

MINUTES OF THE TWO HUNDRED AND NINETY-FOURTH MEETING
December 16, 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 11:00 A.M. on December 16, 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 that all Members were present. Therefore, those members present were: O. L. Teagarden, Ralph H. Anderson, Daniel E. Bricker, Richard D. Jackson and James W. Shocknessy.

The Chairman said the meeting was being held in mid-December so that the Executive Director, Allan V. Johnson, would have an opportunity to see whether it would be necessary to supplement the budget. He said the Executive Director had found it was not necessary to supplement the budget but the budget would be amended by moving some money from one account to another.

A motion was made by Mr. Bricker, seconded by Mr. Jackson, that the minutes for the meeting of November 4, 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: Mr. Bricker, Mr. Jackson, Mr. Teagarden, Mr. Anderson,
Mr. Shocknessy.

Nays: None.

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

The Chairman said that the Commission had always done a lot of calling of the roll and he liked the fact that the Commission had done so over all the years. He said he was on the board of another state agency, where they had a way of saying, "All in favor?" He said it was the Board of Regents he was talking about and he had been to only two of their meetings but the chairman of the board referred to the state as "O-ha-O" and the Chancellor did the same thing. He said that was the second worst mispronunciation one could make with him and the first one was calling him "Shaughnessy". He said the chairman of the Board of Regents had done that the first day he was there; he had called him "Shaughnessy" and he had corrected him, of course. He said the other day the chairman and the Chancellor were talking and both of them said "O-ha-O". He said they had been in the state a long while. The Chairman said he had said almost as an ejaculation, "If I didn't know that I

was sitting at a meeting of an Ohio agency, and only heard the chairman of this outfit and the Chancellor, pronounce the name of this state, 'O-ha-O', I would not know where I was!" He said he thought they were going to learn how to pronounce Shocknessy and how to pronounce Ohio.

The Chairman reported also that the Trustee had purchased \$3,519,000 face value of revenue bonds bringing the 1975 total purchases to \$16,165,000 and reducing the debt to \$95,993,000, thereby reducing the debt to less than \$96,000,000 as he had said in October the Commission would do before the end of the year. The Chairman said he could say on behalf of the Commission that all the predictions and statements about the prospective accomplishment of retiring the debt was still likely.

The Chairman reported also that income for November was \$3,194,547. He said it was the fourth time a November had exceeded \$3 million and that it was the fourth highest November in the history of the Turnpike.

The Chairman reported also that since the November meeting there had been only two fatal accidents on the Ohio Turnpike. He said the Executive Director would comment further. The Chairman said at the previous meeting a representative of the Associated Press had given the Commission an opportunity to illuminate the safety record. He said he did not believe that the Commission was able to do much more than illuminate it because the 1975 fatal accident record, as related to other years, was difficult to reconcile. He said the only thing that had been offered in explanation was that in the first year of the 55 mile an hour speed limit, people may have been observing the limit more carefully and that the number of vehicles using the Turnpike was higher in 1975. He said the number of passenger vehicles was higher in 1975 and it was among passenger vehicles that the increase in accidents was usually noticed. He said he stood on everything the Commission had ever said about the safety on the Turnpike as compared with safety elsewhere but Donald Cook, Director of the Department of Highway Safety, had recently published figures with respect to the whole Ohio highway system, that shook one up. He said the figures proved that the whole system was probably benefitting to a greater degree from the lowered speed limit than the Turnpike was because the Turnpike had always been better policed than the rest of the system. He said he recognized that he sounded like he was torturing the facts in order to reconcile them with the actualities, but that it sometimes happened that there was no other way to understand. He said he was not trying to reconcile to justify, but trying to understand what had occurred.

The Chairman reported also that the Commission would adopt the budget for 1976 finally and that it would amend the budget for 1975 by transferring some funds within the budget. The Chairman asked how close the results would be at the end of the year. The Executive Director said it was very close. The Comptroller, William G. Gerber, said it would be within \$50,000 or so. The Chairman said if everyone else in government would budget that closely, the whole government would be better off.

The Chairman reported also that a resolution would be offered which would conform specifically with Ohio Revised Code 121.22(F), the so-called Sunshine Law. He said the sun had always shone on the meetings of the Ohio Turnpike Commission and there had never been a day when there had been a cloud over them or when anybody could not find out exactly what was going on. He said by the same token he boasted that the Turnpike Commission had the first grievance procedure of any state agency in Ohio, and also had the first and continuing practice of having its meetings open. He said when one came to the Turnpike meeting there was no faking, that he and the other Members came in and they all shook hands and said good morning. He said the Members had not met since the last meeting; they held no clandestine meetings, conferences or discussions. He said he had never found that the Commission had missed anything by not meeting clandestinely and taking action surreptitiously and all such fancy stuff. He said all the Commission did was come together and take the action required.

The Chairman reported also that he had received correspondence that brought up the Hydra-headed monsters of what he used to call, and still did, the iniquitous so-called Shaw bills, S. B. 560 and 561, which had been introduced a few years ago and had again reared their heads. He said he was not sure whether the man who wrote the letter really knew anything about the Shaw bills but the letter had been sent to the Governor and, instead of sending the letter to the Turnpike Commission, it had been sent to the Department of Transportation and someone in that agency had answered it. He said he had no complaint about the answer, but he would like it extended and amplified because Mr. Jackson had not been Director at the time of the so-called Shaw bills and that his predecessor had been at least ambivalent about them. He said he wanted to put in the record again what the law was and what the compact was which the people of Ohio made with the 98th General Assembly when the Ohio Turnpike Act was passed. The Chairman said the Shaw bills were introduced in July of 1972. The Chairman said he had given a lot of his time to the matter between July and September of that year but the bills were stillborn in committee in September.

The Chairman reported also that the Commission had received an opinion from Squire, Sanders & Dempsey, fiscal counsel to the Commission, stating that the so-called "Agency Bill", would not apply to the Commission if it passed.

The Chairman reported also that there was a letter from the Ethics Commission addressed to the Executive Director asking him to file a financial disclosure. He said the Executive Director had no objection to filing a financial disclosure statement and he would so advise the Ethics Commission.

The Chairman reported also that a resolution would be offered to authorize renewing an agreement with the Consulting Engineers and that resolutions would also be offered memorializing the retirement of Ben Maidenburg of the Akron Beacon Journal and Brady Black of the Cincinnati Enquirer. He said he had a letter from William Hall, Director of The Ohio State University School of

Journalism, which was considering publishing a book of Brady Black's columns. He said the University would not pay for the publication but that the Corbett Foundation of Cincinnati would pay for the cost. He said Bill Hall had asked him his opinion on the worth of publishing the book and he was glad to state publicly that he was sure that a collection of Brady Black's columns was well worth publication.

A resolution expressing Commission's felicitations to Ben Maidenburg upon his retirement from the field of journalism was moved for adoption by the Chairman, seconded unanimously by all the Members, as follows:

" WHEREAS Ben Maidenburg has given a large part of his lifetime in dedicated service to his profession and to the people of the Akron area, of the State of Ohio, and of the nation, in his chosen field of journalism, since he began his career with the Akron Beacon Journal almost half a century ago; and

"WHEREAS his retirement on December 15, 1975 from his position as publisher and vice president of the Akron Beacon Journal brings to a close a long and distinguished career in the field of journalism, he is nevertheless undertaking new and important responsibilities in the area of community service in that he is assuming the office of president of the Knight Foundation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission at its meeting on December 16, 1975 extends to Ben Maidenburg its congratulations and felicitations upon his long and distinguished career in the field of journalism, and extends to him its best wishes for his good health , happiness and successful endeavors in his continued devotion to public service; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, instructed to send a copy of this resolution to Ben Maidenburg."

The Chairman said the vote was unanimous and declared the resolution adopted. The resolution was identified as No. 23-1975.

Before the Chairman moved the resolution for Brady Black he said he wished to bring to public attention the fact that Mr. Black had been appointed Kiplinger Professor of Public Affairs at the School of Journalism.

A resolution expressing Commission's felicitations to Brady Black was moved for adoption by the Chairman, seconded unanimously by all Members, as follows:

"WHEREAS Brady Black has given a large part of his lifetime to dedicated service to his profession and has rendered exceptional service in the field of journalism and has attained exceptional distinction among his professional colleagues and the public; and

"WHEREAS he has retired from his position as editor and vice president of the Cincinnati Enquirer and after almost half a century of distinguished service in many roles and positions in his chosen field in order to assume the duties of Kiplinger Professor of Public Affairs Reporting in the School of Journalism of The Ohio State University where he will have the opportunity to impart knowledge gained throughout his career to graduate students entering said profession;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission at its meeting on December 16, 1975 extends to Brady Black its congratulations and felicitations upon his long and distinguished career in the field of journalism, and extends to him its best wishes for his good health, happiness and successful endeavors in his continued devotion to his profession through the unique opportunity of teaching others afforded to him through his appointment as Kiplinger Professor of Public Affairs Reporting in the School of Journalism of The Ohio State University; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, instructed to send a copy of this resolution to Brady Black."

The Chairman said the vote was unanimous and declared the resolution adopted. The resolution was identified as No. 24-1975.

The Chairman reported also that the Department of Transportation had announced that it was going to give up the building at 139 East Gay Street. He said the Ohio Turnpike Commission had bought the building in 1952 and the Commission would miss the building. He said whoever took over the building for the State of Ohio would be asked to permit the Commission to continue to hold its meetings there and the Commission would also need to have a small space on the ground floor that the Commission used from time to time. The Chairman asked the Executive Director to address himself to the proper person with respect to continued use of the conference room when it was known who would succeed the Department of Transportation. He said the building was one of the biggest bargains the State of Ohio had ever received. He said the State only paid the Commission \$275,000 for the building and even in his straitened condition, he would be glad to purchase it at that price.

The Chairman reported also that it was Mr. R. W. Friden, Chairman of the Board of the Brewster Lumber Company in Westlake, Ohio, who had sent the letter to The Honorable James A. Rhodes, Governor of Ohio, in which Mr. Friden advised the Governor why the tolls should be continued on the Turnpike after the bonds were paid. The Chairman said he had set forth the law and history of tolls chronologically in his own letter to Mr. Friden and the requirement that the road become toll free when it was delivered to the Director of Transportation, subject to its being in condition suitable to the Director at the time that it became debt free. He said that did not mean that after the Commission delivered the highway to the Director of Transportation that the State of Ohio might not treat it on any basis it chose to but at least

until it had been delivered and declared toll free, nothing further could be done to divert the income of the facility. The Chairman said he had no complaint about the letter that had been sent to Mr. Friden from the Department of Transportation, but that he did not know who in the Governor's office decided to do it that way. He said the Commission had told the Governor's office that when Turnpike letters were received it would be a big help if they would send them directly to the Commission. He said there was also something to be said in favor of the Department of Transportation forwarding such letters to the Turnpike if they received any from the Governor's office. The Chairman said the letter written by the Department of Transportation read as follows:

"November 19, 1975

"Mr. R. W. Friden
Chairman of the Board
Brewster Lumber Company
P. O. Box 45103
Cleveland, Ohio 44145

"Dear Mr. Friden:

"As you are aware Governor Rhodes has requested that I respond to your letter of November 3, 1975 concerning the Ohio Turnpike.

"I certainly appreciate your comments regarding your position as it relates to the future of the Ohio Turnpike and the completion of payments for its construction. As in the past, this Department is working closely with the Turnpike Commission. This relationship will provide for an orderly phasing with the Ohio Turnpike as it is paid out, about 1981. The details of this transition will become clearer as we get closer to that date.

"As time goes on I will value your continued comments. I truly appreciate your support for the Governor.

"Very truly yours,

"Richard D. Jackson, P.E.
Director"

The Chairman said he hoped the letter he had written would terminate any further comments of Mr. Friden and any further correspondence with him. He said that copies of his letter had been sent to the Governor, to the Members of the Commission, to the Executive Director, to Squire, Sanders & Dempsey and to the Consulting Engineers. He said he had asked Squire, Sanders & Dempsey for an opinion in December 1971 when he saw the first

portents that efforts would be made to continue the tolls. The Chairman's letter to Mr. Friden follows:

"December 15, 1975

"Mr. R. W. Friden
Chairman of the Board
Brewster Lumber Company
P. O. Box 45103
Cleveland, Ohio 44145

"Dear Mr. Friden:

"Your letter to the Honorable James A. Rhodes, Governor of Ohio, under date of November 3, 1975, and the reply on behalf of the Governor by Richard D. Jackson, Director of the Ohio Department of Transportation, under date of November 19, 1975, have come to my attention and inasmuch as the correspondence concerns the future status of the Ohio Turnpike and especially because you recommend that tolls be continued and the money used for other purposes after the debt of the Ohio Turnpike is paid, I feel obliged to relate to you the position of the Ohio Turnpike Commission about the theory of continuing tolls after the debt is paid.

"First, as to the accelerated schedule of retiring the Turnpike debt being following by the Commission it is the position of the Commission that it cannot pursue any other course and it has been so advised by its fiscal counsel, Squire, Sanders & Dempsey, who said in a letter under date of January 20, 1972, in response to a request of the Commission under date of December 15, 1971 at a time when there were portents that efforts would be made in the 109th General Assembly to thwart and dishonor the obligation made by the 98th General Assembly to the people of Ohio, which portent was realized by the introduction on July 5, 1972 of the iniquitous so called 'Shaw Bills,' Senate Bill 560 and Senate Bill 561, and which bills were stillborn in committee without ever reaching the floor of the Senate:

'In our opinion, it is not legally permissible for you to pursue a financial program affecting the retirement of the outstanding bonds materially different from that which you are not pursuing. We concur whole-heartedly with the views of the financial advisers... that, irrespective of any question of legality, it would be unwise for you to do so. Moreover, in view of the commitments which the Ohio Turnpike Commission and the State of Ohio have entered into respecting the toll-free operation of the highway after the bonds are retired, and the doubtful legality of any toll continuation, it is in our opinion inappropriate for the Ohio Turnpike Commission to make any recommendations to the General Assembly or to the Governor, suggesting any change in present law under which the Turnpike will become a free highway when

'it is debt-free, if it is then in a state of repair satisfactory to the Director of Highways.'

"Continuing tolls after the Turnpike's debt is paid would not only be a blatant betrayal of the 98th General Assembly's promise to the people of Ohio, which is the law, that the Ohio Turnpike would be delivered to the State of Ohio to become a toll free part of the state highway system upon the payment of its bonds subject only to its being in condition and repair satisfactory to the then Director of Highways as provided in Section 5537.21 (1219) of the Revised Code of Ohio but indeed, there are serious constitutional questions as to the validity and lawfulness of such a scheme. There is quoted hereafter another portion of the Squire, Sanders & Dempsey, January 20, 1972 letter:

'****Article XII, Section 5(a), of the Ohio Constitution provides that no moneys derived from fees or excises relating to the operation or use of vehicles on public highways shall be expended other than for highway or closely-related purposes. This would seem to prevent the operation of the highway for the purpose of supporting education or some other non-highway-related activity. This provision of the Constitution would not, of course, prevent the use of such funds for highway projects; however, we have serious doubts as to the validity of a toll for the utilization of the highway, after the bonds are retired, greater than an amount necessary to provide for the maintenance and operation of the highway, because otherwise the users of the highway would be taxed a greater amount for general highway support than persons using other highways in the state. This would seem to be a denial of the equal protection of the laws and possibly an unconstitutional burden on interstate commerce. We think that, in this connection, it is relevant to recall that representations were made in the General Assembly in 1949, that the expedient of revenue financing was adopted only because no other financing was then available and that when the road was debt-free it would be toll-free.

'Upon the basis of all of these considerations, we have no hesitancy in advising the Commission that in our opinion it is inappropriate for the Commission to recommend to the Governor or to the General Assembly any extension of the operation of the Turnpike as a toll highway after the bonds are retired.'

"Second, another prohibition to continuing tolls for other uses as you suggest is contained in a tripartite agreement executed July 14, 1964, by the Ohio Turnpike Commission, the State of Ohio and the United States wherein one of the mutual agreements of the three parties is as follows:

'That the Ohio Turnpike will become free to the public upon the collection of tolls sufficient to liquidate the revenue bonds of the Commission outstanding as of the effective date of this

'Agreement which constitute a valid lien against the revenues of the Ohio Turnpike and to pay the cost of maintenance and operation, and debt service during the period of toll collections, and to pay the cost of placing the Ohio Turnpike in good condition and repair to the satisfaction of the Director of Highways as required by Revised Code of Ohio, Sec. 5537.21.

'Nothing herein contained shall prohibit the Commission from issuing refunding bonds for the aforementioned revenue bonds provided (1) that the issuance of any refunding bonds will not increase the amount of the outstanding bonded indebtedness as of the time the bonds are refunded, (2) that the refunding bonds will mature at or prior to the maturity date or dates of the bonds now outstanding, and (3) that the refunding operation, including all expenses attributable thereto, shall not result in increased overall costs to be borne by the toll revenues.'

"The Ohio Turnpike Commission has always conducted its affairs so as to fulfill the pledge and promise made to the people of Ohio and it likewise expects to abide by the agreement to which it is a party.

"Very truly yours,

"James W. Shocknessy
Chairman

"cc: Honorable James A. Rhodes (encs.)
Commission Members (encs.)
Executive Director (encs.)
Squire, Sanders & Dempsey (encs.)
J. E. Greiner (encs.)"

The Chairman reported also that the year-end statement was in preparation. He said the year-end statement was always issued on the 31st of December and which also was a basis for the Annual Report. He said the Annual Report was also in process of preparation. He said with the agreement of the Commission, the Annual Report for 1975 would be similar to the 1974 Report which was generally satisfactory. He said he was not even going to ask the gentleman from the Plain Dealer of Cleveland, who made the only complaints about the 1974 Report, but it was going to be done just about the same way the 1974 Report was done. He said the 1973 Report had been a very simple one. He said Walter Friedenbergs of the Cincinnati Post & Times-Star had had something to say about one of the reports and that he had let Mr. Friedenbergs know what the Commission was doing about the 1974 Report and Mr. Friedenbergs thought the Commission had had a good report. He said the young man at the Plain Dealer had complained about the form of the 1974 Report and he let it be known how the rest of the world felt about it. He said he did not know that he remembered talking to him since, but when he

was lying on his back in a hospital in March of 1975 a few days after he had been operated upon for cancer, his door burst open and Robert Snyder of the Plain Dealer had entered. He said he had excused Mr. Snyder from remaining and he had not seen him since. He said he was not going to say anything further except to say Merry Christmas.

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. Details of Investment transactions which took place in November, 1975.
2. Traffic and Revenue Reports for October, 1975 and November, 1975.
3. Financial statement as of October 31, 1975.
4. Draft of the minutes of November 4, 1975 meeting.
5. Month-end release.

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

The chairman of the Committee on Budget and Finance, Mr. Anderson, reported that a careful analysis had been made of expenses for 1975 compared to the annual budget for 1975 adopted by the Commission in December 1974. He said the analysis revealed that the total amount budgeted of \$14,971,500 would be adequate but the budget should be amended by transferring \$105,000 from the administration and insurance classification where a \$140,000 surplus was expected, to the operations classification, which was approximately at budget, to which snow and ice control expenses were charged. He said the Trust Agreement provided that the Commission might adopt an amended annual budget at any time and that such an amended budget should be approved effective upon approval by the Consulting Engineers. He said the Consulting Engineers had so approved in a memorandum to the Executive Director under date of December 15, 1975 and accordingly a resolution had been prepared to amend the annual budget for 1975 and he recommended it be adopted.

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

"WHEREAS pursuant to Section 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank, New York), as co-trustee, the Commission, by Resolution No. 23-1974, adopted an annual budget for the fiscal year 1975;

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

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

"WHEREAS an amendment to the annual budget for the remainder of the year 1975 has been submitted to the Commission by the executive director and is now before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following amendment to the previously adopted budget of current expenses for the fiscal year 1975:

"Amendment to Annual Budget for Fiscal Year 1975

Expenses

Administration & Insurance (decrease in estimate)	- \$105,000
Operations (increase in estimate)	+ 105,000
Trust Indenture Expense (no change)	<u>0</u>
Total	0

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

The Chairman said he hoped the money transferred would not be needed but it was entirely possible that a storm might occur and that a severe storm could cost the Commission \$60,000 to \$70,000.

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 25-1975.

The chairman of the Committee on Budget and Finance reported also that at the October 7, 1975 meeting, the Commission had adopted a preliminary budget as required by the Trust Agreement and the preliminary budget had then been filed with the Trustee and mailed to the Consulting Engineers and principal underwriters. He said that no requests for a hearing to modify the budget as provided for in the Trust Agreement had been received and that a resolution had been prepared to adopt the preliminary budget for 1976 as the final budget and he recommended its adoption.

A resolution adopting annual budget for the fiscal year 1976 was moved for adoption by Mr. Anderson, seconded by Mr. Teagarden, as follows:

"WHEREAS the Commission, by resolution No. 19-1975, adopted a preliminary budget for the fiscal year 1976, and caused copies thereof to be filed with the trustee and mailed to the consulting engineers and the principal underwriters;

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

"WHEREAS pursuant to Section 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, the The National City Bank of New York (now First National City Bank, New York), as co-trustee, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1976, to be designated the "Annual Budget"; and

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

"NOW, THEREFORE, BE IT

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

"Annual Budget of Income and Current Expenses
for the Fiscal Year 1976

Income		\$42,000,000
Current Expenses		
Administration & Insurance	\$	3,204,300
Operations		13,400,900
Trust Indenture Expense		<u>192,500</u>
Total Current Expenses	\$	16,797,700

"FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed the total appropriations in the corresponding division of the preliminary budget heretofore adopted by resolution No. 19-1975; and

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

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 26-1975.

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

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that he had told the Commission at its November meeting that a letter had been received from Gladioux Food Services, Inc. to the effect that Gladioux would soon make a request for increased prices on some controlled price food items. He said that since the last meeting the request had been received which set forth the various items on which price increases were desired. He said there had not been time for the Committee on Service Plazas to give the letter consideration but that the Executive Director had started a survey to determine prices for the items charged in similar restaurants off the Turnpike

so the Committee could start work on its report. He said he assumed that the report would be available very soon and he wanted the Commission to know that the Committee had received a request and that it had the Committee's immediate attention.

The Chairman said there were so many inquiries about fuel and energy, that he thought it would be a good plan to put a subtitle under Agenda Item 6 (Committee on Service Plazas) at the next meeting and call it Fuel, Energy or whatever, so that something would be put in the record at every meeting. Mr. Teagarden suggested that Item 6, Report of Committee on Service Plazas, might include a subtitle: Service Plazas and Service Stations. The Chairman said the title on the agenda should be changed so that it would be understood that whatever needed to be said publicly with respect to the dispensation of fuel would be said. He said the Commission formerly treated service plazas as service plazas but all kinds of questions were being received about gasoline prices because people wanted to be sure that the monopoly enjoyed by Standard Oil Company of Ohio was not giving Standard Oil any opportunity to gouge and that therefore the Commission would make a report every time which would indicate that the Ohio Turnpike Commission had checked prices.

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

The Director of Transportation, Mr. Jackson, reported that as far as space in the building at 139 East Gay Street was concerned, he looked forward to working with the Executive Director on providing accommodations for the Ohio Turnpike Commission. He said it would be several months before the Department of Transportation relinquished the building and that he did not know what would become of it or of the adjacent building which the Department leased. The Chairman said that it was good that the matter was in the record that the Commission was aware of what the Director of Transportation contemplated and that it was understandable to the Commission. He said he hoped the Commission would not have to move its meeting room.

The Chairman said the report of the Director of Transportation was accepted as offered.

Before asking for the report of the Committee on Safety, the Chairman announced that the Executive Director had been elected to the Board of Trustees of Wilberforce University. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, reported that there had been 24 fatalities on the Turnpike so far in 1975. He said while one might not be able to reconcile that with the record of 1974, when there were only ten in the year, it should be stressed that if the Turnpike should be so fortunate as to get through the rest of 1975 without any more fatalities, it would be the lowest number of fatalities in any year since 1963 with the single exception

of 1974. The Executive Director said yearly fatalities had reached as many as 40 in two years, 1966 and 1969. He said the staff was making a comprehensive analysis of all the accidents in 1975 and would expect to report on that analysis at the end of the year. He said if one looked at the record on the basis of rates, which was one of the ways to compare, it was favorable when compared to other interstate facilities in Ohio, even as the record stood.

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 said that on December 15 the new interchange, Exit No. 16A, the Youngstown-Poland Interchange, between the Ohio Turnpike and I-680 along with approximately ten miles of I-680 in Mahoning County had been opened. He said that completed the facility which provided a link of interstate standards between the Turnpike and the City of Youngstown. He said it would benefit the area.

The Executive Director reported also that I-90 was under construction in the City of Cleveland and that there were substantial parts of I-480 in the Cleveland area which would later be linked to the Turnpike. The Director of Transportation said the planning process for I-480 was coming along. The Chairman said the I-480 project had lain fallow for four years. Mr. Teagarden said the Turnpike might well have waited longer for construction of Exit 8A and that the traffic was less than had been expected. The Executive Director said the traffic was very light due to missing links in I-90, but the Turnpike eventually needed the facility and it did already provide a significant length of freeway into western Cuyahoga County from the Turnpike in Lorain County.

The Chairman asked the Director of Transportation what the prospects were for I-480. The Director of Transportation said his office had taken bids on one section that day and there were others that were very close to being ready to go, but that his department would have some problem with funds. The Executive Director said I-480 included a connection with the Turnpike and that plans provided for an interchange immediately adjacent to the Turnpike's existing Exit 9. The Director of Transportation said the emphasis of his department was going to be on the completion of the Interstate System. He said there was no question but that it provided the greatest service to the people of the state and it had the first priority, from both the federal and state levels.

The Executive Director reported further that the Commission was in the process of completing the design of the toll plaza portion of the I-480 project and would be prepared to do its part when the state was ready to let the roadway contract.

The Executive Director reported also that two new interchanges had been opened during the year and also that during 1975 resurfacing of the last section of the Turnpike that had not been resurfaced had been done and that several sections of the Turnpike had been resurfaced a second time. He said everything

that was resurfaced henceforth would be at least a second resurfacing and perhaps 30 miles would receive such resurfacing in 1976. The Executive Director said that of nearly 40 miles of resurfacing completed in 1975, 28 miles of the resurfacing was a second resurfacing and that about 42 miles was the total of second resurfacings.

The Executive Director reported also that the first full year of operation of the toll audit system had been completed and the system was functioning in an outstanding fashion.

The Executive Director reported also that other areas of the Turnpike operation were being studied, including a probable replacement of the central office computer which, while only four years old, was being operated at capacity. He said there were new machines and computers available and the prices kept coming down and that the Commission very likely could get a larger one and prevent having to overwork the existing machine.

The Chairman asked the Director of Transportation whether since his time on the Commission, the Chairman had ever directed his attention to the horrible thing that happened to him two days before the Turnpike was to open in 1955. He said that someone had come into his office to tell him that he thought the Turnpike would not open as planned due to sinking going on at Milepost 15. The Chairman had said that the Turnpike was going to be opened on that day but that the area near Milepost 15 would be mudjacked. The Executive Director said mudjacking had continued ever since then and the problem area was where the final first resurfacing had just been finished. The Chairman said such problems were common in the northwestern part of the state.

The Executive Director reported further that immediately after finishing the resurfacing at Milepost 15 a sophisticated system of monitoring devices had been installed in the area so that the staff might continue to watch the subsidence on a long range basis with something better than just taking elevation readings on the pavement. He said slope indicator tubes had been installed throughout the area and it was being monitored continuously. In response to a question by Mr. Jackson, the Executive Director said it was caused by a classic clip failure and it was a deep failure. Mr. Jackson said when he went back and forth to college at Tri-State University he used to travel back and forth across the Turnpike and that because he was aware of the problem and was looking for it, he could see it, but if he had not been aware of it, he could not have seen it. He said he never felt it under the wheels of his car. The Executive Director said it now could not be seen at all because of the pavement over it. He said there was no dip but there probably was a total of five feet of mudjacking under the road and probably two feet of asphalt.

The Executive Director reported also that the staff was making a study of its radio communication system, much as it had done with its toll audit system four years before. He said the system and the equipment were

essentially the same equipment installed when the Turnpike was opened 20 years ago and it had been giving the staff some problems. He said the staff was following the same policy continuously throughout all of its office procedures and equipment. The Chairman said he was glad the Executive Director had mentioned that. He said any organization as it grew old was likely to grow down. He said one had to be sure that one kept up with business systems and he told the Executive Director that he wanted to be advised and he wanted the Executive Director to advise the Commission that he was keeping up with any technological improvements in management, maintenance and operation.

The Executive Director reported also that Ohio Revised Code Section 121.22(F), required that public agencies adopt specific rules and regulations concerning notification of the meetings of any agency, body or board. He said the staff accordingly had prepared a resolution for consideration to adopt such rules for the Commission and also to amend the appropriate sections of its bylaws to include the rules. He said a copy of the resolution was in every Member's folder. The Chairman said there was nothing onerous about it. He said the resolution really did not do anything to the Commission except to conform and formalize what the Commission had always done.

A resolution adopting rule pursuant to Ohio Revised Code Section 121.22(F) and amending Article II of the Code of Bylaws was moved for adoption by Mr. Teagarden, seconded by Mr. Jackson, as follows:

"WHEREAS the General Assembly has enacted amendments to Section 121.22 of the Revised Code of Ohio requiring that every public body shall be required to establish a reasonable method for persons to obtain notice of its meetings as more specifically provided in said section of the Ohio Revised Code;

"WHEREAS the Commission has always conducted its business publicly and in full accord with the spirit of the aforesaid amendments, the so-called "Sunshine Act," and is pleased to adopt a rule specifying the method whereby persons may obtain notice of its meetings;

"WHEREAS it is appropriate and convenient to incorporate said rule as a part of Article II, "Meetings of Commission," of the Code of Bylaws of the Commission and to amend said bylaws accordingly; and

"WHEREAS the adoption of said rule renders appropriate an amendment to Section 4.00, "Special Meetings," of Article II of said Code of Bylaws, and the renumbering of Section 5.00, "Minutes and Journal" thereof;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby rescinds Sections 4.00 and 5.00 of Article II, "Meetings of Commission," of the Commission's Code of Bylaws and adopts Sections 4.00, 5.00 and 6.00 of Article II of said Code of Bylaws as hereinafter set forth, said Section 5.00 being adopted as a rule pursuant to Ohio Revised Code Section 121.22(F) as amended:

"Sec. 4.00 Special Meetings. Special meetings may be held at any time at the call of the chairman, provided that sufficient notice, in writing or otherwise, is given to each member of the commission to permit the attendance of each member. Notice of a special meeting shall include the date, time, place and purpose of the meeting. In case of any special meeting other than an emergency meeting such notice shall be given in time to permit the giving of notice to news media which have requested notification at least twenty-four (24) hours in advance of such meeting. In the case of any special meeting called because of an emergency requiring immediate official action, the chairman shall immediately notify the news media of the time, place and purpose of the meeting."

"Sec. 5.00 Public Notice of Meetings. Public notice of meetings of the commission shall be given as follows:

(1) 'Person' as used herein shall include any individual, corporation, business trust, estate, trust, partnership or association.

(2) Any person desiring information as to the time and place of regular meetings of the commission or of the time, place and purpose of special meetings of the commission may obtain such information by telephoning the commission at its principal office, Ohio Turnpike Commission, Administration Building, 682 Prospect Street, Berea, Ohio 44017, telephone number (216) 234-2081, and requesting such information from the commission's assistant secretary-treasurer or his designee, or by writing to the Assistant Secretary-Treasurer, Ohio Turnpike Commission, 682 Prospect Street, Berea, Ohio 44017.

(3) Any person desiring to be given notice of meetings of the Ohio Turnpike Commission shall submit a request in writing to the Assistant Secretary-Treasurer, Ohio Turnpike Commission, 682 Prospect Street, Berea, Ohio 44017. The commission will give timely notice, consistent with the provisions of Ohio Revised Code, Section 121.22, of all subsequent meetings to such person for a period of one year following receipt of such request, and thereafter from year to year if such request be renewed annually. Such notice may include no more than two telephone numbers which shall be used by the commission in the event that immediate notice is necessary. Notice given by mail or telephone as the case may be to the address or telephone numbers furnished shall conclusively be presumed to be notice to the person furnishing same.

"(4) Any notice of a special meeting (which does not refer to a regular meeting that is postponed) given pursuant to this section shall include the purpose of the meeting.

(5) Any request for notice of meetings whereby notice is requested only of such meetings as shall include discussion of a specific type of public business shall be responded to by giving notice of meetings at which such discussion is anticipated. In giving notice in such cases, an agenda of the meeting shall, if available, be included as a part of the notice.

(6) No special meeting, including any emergency meeting, and no executive session shall be held, except in compliance with the requirements of Ohio Revised Code, Section 121.22, as amended."

"Sec. 6.00 Minutes and Journal. The minutes of all meetings shall be recorded in special books to be kept for that purpose. With respect to each meeting, there shall be shown the date and place at which it was held, the names of the members present, a summary of things said and done, and a record of each vote taken. Resolutions adopted shall be identified, and may be set forth in full. There shall be maintained a separate journal in which shall be set forth in full text each resolution adopted by the commission, together with identification of each resolution by a number, and a record of the vote upon its adoption. As provided by law, said journal shall be open to the inspection of the public at all reasonable times."

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, instructed to file with the secretary of state a copy of the language of Section 5.00 hereinabove as a rule adopted pursuant to Ohio Revised Code, Section 121.22."

The Chairman said there was nothing in the resolution or the law that the Turnpike had not done as a matter of practice. The Executive Director agreed.

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 27-1975.

The Chairman said he wanted to call everyone's attention to the fact that as soon as Mr. Bricker had seen that there was some reason for the Director of Transportation to second the motion, he had very promptly said Mr. Jackson should do it.

The Executive Director reported also that the present agreement with the J. E. Greiner Company for consulting engineering services, services required by the Trust Agreement, was to expire on December 31st and that a resolution to authorize a new agreement for consulting engineering services had been prepared and was in every Member's folder and he recommended that it be adopted.

A resolution authorizing acceptance of proposal for consulting engineering services was moved for adoption by Mr. Jackson, seconded by Mr. Anderson, as follows:

"WHEREAS the J. E. Greiner Company is presently performing the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike under a three-year agreement with the Ohio Turnpike Commission, which was originally executed under date of December 20, 1972, and which by its terms expires on December 31, 1975;

"WHEREAS the J. E. Greiner Company and the Commission desire to enter into a new agreement for a three-year period beginning January 1, 1976 and terminating December 31, 1978 whereby the J. E. Greiner Company is to be employed as consulting engineers in connection with maintenance and operation of the Ohio Turnpike;

"WHEREAS said J. E. Greiner Company, a partnership comprised of T. E. Donnelly, P. E., of Baltimore, Maryland, and Frank T. Callahan, P. E., of Tampa, Florida, as partners, has submitted to the Commission under date of December 12, 1975 a proposal for an agreement for a three-year period to perform the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike commencing January 1, 1976 and terminating December 31, 1978; and

"WHEREAS the Commission desires to accept the aforesaid proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and hereby he is, authorized and empowered to accept the proposal of said the J. E. Greiner Company, dated December 12, 1975, to perform the duties of consulting engineers in connection with maintenance and operation of the Ohio Turnpike pursuant to a new three-year agreement beginning January 1, 1976 and terminating as of midnight December 31, 1978, unless sooner terminated in accordance with the terms of said proposed agreement, and providing that the J. E. Greiner Company is to be paid \$8,000.00 per month for its services as such consulting

"engineers, and also including other terms as mentioned in said proposal;
and

"FURTHER RESOLVED that the executive director be, and hereby he is, authorized and empowered to execute an agreement on behalf of the Commission carrying into effect the proposal of the J. E. Greiner Company to perform the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike for a three-year period commencing January 1, 1976 and terminating as of midnight December 31, 1978, and that the executive director be, and hereby he is, authorized and empowered to cause said agreement to be delivered to said J. E. Greiner Company on behalf of the Commission."

The Chairman said that Greiner had been Consulting Engineers to the Ohio Turnpike Commission for more than 25 years and that he had gone over to Pennsylvania to check on the Greiner Company in 1949.

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 28-1975.

The Executive Director reported also that the annual Christmas luncheon for the staff at the Administration Building in Berea would be held on Friday, December 19, at noon, and the staff would be pleased if any of the Commission Members could attend. The Chairman said the luncheon would be in no way a violation of the Governor's announced policy. He said no Commission time was being used for the luncheon and no whiskey or beverages of any alcoholic kind were being served. The Executive Director said they never had been. The Chairman said it was not anything that could be called an office party as an office party might be understood by definition of the Governor. The Executive Director said the luncheon would be very short, it would start at noon and would be over shortly after one o'clock, but he would like to extend Christmas wishes and best wishes for the New Year on behalf of the staff.

The Chairman said he wished to thank everyone for the good work that had been accomplished in 1975. He said everyone could be proud of bringing the debt not only under \$100 million but under \$96 million. He said the difference between \$96 million and \$326 million was pretty big. He said the accomplishments of the Commission were the accomplishments of the Commission, its staff, its Trustee, its Consulting Engineers, and the cooperation of the Department of Transportation. He said there had never been a year

when at the December meeting he had not had occasion to offer the gratitude of the Commission to the Director of Highways and later to the Director of Transportation, regardless of any disagreements that he might have had within the year, with that Department and with its several directors for the assistance that the Turnpike Commission had had. He said in the beginning, the Turnpike had almost inherited its staff from the Department of Highways and that all the original people, all of whom were now gone, came from within the Department of Highways, among them Ted Kauer, C. W. Hartford, Charles P. Smith and Russell S. Deetz. The Chairman said it had been a nice year and that really every year had been a nice year even some years that were painful. He said typical of those years were the years of the Commission's torture by Richard H. Schafer and the asphalt people.

The Chairman gave his best wishes to everyone. He said the portents for the Ohio Turnpike Commission remained good.

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

Mr. Harnden thanked the Commission for renewing the agreement and expressing confidence in the J. E. Greiner Co.

The Chairman said the report of the Consulting Engineers was accepted as offered. He ascertained there would be no report from the Trustee. The Chairman said the Trustee had done a good job during the year and he had been especially pleased when Mr. Sesler had called him and told him just where the Commission was going to be and how much money it was going to have available and what the face value redeemed during the year was going to be. He said Mr. Sesler did not know how pleased he had been when Mr. Sesler said "Your prediction is coming out." He said he liked nothing more than having his predictions come out.

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

The Director of Information and Research, Talbot Harding, reported that since the November meeting a new Turnpike map had been produced and forty-five thousand of them had been distributed in the four weeks preceeding the December meeting. He said the map had been designed to be easily read and to clarify certain problem areas near Toledo and partial interchanges and to answer questions most frequently asked about the Turnpike. He said the map was also planned to be easily changed and brought up to date without great expense.

The Chairman said the report of the Director of Information and Research was accepted as offered. The Chairman said that many people asked him about

the Turnpike map, even people who did not use the Turnpike liked to know about it and to have maps in their possession and in their coffers. He said it was a good job and when the Commission met in February the Director of Information and Research would have produced the annual report because it was due on February 1. He said February 1 was a famous date in his life and that of the Director of Transportation. He said the Director of Transportation, the Executive Director and he had presented the report to Governor Rhodes on February 1, 1975 and the Executive Director had presented it on that date to the leaders of the General Assembly.

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

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have been variously written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on November 4, 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 November 4, 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: Mr. Teagarden, Mr. Jackson, Mr. Anderson, Mr. Bricker, Mr. Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 29-1975.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Jackson, that the meeting adjourn until February 3, 1976, 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: Mr. Bricker, Mr. Jackson, Mr. Anderson, Mr. Teagarden, Mr. Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:26 P. M.

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



Ralph H. Anderson, Secretary-Treasurer