (i. e., pairs of service stations, each pair having individual stations located opposite each other on both sides of the Ohio Turnpike) at the service plazas on the Ohio Turnpike;

"WHEREAS advertisements of notice for the taking of bids for each of the aforesaid contracts were duly published according to law and bids for the performance of such contracts were thereafter received and duly opened and read as provided in said published notice, and said bids are before this Commission meeting;

"WHEREAS said bids have been analyzed by the executive director and consulting engineer, and also by the Commission's Committee on Service Plazas, and recommendations predicated upon said analyses have been tendered to the Commission for its consideration;

"WHEREAS the Commission has duly and fully considered said bids and the aforesaid analyses and recommendations;

"WHEREAS all of the aforesaid bids were solicited on the basis of the same terms and conditions with respect to all bidders and potential bidders;

"WHEREAS the Commission has determined that the bid of The Standard Oil Company of Ohio, Cleveland, Ohio, for the performance of Contract SS3-G is, in consideration of the public interest, the best of all bids and combinations of bids for the operation of service stations on the Ohio Turnpike and the performance of all obligations of the contracts for which bids were solicited as aforesaid;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of all applicable statutes and to the terms and conditions set forth in the legal notice and other documents applicable thereto, and that the Commission may legally accept said bid; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Standard Oil Company of Ohio, Cleveland, Ohio, for the performance of Contract SS3-G, in the amount of 8.01 cents per gallon of fuel (gasoline and diesel) sold is, and is by the Commission determined to be, the best of all bids and combinations of bids, in consideration of the public interest, for the operation of the service stations on the Ohio Turnpike, and is accepted; and

"FURTHER RESOLVED that the chairman and the executive director, or either of them be, and hereby each of them is, authorized to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Chairman said that he wanted to make it clear that the Commission was open to discussion of the matter. He said the Standard Oil Company of Ohio, as any other bidder, was restricted to charging prices that were common to the area. He said Standard Oil prices might have been a bit higher recently than other purveyors generally in the State of Ohio and therefore some people might think that Standard Oil might charge high prices on the Turnpike. He said that was not possible and it was not permissible. He said it was not authorized in the contract. He said it was required in the contract that Standard Oil provide the fuel at the comparable area price.

The Chairman said the other thing that he wanted to mention was the matter of allocation. He said allocations by the United States had been made on the basis of 1972 needs to the existing purveyors, but it was his understanding that under the contract the bidder and new purveyor the Turnpike would get a new allocation or inherit the allocation of the existing operators. The Executive Director said the contract provided for the operator to provide the allocation and to seek a transfer if that were necessary. The Chairman said he wanted to make it known that the Commission had thought of those things in the matter but obviously it could not take bids without expecting whoever was successful to be able to perform. He said it was interesting to him that after the brouhaha that he had had with Texaco people had said that Texaco would never bid again, but Texaco had bid and was second high bidder. The Chairman said Texaco was a very large company and that all the bids that came were from highly respectable and competent sources. He said someone had said to him on the morning of the meeting: "Why did you get so many bids when other people have had so much trouble getting bids?" He had replied "I suppose just because it's recognized how good the Ohio Turnpike is."

The Chairman asked both Mr. Anderson and Mr. Bricker whether they had any comments on the proposal. Mr. Bricker said he thought the staff and the Committee on Service Plazas had done an outstanding job. He said he was quite surprised that the Commission had received as many bids as it had. He said it had certainly taken a great deal of work in analyzing the 41 propositions and he wanted to congratulate all the members of the Committee on Service Plazas. The Chairman said there had been no way to put the combinations together, in any way that would be better than 8.01 cents for all 16 stations. Mr. Teagarden said that was correct. Mr. Teagarden directed the attention of the Members to the report that he had submitted listing the amount from every bidder based upon the combinations and that Standard Oil was the best in all respects.

There being no further discussion, a vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Teagarden, Jackson, 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. 13-1975. The Chairman said the Executive Director and the Chairman were authorized to sign the contracts. He told the Executive Director that he might advise Standard Oil Company of Ohio of the acceptance of its bid.

The Director of Transportation asked if there was any problem of transition between the existing companies and Sohio. The Chairman said there would be problems. The Executive Director said he expected to have a rather difficult summer. The Chairman said there would be problems but the Commission had had problems before and he felt that a restaurant change was even worse than a change in service station operators. Mr. Teagarden agreed. The Chairman said that because Sohio was right in Cleveland he assumed they would throw whatever it took into the field to make a success of the contract.

Mr. Teagarden said there were four operators of service stations before but that after October 1 there would be only one and he felt that would minimize many problems. He said he knew the Comptroller was going to have less work in his office handling only one service station operator. The Chairman asked the Executive Director how much money would have to be returned to the present operators. The Executive Director said very little would have to be returned to them, that they would receive something for some underground facilities that they had installed but it was a very nominal amount. The Chairman said he did not envision any great problem in the turnover.

The Chairman said it had been important that the entire Commission be present for the meeting and he was especially grateful that the Director of Transportation had seconded the resolution. He said the Ohio Turnpike Commission again presented the solid front that it had done for 26 years. The Chairman 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 April 1975.
2. Financial Statements as of April 30, 1975.
3. Draft of the minutes of the May 6, 1975 meeting.
4. Detail of investment transactions that took place in May, 1975.
5. Bid Tabulation for SS3 Contracts.
6. Month End release dated June 1, 1975.

The Chairman said the report of the Secretary-Treasurer was accepted as offered.

A motion was made by Mr. Bricker, seconded by Mr. Anderson, that the minutes for the meeting of May 6, 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: Bricker, Anderson, Jackson, Teagarden, Shocknessy.

Nays: None.

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

The Chairman ascertained that there would be no report from the Committee on Budget and Finance and that the Committee on Service Plazas had no further report. He ascertained that the Committee on Employee Relations and the Director of Transportation had no reports.

The Chairman said the Executive Director and he had already referred to the fact that the Committee on Safety would meet with the Florence Township Trustees. He asked whether there was a further report from the Committee on Safety.

The chairman of the Committee on Safety, Mr. Johnson, reported that there had been three fatal accidents in the bidirectional work areas since the construction season began and that in the most recent accident on May 28 four people died. He said the occurrence of the accidents had raised concern about their cause and the effectiveness of the traffic control methods used in bidirectional zones on the Turnpike.

The Chairman said that as far as he could tell, the construction area had nothing to do with the accident and that the Elyria Chronicle-Telegram had so stated in an article. Mr. Johnson said the zones were used to permit mainline resurfacing projects to be carried out and he considered that they were absolutely necessary if the work was to be done as it always had been done. He said the projects were put underway in the early spring and completed by the end of June or before the busy traffic period. He said that the projects could not be so accomplished without using bidirectional traffic areas. He said all three accidents involved passenger cars which went left of their intended restricted lane and collided with oncoming trucks. He said every car had been in a restricted, approximately two-mile long zone for over a mile when the accidents occurred. He said since the accidents did

not occur at the beginning of the zones he considered the drivers knew they were in the zones and had been in them long enough to see traffic coming in the opposite direction in the adjacent lane. He said the first and third accidents occurred in broad daylight, in ideal weather conditions and it was really not clear why the drivers left their lanes and probably never would be.

Mr. Johnson said the second accident occurred at night and involved an 81-year old man who had already been driving for over 500 miles. He said the driver was alone, and was clearly trying to pass another vehicle in the zone about midnight in ideal weather conditions. He said the driver had struck the rear of an oncoming truck the driver of which had seen him coming and who had moved his truck over as far as he could on the berm trying to avoid the collision.

The Executive Director said every one of the zones was preceded by a comprehensive series of devices to alert drivers and direct the vehicles into the single restricted lane. He said the devices included signs, cones, barrels with lights for nighttime use, flashing arrows, rumble strips and, at least while construction was going on in the daytime, there were flagmen in advance of the zone. He said the zones themselves, after traffic was in them, were controlled by a series of alternating No Passing and Two Way Traffic signs. He said even though he considered the Ohio Turnpike traffic control the most comprehensive he had ever seen of any construction zones that he had gone through throughout Ohio and other states, the staff had instituted additional control efforts since the first accident occurred. He said one of the things that had been done was that warning flags had been added to the No Passing signs in the zones. He said that all personnel involved in setting up the zones, Commission personnel, contractors, consulting inspectors who watch the overall project progress on the Commission's behalf, and, of course, the Ohio State Highway Patrol, had been asked to intensify their surveillance of zones to assure that all control devices remained in place and were operational. He said the contractors were already required to have personnel on duty at all times in the construction zones to handle any emergencies, especially at night when there was no construction activity. He said every contractor had a man at every one of the zones in a vehicle in communication with the Turnpike radio net in case any emergency should arise. He said the zones were permitted during week days only and were removed before two o'clock in the afternoon on Fridays so that all lanes were available for the busy weekend periods. He said the contractors were essentially permitted to work only four and a half days each week. Mr. Johnson said he had a slide presentation that he could show, showing one of the zones.

While the slide projector was being set up the Director of Transportation, in response to a question by Mr. Anderson, said his Department was using the same approach when it used bidirectional traffic and that the Department had had similar problems and was beginning to shy away from

using bidirectional traffic because once people were in a bidirectional zone for a distance they forgot they were there. Mr. Johnson said that was one of the things the Commission tried to do, was to limit the length of the zones to nothing longer than two miles and built the cross-overs in such a way so that the zones could be of short lengths. (At this point the slide machine was ready.)

Mr. Johnson then showed slides of a typical zone beginning with warning signs two miles before the start of the two-way traffic zone; signs one mile before the zone which also warned which lane was going to be closed; signs that warned that the speed limit was being reduced to 50 miles an hour; then a merge right sign with flags a half mile before the zone; then a flashing arrow just before the merging area, together with a series of cones; then cones arranged to ease traffic into the proper lane. The next slide showed the barrels with a reflectorized white stripe and flashing lights just in advance of the crossover and the first of two way traffic signs. The next slide showed a flagman who was cautioning traffic either to slow down or get over. He said rumble strips had not shown on the slides but there had been a series of rumble strips which were made of raised asphalt in a way that created a vibration in the vehicles passing over them to alert drivers. He then showed slides of the traffic itself and pointed out that the oncoming traffic had been advised to turn on headlights. He then showed more slides taken through the two way traffic area showing that there was regular alternation of No Passing white signs with orange and black Two Way Traffic signs. One of the slides showed the scene of the accident in which four people had died. Mr. Johnson said the truck, the wreck of which was beyond the right hand ditch, had been heading in the opposite direction from that in which the slides were taken and the car had been travelling in the same direction that the slides were taken. He said the automobile had moved into the left hand lane and the truck had struck it head on; the truck had been deflected to its left and sideswiped another car and the first passenger car had been driven into the median at the left of the picture. He said the cab of the truck had been virtually demolished.

Mr. Johnson reported further that the accident had occurred at 7:50 in the morning under perfect weather conditions. He said there had been a steady stream of traffic and he could not understand why the driver moved into the left hand lane. The Chairman said that the drivers had been passing and it would never be known why they did.

Mr. Johnson then showed more slides of the zone including that portion in which cones appeared again to direct traffic from the opposite side and to make sure that it was in line. He then showed the slides of the end of the zone. Mr. Johnson said it had been suggested that there should be flagmen in the zones, but he considered that flagmen in the zone itself would be a distraction to the drivers and detrimental to the zone. He said that a lower speed would induce further traffic congestion and increase the likelihood that

someone would want to get out and pass or try to pass. The Chairman said it was very much a torture to a driver to drive for long sections in construction zones, that in the summer of 1974 there had been very long stretches on I-71 that were under construction and that when he drove I-71 in that period he found it very difficult and that they stretched for miles. Mr. Anderson asked the Executive Director whether the Ohio Turnpike restricted such zones to a length of two miles. The Executive Director said that that was the goal, but certain exceptions had to be made where there were physical features such as different roadway elevations that prevented the building of crossovers. He said the program in using such zones had to be aimed at alerting and conditioning the drivers before they entered the zone so that once the drivers were in the zone they could give their undivided attention to driving. He said the matter could be overdone by putting too many things in the zone. He said the drivers should be free to give full attention to their driving duties when in the zone rather than to be distracted by a lot of flagmen or other distracting influences. The Executive Director reported that on June 2 a new flashing changeable message sign had been installed in advance of one zone as an experiment. He said it flashed messages in words and that it was in the busiest traffic area. He said the alternative to bidirectional zones would be to do the resurfacing under traffic one lane at a time and that that would lengthen the time of construction into the busy summer season and expose the traffic to a longer period when it would be confronted with all the construction activity which in itself was a potential hazard. He said furthermore the construction crews and workers would then be subject to the hazards of the traffic. He said the only way for the Commission to carry out the projects in the time stipulated was to do it by utilizing bidirectional zones. He said he could not explain the accidents, they were just inexplicable.

The Chairman asked how long the man had been driving who had the bad accident at 7:50 in the morning. The Executive Director said the man had left Conneaut at 4:00 in the morning of the accident and was 90 miles from home and had probably driven through on I-90 and I-71 in Cleveland in the morning rush hour. He said from what he had learned the driver had decided late the night before to take the trip and had worked the day before and so it was likely that he had started out with little sleep. The Chairman said it had some earmarks of drowsiness. He said he could hardly believe that a person would permit himself to be drowsy under the circumstances. The Executive Director said a witness on the road immediately behind the driver said the car first strayed off toward the right side onto the berm and then wavered and crossed into the wrong lane. He said the 81 year old man, even though he was clearly passing, might well have been drowsy because it was midnight and he had been driving 500 miles. The Executive Director said he himself would not drive 500 miles alone. The Chairman said there was not much more that could be said about the accidents. He said he agonized and was horrified but he discounted the family accident as having anything to do with bidirectional traffic and that it was merely coincidental the accident occurred where it did.

Mr. Bricker asked how long it took to pave a section of road such as the one that was being paved at the time of the accident. The Executive Director said on that particular contract it was a second resurfacing so it was not as elaborate as the first resurfacing. He said some preparation had to be done on the existing asphalt but it was not necessary to put down a base course. He said the project was eight miles long and it took about three months to do the whole job. He said it took longer on the first resurfacing. He said the zone had been in use for four days. Mr. Bricker asked whether the zones were being moved constantly. The Executive Director said they were required to move and that each was probably in use for about four days. Mr. Bricker asked whether it would help to put a sign to tell everyone how many people had been killed in bidirectional zones. The Executive Director said he did not know. The Chairman said he would not like to do that, that when Vic Donahey had been Governor, markers had been put along the highway in order to show where people had been killed and Ohio looked like a cemetery. The Executive Director said the staff was deeply concerned about the problem and was examining it with the Patrol and anyone else who could help with suggestions to find something else that could be done. The Chairman said that slips could be passed out at toll plazas. The Executive Director said he had thought about that, but it would mean about 60,000 slips a day. The Chairman said slips would have to be general and in tone and would have to say there were areas under construction but because the drivers did not pay any attention to all the immediate warnings he did not believe that it would help. He said he believed the driver of the car in which four people had died had been drowsy. The Executive Director said that that driver was going to have an accident in any case under the circumstances. He said if there had not been a truck for the driver to run into he probably would have gone into the median and no one knew what might have happened there. The Executive Director said everything was being done in conformance with the interstate standards for such zones.

The Director of Transportation said his Department's experience had not been too good with work zones and that the Department had been evaluating the problem and at one point it was felt that they might have a hot joint in the pavement. He said it was a relatively new problem and he felt there was a need to share the experiences with one another. He said it was too soon to evaluate the experience of the Department of Transportation but he felt that after the summer of 1975 his Department would be in a better position to answer questions. He said he was in favor of the approach the Ohio Turnpike Commission had taken, but the Director of Transportation was having trouble with that approach and he felt it should be continued under examination. He said he knew of no one else to go to other than the Department's own experience and that of other state departments of transportation and that the other departments were having the same problem. The Executive Director said the staff was to take a very thoughtful and careful look at the program for the next year as to how to go about things and what improvements might be made. The Chairman asked whether there would be as many construction projects sched-

uled for 1976 as in 1975. The Executive Director said the first resurfacing was being done in 1975 on the last section of the Turnpike that had not been resurfaced at least once, but there would be a continuing program on second resurfacing, although the 1976 program was not yet set. The Executive Director said there were areas that would need a second resurfacing by 1976, but that the second resurfacing was easier than the first resurfacing. The Director of Transportation agreed that that was so. The Chairman said he did not believe that the accident was a construction area accident per se. He said it was the sort of accident that occurred all the time when drowsiness was the cause.

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 resurfacing projects were 70% to 80% completed except the project at the extreme west end which was the one in which a section was being resurfaced for the first time. He said with that exception all resurfacing projects were expected to be completed on schedule by June 27. He said the project at the west end had been delayed by an unusual number of pavement blowups which were a phenomenon that occurred the first time an area was resurfaced when there was unusually hot weather such as had occurred at the beginning of May. He said when hot asphalt was put down which was black and absorbed heat from the sun, pressure was built up from any moisture that was under the pavement and resulted in pavement blowups. He said there had been 18 in that area between the beginning of the resurfacing and the time of the meeting and that that was an unusually high number. He said when blowups occurred the concrete had to be cut out and repaired and that delayed the whole process. He said therefore the entire project might be delayed somewhat but it was in an area of rather light traffic and he did not believe that it would cause any traffic difficulty or congestion.

The Executive Director reported also that the I-90 toll plaza project was 90% complete and should be completed in July. He said the project was being done in conjunction with the Ohio Department of Transportation and that he and the construction department of ODOT had been holding conversations about an opening date but one had not yet been selected. He said there was a separate project to install the necessary toll equipment in the plaza and that it was available and the work of installation would begin on June 16. He said the installation had had to wait until the completion of the booths.

The Executive Director reported also that the toll plaza project for the interchange with I-680 in Mahoning County was about 15% complete and progress was being delayed to a degree by trade union strikes in the area. He said it was too early to say whether if the strikes continued there would be any extreme difficulty. He said the project was scheduled for completion in October.

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 the case of Millard C. Stacey vs. the Ohio Turnpike Commission was a case concerning drainage that arose in the original construction period and had managed to stay pending for 19 years although the Commission had never done anything to delay it. He said the Commission had never asked for a continuance or anything of that nature. He said at one period the Ohio Turnpike Commission did have a summary judgment in its favor on all causes of action. He said that decision had been reversed except for six causes of action by the Court of Appeals and on May 28 the case went to trial and the presentation of evidence was completed late in the day of June 2. He said the court did not want oral argument and wanted the record prepared before making a decision. He said it was estimated that it would take 60 days to prepare the record which, it was anticipated, would be over 900 pages long. He said the court had given the plaintiff until September 1 to file his brief and then the Commission would have three weeks to file an answer to the plaintiff's brief. The General Counsel said it would be quite possible that the current events were merely a stage rather than a conclusion of the action because there was always the Court of Appeals. He said the Commission's counsel felt they had made a very good presentation and his distinguished predecessor as General Counsel, Judge Lockwood Thompson, had been in court representing the Commission. He said Judge Thompson had lived with the case since its inception and the firm of Hogue, Dwyer, Gretick, Bish & Lowe, one of the leading law firms of Bryan, Ohio, was participating on behalf of the Commission. He said the amount at issue was \$150,000. Mr. Teagarden said probably the Director of Highways, now the Director of Transportation, would have to take over the suit when the Turnpike was paid off. The General Counsel said one of the defendants, the contractor V. N. Holderman & Sons, had gone out of business and had left a fund to take care of any indemnity that might be assessed, but the contractor had been dismissed as a defendant on the afternoon of June 2. The General Counsel said Jamile Jamara had been counsel for the Holdermans and that he was a very distinguished lawyer in Toledo.

The Chairman asked General Counsel how the court could dismiss the contractors without dismissing the Turnpike Commission. The General Counsel said he presumed the court felt the contractors had merely carried out a contract and had nothing to do with the planning. The Chairman asked what evidence had been presented. General Counsel said the plaintiff had testified himself and had called Frank Dutton, Chief Engineer of the Ohio Turnpike Commission. The Chairman said Mr. Dutton must have been called as a hostile witness and had to be called by the plaintiff. The General Counsel said that was the way the plaintiff had started his case. He said Stacey had been placed on the witness stand and that after that the only live witness was Frank Dutton.

The Chairman said the report of the General Counsel was accepted as offered. He said the Stacey case was one of the things that was talked about every so often just as he frequently asked about conditions at milepost 15. He asked what was going on there. The Executive Director said that that area was being resurfaced and that the Commission was in the midst of installing a long range sophisticated monitoring program which had been developed by the Consulting Engineers and certain underground devices would be installed in order to keep a more sophisticated watch on the subsidence there. The Chairman said that mud jacking had had to be resorted to ever since September of 1955. The Executive Director said in 1974 the Commission had rejected a contract to resurface in that area. He said at that time the Commission's own personnel had brought the roadway area up to grade with an asphalt lift in order to improve the riding surface and that now it was being resurfaced. He said the monitoring installation would not be completed until after the resurfacing project was completed. The Chairman said Milepost 15 was one of the things he was very nostalgic about, like the Heberding bull that had to cross the right of way of the Turnpike. He said another thing he remembered was the Emerald Necklace (Cleveland Metropolitan Parks).

The Chairman said the Commission offered its congratulations to the Staff Lawyer, Phillip A. Loftus, on the birth of a daughter.

The Chairman ascertained there would be no report from the Consulting Engineers, from the Trustee or from the Director of Information and Research.

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

RESOLUTION NO. 14-1975

"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 May 6, 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 May 6, 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, Bricker, Jackson, Anderson, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 14-1975.

There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. Anderson, that the meeting adjourn until July 1, 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, Anderson, Bricker, Jackson, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The 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