

MINUTES OF THE TWO HUNDRED AND NINETY-FIFTH MEETING
February 3, 1976

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 February 3, 1976 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 meeting was called to order by the Chairman. The roll was called and the attendance was reported to be as follows:

Present: Richard D. Jackson, O. L. Teagarden, Daniel E. Bricker,
James W. Shocknessy.

Absent: Ralph H. Anderson.

The Chairman announced that a quorum was present. The Chairman said that Mr. Anderson had said at the December 16, 1975 meeting that he probably would not be able to attend the February 3, 1976 meeting but the record should show that Mr. Anderson had talked to him at the December meeting and had talked to the Executive Director, Allan V. Johnson, on February 2 and had said he would not be present at the meeting.

A motion was made by Mr. Teagarden, seconded by Mr. Bricker, that the minutes for the meeting of December 16, 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 present responded to roll call. The vote was as follows:

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

Nays: None.

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

The Chairman reported that the Annual Report of the Commission pursuant to law had been delivered personally to the Governor, The Honorable James A. Rhodes, and to the offices of the Legislative leaders, of the Clerk of the Senate and of the Clerk of the House on January 30, 1976. He said the report had been presented to the Governor by the Director of Transportation, the Executive Director of the Commission and the Chairman of the Commission on behalf of the Commission. He said it had been a very

pleasant little visit at the Governor's office that day and the day marked the anniversary, less two days, of the presentation on February 1, 1975 when Mr. Jackson, Mr. Johnson and he had met with the Governor to present the 1974 Annual Report. He said he had made some predictions at that time without Jeanne Dixon's help or any other esoteric assistance, which had been fulfilled during the year. He said the Annual Report spoke for itself and set out in vivid figures the financial status of the Commission. He said there had never been any mystery about the finances of the Ohio Turnpike Commission and that on the last day of every month the Commission issued a statement which set forth in understandable layman's language the financial position of the Commission. He said the Commission, and especially its Chairman, had occasionally been the subject of some comment about self praise. He said when self praise took no other form than informing the public of the Commission's financial position, he did not think self praise was a vice.

The Chairman said further that he had read the streamer in the Columbus Citizen Journal on Saturday morning January 31 in which it was reported that \$6,100,000 had been "found" somewhere in the accounts of the Ohio Building Authority and that finding the money had been a surprise. He said when he read the streamer he was nothing less than appalled. He asked the Director of Transportation as a member of the Governor's cabinet if he knew how it had happened. The Director of Transportation said he did not know and that he had enough problems of his own without getting involved with the Ohio Building Authority. The Chairman said he did not think there was any way for Mr. Jackson or any one else to avoid the problems of the Ohio Building Authority. He asked what sort of outcry would have gone up if the Ohio Turnpike Commission had not only overlooked \$6,100,000, but if after that it had gone to the Legislature seeking funds "for free". He said representations had been made to the public and to the whole world and especially to the trust fund from which \$83 million had been borrowed that the Authority would be able not merely to service its bonds but that it would be able to pay the bonds off. He said for 25 years he had been answering questions about whether or not the Ohio Turnpike Commission could pay its way and whether or not it would ever need assistance from the General Assembly in the form of funds. He said of course he had always said "No!" He said there had been no great outcry about the \$83 million borrowed by the Ohio Building Authority from the Industrial Commission. He said people were acting just as if it might have been expected that the money would be taken from that trust fund. The Chairman said Mr. Bricker had been a representative of labor for many years and had an interest in the trust fund and that people looked to Mr. Bricker for support and put their money in the trust fund and that the trust fund was in the monumental Ohio State Office Building, \$83 million of the trust fund, and in order to service the debt \$12 million was being asked for and then someone discovered the \$6 million in the Authority's accounts.

The Chairman asked William A. Pillar of the Ohio Press Service if the \$6 million was provable. Mr. Pillar said that it was.

The Chairman asked whether it could be imagined that someone could find \$6 million in the accounts of the Ohio Turnpike Commission that the Commission did not know anything about or of whose existence the Commission did not disclose. He said he did not understand why other agencies did not issue financial statements as often as the Turnpike Commission. He said if they did not want to do them as often as the Turnpike Commission did, they certainly ought to issue them a few times a year, certainly at least quarterly.

The Chairman said he had mentioned that subject because the Director of Transportation was present and because he had asked him if he were not glad that he was able to look the world in the face about the financial position of the Ohio Turnpike Commission as compared with some other boards upon which he served. He said if anyone wanted his opinion, there was nothing left to do with the State Office Tower except to bite the bullet and let the General Assembly pay off the debt.

The Chairman said something else he had said a hundred times or more in the last 25 years was that revenue bonds were not the answer to everything and that revenue bonds should be selectively used. He said every time someone needed money for some public improvement today he heard "Well, let's do it like the Turnpike Commission. Let's issue revenues." He said that was great if one could prove the feasibility, financially and otherwise, of the revenues and obviously that had not been done with the State Office Tower.

The Chairman asked the Director of Transportation if he remembered who the first chairman of the Ohio Building Authority had been. Mr. Jackson indicated that he did not. The Chairman said he himself had been the first chairman and he had refused to build the tower. The Chairman said that Governor Rhodes had called the meeting to order and presided over the first meeting. The Chairman said he was entitled to say things about the Ohio Building Authority because the public would not have tolerated a failure to perform on the part of the Ohio Turnpike Commission nor would it have tolerated the Commission's failure to pay. The Chairman said that the Ohio Building Authority could not even pay their fixed charges.

The Chairman said he understood the Director of Transportation was going to keep the building at 139 East Gay Street. The Director of Transportation said his department would keep it for six months to a year and that much would depend on how the work went. He said a management decision had been made to make a consolidation in his department but there were many physical details of making the move that had not been worked out. The Chairman said he was glad and that the longer it took, the happier the Turnpike Commission would be.

The Chairman reported also that the Commission had received a letter from Squire, Sanders & Dempsey confirming agreement with the position the Commission had taken that its budget is not subject to review by the Ohio

Legislative Budget Office. He said the letter concurred with the Commission's position as stated in its letter to the Legislative Budget Office under date of March 12, 1975.

The Chairman reported that there had been an article in the Columbus Citizen Journal on the morning of the meeting that said the Commission meeting had occurred the day before. Mr. Pillar said that was due to an error on the part of a copy editor. The Chairman said his name had been spelled correctly two or three times but in order to keep the record straight, it had then been misspelled.

The Chairman reported also that there had been an article in the Cleveland Plain Dealer commenting on what the Plain Dealer referred to as an upswing in income. He said he was very proud of the fact that the Commission had never even thought of increasing tolls. The Chairman said the last time that there had been an adjustment in tolls on the Ohio Turnpike was in 1957 and that in 1958 there had been a downward adjustment of tolls for Class 8 traffic. The Chairman said that since then the Commission had not even touched tolls and that reminded him again of the State Office Building Tower because the first thing the Authority had thought of was increasing rents in the tower. He said rent there was now about \$16 a square foot.

The Chairman said he had not congratulated the Executive Director on the Annual Report. He said it was a great job and he liked the Turnpike green on the cover. He said the cover and the format and everything in the report was in good taste. He said it was far less expensively done than reports of other agencies with less right than the Commission to issue a report in the form and style of the Commission report.

The Chairman said that the increase that had occurred in toll revenue was a gradual increase that really was a recovery and was a gradual recovery that was going on in the country. He said he was almost of the opinion that if it showed the Ohio Turnpike Commission on an increase or a recovery, that the economy itself was recovering.

The Chairman reported that revenue for January was approximately \$2,805,000 which was higher than in January of 1975. He said the increase was almost minimal but was a recovery and that the increases supported the position the Ohio Turnpike Commission had taken about paying off its bonds in due course. He said when the Commission turned the Turnpike over to the State of Ohio for toll free operation it would be up to the State to choose whether or not to keep the tolls on the road.

Mr. Teagarden said that after listening to the Chairman and his report of what had happened over the previous 26 years, he wanted to say that he was very proud to have been associated with the Chairman and he hoped that he had rendered a small part in making the Turnpike what it was. He said the Chairman had received a large number of bumps in his activities

as Chairman of the Commission but he had always come through with flying colors.

The Chairman asked that copies of an editorial that appeared in the Lorain Journal on January 31, 1976, "A Plan to Help Homeowners" be distributed to those present in the room. He said the editorial supported a program that he was promulgating and that he had proposed the program to the Governor and certain legislative leaders.

The Chairman reported also that he had been told that his confirmation was going to be presented to the legislature later in the day. The Chairman said that 28 such confirmations had been reported out of the Rules Committee that day and that the Senate was to meet in the afternoon.

The Chairman reported also that the Commission would consider awarding resurfacing contracts.

The Chairman reported also that there had been one fatal accident during the month of January and that the Executive Director would report further on the accident.

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

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

1. Summary of Bond Purchases - Year 1975.
2. Traffic & Revenue Reports for December 1975.
3. Financial Statements as of November 30 and December 31, 1975.
4. Detail of Investment Transactions which took place in December 1975 and January 1976.
5. Report on Concessionaires - Year 1975.
6. Cost and Budget Report - Year 1975.
7. Draft of the minutes of the December 16, 1975 meeting.
8. Accountants' Report - Financial Statements - December 31, 1975.
9. Annual Report.
10. Accountants' Report, Summary of Rentals reported by Service Station Operators, period October 1, 1974 through September 30, 1975.

11. Accountants' Report, Summary of Rentals reported by Restaurant Operators, period October 1, 1974 through September 30, 1975.
12. Year end release for year 1975 and month end release for January 1976.

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.

In the absence of the chairman of the Committee on Budget and Finance, Mr. Anderson, the Assistant Secretary-Treasurer, Mr. Johnson, reported that the Ohio Turnpike Commission finished 1975 just \$60,000 under its budget. He said the budget had amounted to \$14,971,500 so that the Commission had finished with .4 of one per cent of the budget and that he was pleased that they had come so close. The Chairman asked whether Ivory Soap was that good. The Assistant Secretary-Treasurer said that Ivory Soap was not that good, that it was 99 and 44/100th pure and the Commission was better. The Chairman said that was the point, that the Commission was better than Ivory Soap. The Chairman said it was not only good budgeting and he was very pleased and proud of it, but he also wanted to call everyone's attention to that angel that hovered around his shoulder which had hovered around it all during December because if the storms that had occurred in January had occurred in December the Commission would not have had the \$60,000 left.

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 the Committee on Service Plazas had taken action on requests received from restaurant operators for price increases. He said the concessionaires had asked for price increases on several items controlled by the Commission under the restaurant contracts. He said the Committee reviewed the requests thoroughly and on January 20, 1976, several increases had been approved. He said no increases had been granted on hamburgers, cheeseburgers, frankfurters or cheese sandwiches or on several other items on the basis that increases on those items were not supported by price comparison surveys. He said an increase from 20¢ to 23¢ for an 8-ounce carton of milk had been granted and that it was the first price increase on milk in almost five years. He said all Commission Members had been advised of the increases. The Chairman said he had been flattened when he finally had to give up on milk. He said he was always reminded of Mr. Bricker's first meeting with the Commission when he was fighting any increase in the price of milk because he was protective of the little children and their parents who go up and down the Turnpike. He said he had finally come to the place where he had to recognize that the people who operated the restaurants had to get

some relief on milk prices so Mr. Teagarden's committee had given the restaurant operators a 3¢ increase and he considered that he had been flattened. He said he was reminded of Mr. Bricker because Mr. Bricker, who had been in labor negotiations a long while, had come in and sat at the table at the first meeting and said he had never seen so much time spent talking about 5¢. The Executive Director said the price of milk still was lower on the Ohio Turnpike than it was anywhere else. Mr. Bricker said that he had been at the Columbus Airport a week before the meeting and he bought an 8-ounce carton of milk and that it cost him 35¢ and he had said to himself "Oh, I'd like to see the Chairman walk up here right now." Mr. Teagarden said if any of the Members of the Commission would like to know why the Committee did not grant certain increases he would be glad to discuss the matter. Mr. Teagarden said he wanted to thank the Committee because they did an outstanding job. He said the Executive Director and all the men on the Committee on Service Plazas had put in many hours to make sure that when the requests were turned down or were granted that the actions of the Committee were justified. The Chairman said he took the list of prices charged at the Service Plazas and compared it, although, of course, it was not a fair comparison, with those in his favorite restaurant in Columbus. He said that one could eat for about 50 per cent on the Turnpike compared to what he paid for his own food at the Athletic Club of Columbus. He said he had been especially impressed with the price of a veal dinner. The Executive Director said the standard dinner menu items certainly had competitive prices. Mr. Teagarden said he felt the Commission should know that on cheeseburgers, frankfurters and hamburgers an increase had been granted partly because Gladieux Food Services, Inc. had just entered into a contract with the New York Thruway under which Gladieux was charging the same prices on the New York Thruway that were being charged at present on the Ohio Turnpike and that Gladieux had requested an increase on the Ohio Turnpike. He said Gladieux Food Services was paying 23.111% on gross business on the New York Thruway and 18.1% on the Ohio Turnpike. He said therefore the Committee figured that Gladieux was able to keep 5 per cent more of the retail prices on the Ohio Turnpike and since the New York Thruway prices and the Ohio Turnpike prices were the same, the Committee could not see that an increase was justified.

The Chairman said the Executive Director had handed him a list of prices which included a breaded veal dinner. He said the price for the dinner had been \$2.25 on December 2, 1975 and on that day the concessionaire had requested an increase to \$2.40 which had been approved on January 20, 1976. He said that was far below the price for most dinners at popular priced restaurants. He said the baked meatloaf dinner cost \$1.95 and a fried chicken dinner, \$2.30. He said those prices were better than competitive. He said in the present market there was no overcharge on the list. The Executive Director said the staff made sure there was not.

Mr. Teagarden said a very thorough investigation of prices charged elsewhere was always made. He said if the concessionaires were losing

money somewhere else and trying to make it up on the Ohio Turnpike, he was not going to be a party to it and it would not be tolerated. He said as long as he was chairman of the Committee on Service Plazas and had the cooperation and the help of the Members, then the public was going to be considered when the prices were set.

Mr. Teagarden reported also that the Committee had been watching the operation of The Standard Oil Company of Ohio carefully and while there had been some problems, which was inevitable in a massive changeover, the company had responded favorably to the Commission's suggestions on correcting any deficiencies and had also responded promptly by adjusting prices on the basis of price comparison surveys and that in the week before the meeting the company reduced fuel prices on its own initiative. Mr. Bricker said that was good news. The Chairman said he still marveled at the rate that Standard Oil Company of Ohio had bid for the contract.

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

The chairman of the Committee on Employee Relations, Mr. Teagarden, reported that the Committee had conducted meetings throughout 1975 with spokesmen of the several employee groups to discuss changes in wages and working conditions. He said the last series of meetings was held in December at which time the recommended changes were announced and all changes were subsequently announced to all employees in memoranda from the chairman of the Committee and the Executive Director and the copies of the memoranda had been furnished to every one of the Commission Members. He said the appropriate changes in the Employee Manual had been made and a copy of the revised Employee Manual had been furnished to every Commission and to all of the Commission employees. He said he wanted to thank Mr. Bricker and all the members of the Employee Relations Committee for what he considered a wonderful job. The Chairman said the Manual was one of the most effective employer-employee devices that anyone had. He asked Mr. Bricker's opinion. Mr. Bricker said it was very good.

The Chairman said he had been interviewed recently on tape for the first time by the Lorain Journal and he had mentioned the Turnpike's grievance procedure. Mr. Teagarden said he was very proud of the grievance procedure and that he had people like Mr. Bricker on the Committee and the support and backing of the Executive Director.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He said he had never heard of anyone who did not love Mr. Teagarden because every time there was a meeting of employees, people always told what a nice fellow Mr. Teagarden was and how sympathetic he was. Mr. Teagarden said he could lose control of his temper and not be so nice occasionally. Mr. Bricker said that was not possible. The Chairman

said when Mr. Teagarden did it he got by with it.

The Chairman said Mr. Teagarden had handled some very difficult assignments for the Ohio Turnpike Commission and had settled all the claims against the Commission in the early days. The Chairman asked how the Stacey case was proceeding. The General Counsel, Francis K. Cole, said the judge had not yet ruled on the new briefs. The Chairman said it was the kind of case that lawyers often say put their children through college but that the Stacey case would have put two generations of children through college. The General Counsel said the lawsuit had lasted more than 20 years and the Executive Director said the involvement with Stacey started before that. The Chairman said the Stacey affair was not the type of claim that Mr. Teagarden had settled before for the Commission.

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

The Director of Transportation said the use of the meeting room had already been discussed and he hoped before too long to have a little more definite schedule as to when the moves would be made. He said he had nothing further to report.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that there had been one fatal accident during January which he considered was due to inattention on the part of the driver. He said the driver of an automobile that was pulling a trailer tried to pass a truck, went out of control, spun around and was struck by the truck. He said the trailer was a small cargo trailer similar to those furnished by U-Haul. He said the driver was a young woman and a passenger, her husband, was killed.

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 on January 27, bids had been opened on three resurfacing contracts contemplated for 1976 construction season. He said a tabulation of all bids was sent to the Commission Members on that date. He reported that at least one bid was received on every project and the low bid on every project was substantially below the Chief Engineer's estimate. He said the bids had been carefully evaluated by the staff and by the Consulting Engineers, who determined the lowest and best bids for the projects.

The Executive Director reported further that the bid on Contract RMP 59-76-1 for resurfacing between Milepost 27.5 and Milepost 39, a

distance of $11\frac{1}{2}$ miles in Fulton County, by the S. E. Johnson Company of Maumee, Ohio in the amount of \$1,391,242.40 including the alternate use of crushed slag in the surface course because of its superior skid resistant quality, had been determined to be the lowest and best bid on that contract. He said the bid was approximately \$242,000 below the Chief Engineer's estimate of \$1,633,700.

The Chairman asked whether the resurfacing would be a second resurfacing. The Executive Director said it was a second, that every resurfacing from now on would be at least a second resurfacing. He said the last section or original pavement to be resurfaced adjoined the project included in Contract RMP 59-76-1. He said the last section of original pavement to be resurfaced was from Milepost 14 to Milepost 27 and that it had been resurfaced in 1975. He said the Ohio Turnpike had been completely resurfaced at least once along its entire length.

The Chairman asked how things were at Milepost 15 and whether the pavement was holding up. The Executive Director said there was no problem, that a very sophisticated monitoring system had been installed in that area and the devices were read regularly and there had been no report of any difficulty or problem.

The Executive Director reported further that there was an alternate bid on Contract RMP 59-76-1 and on the other projects to use slag in the surface course because of its superior skid resistant quality. He said alternate bids were taken to make sure that the price for aggregate would stay competitive but never had anything been used other than crushed slag in the surface course on any of the resurfacing projects even though the alternative was slightly higher in cost. He said the staff and the Consulting Engineers were recommending that the contract be awarded on the basis of the alternative. He said the bid was 14.8% below the estimate.

The Executive Director said the Chief Engineer, the Consulting Engineers and he had reviewed all aspects of every one of the bids and General Counsel had reviewed all the legal aspects of all the bids. He said the Chief Engineer, the Consulting Engineers and he recommended that the awards be made to the low bidders and the General Counsel had advised that the contracts might be legally awarded. He said resolutions had been prepared awarding the contracts to the low bidders. The Chairman determined that Mr. Harnden of the Consulting Engineers, the J. E. Greiner Company, was satisfied.

A resolution awarding Contract RMP 59-76-1 was moved for adoption by Mr. Jackson, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 1-1976

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-53, C-54 and C-55 from Milepost 27.5 to Milepost 39.0 in

"Fulton County, Ohio, which contract is designated Contract RMP 59-76-1, and proof of said advertising is before the Commission;

"WHEREAS the contract so advertised provided for the construction of the surface course using crushed limestone or gravel therein or using crushed slag therein and said contract included appropriate alternate items to be bid for each type of material to be used;

"WHEREAS three bids were received, each of such bids including a price for the performance of the work using crushed limestone or gravel and a price therefor using crushed slag in the surface course;

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

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of the S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,391,242.40 for the performance of Contract RMP 59-76-1 using crushed slag in the surface course has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,391,242.40 for the performance of Contract RMP 59-76-1 using crushed slag in the surface course is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security,

"(3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

Mr. Teagarden said he had a question about the performance bond. The Executive Director said a bond of five per cent of \$100,000, whichever was greater, was required so there was no question that the bond would not be sufficient to cause the contractor to execute the contract.

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 1-1976. The Chairman said the Executive Director might proceed to execute the contract.

The Executive Director reported that on Contract RMP 59-76-2 for resurfacing between Milepost 132.0 and 144.0 in Erie and Lorain Counties, a total of 12 miles, an alternate bid had been taken for a eight mile long project because it was thought that perhaps the Commission would not have sufficient funds for the longer project. He said because of the excellent bids they received, the Chief Engineer, the Consulting Engineers and he were recommending to proceed with the longer contract which had been designated as Proposal B for the full 12 miles. He reported the Northern Ohio Paving Co. of Twinsburg, Ohio has bid \$1,802,446.00, again including the use of crushed slag in the surface course. He said the bid was approximately \$497,000 below the Chief Engineer's estimate of \$2,299,735. He said the bid was 21.6% below the estimate.

A resolution awarding Contract RMP 59-76-2 was moved for adoption by Mr. Jackson, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 2-1976

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-24, C-25 and C-26 from Milepost 136.8 to Milepost 144.0 in Lorain County, Ohio, designated as Proposal "A" and alternatively for the repair and resurfacing of original construction Sections C-24, C-25, C-26 and C-27 from Milepost 132.0 to Milepost 144.0 in Erie and Lorain Counties, Ohio designated as Proposal "B", which contract is designated Contract RMP 59-76-2, and proof of said advertising is before the Commission;

"WHEREAS the contract as advertised provided for alternative bids as follows: One, for using crushed limestone or gravel in the asphalt concrete surface course; two, for using crushed slag in the asphalt concrete surface course; three, for bidding either of those surface materials with the use of temporary entrances or exits, each of which alternatives were available under both Proposal "A" and Proposal "B";

"WHEREAS four bids were received, each of which bids included a price for the performance of the work using crushed limestone or crushed gravel in the surface course and a price for using crushed slag in the surface course, under both Proposal "A" and Proposal "B", and none of which bids included a price for those materials using temporary entrances or exits;

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

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of the Northern Ohio Paving Co. of Twinsburg, Ohio, in the amount of \$1,802,446.00 for the performance of Contract RMP 59-76-2, Proposal "B", using crushed slag in the surface course has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Northern Ohio Paving Co. of Twinsburg, Ohio, in the amount of \$1,802,446.00 for the performance of Contract RMP 59-76-2 using crushed slag in the surface course is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security,

"(3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 2-1976. The Chairman said the Executive Director might proceed to execute the contract.

The Executive Director reported that on Contract RMP 59-76-3 for resurfacing between Milepost 223.3 to Milepost 230.6, a length of 7.3 miles in Mahoning County, the City Asphalt and Paving Co. of Youngstown, Ohio was low bidder in the amount of \$1,063,852.50 including the use of crushed slag in the surface course and the alternate providing permission to use a temporary entrance and exit. He said the bid was approximately \$158,000 below the Chief Engineer's estimate of \$1,221,700. He said the bid was 12.9% below the estimate and that the Chief Engineer, the Consulting Engineers and he recommended the contract be awarded to the City Asphalt and Paving Co.

Mr. Teagarden expressed surprise at the quality of the bids. The Chairman said it was surprising but contractors were among the hungriest of all businesses. He said the Director of Transportation knew that, that they were crying on his doorstep every day of the week. Mr. Jackson said it was happening consistently, that the paving contractors were bidding below estimate. The Executive Director said there was not much work going on and it allowed the Commission, because the bids were low, to take the longer alternative on RMP 59-76-2, the one he thought the Commission might not be able to do in its entirety. He said all the contractors had done work for the Commission before. The Chairman said he was delighted and when one got good bidders with bids that one could not refuse, one could be very well satisfied.

A resolution awarding Contract RMP 59-76-3 was moved for adoption by Mr. Jackson, seconded by Mr. Teagarden, as follows:

RESOLUTION NO. 3-1976

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-3 and C-4 from Milepost 223.3 to Milepost 230.6 in Mahoning County, Ohio, which contract is designated Contract RMP 59-76-3, and proof of said advertising is before the Commission;

"WHEREAS the contract so advertised provided for the construction of the surface course using crushed limestone or gravel therein or using crushed slag therein and said contract included appropriate alternate items to be bid for each type of material to be used as well as alternate items if permission be granted for the use of temporary access;

"WHEREAS one bid was received, which bid includes a price for the performance of the work using crushed limestone or gravel and a price therefor using crushed slag in the surface course and prices for said materials using temporary entrances and exits;

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

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of the City Asphalt and Paving Co. of Youngstown, Ohio, in the amount of \$1,063,852.50 for the performance of Contract RMP 59-76-3 using crushed slag in the surface course and providing for the granting of permission for the use of temporary entrances and exits has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of City Asphalt and Paving Co. of Youngstown, Ohio, in the amount of \$1,063,852.50 for the performance of Contract RMP 59-76-3 using crushed slag in the surface course, and provision for the granting of permission for the use of temporary entrances and exits, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the successful bidder of its

"bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 3-1976. The Chairman said the Executive Director might proceed to execute the contract.

Mr. Teagarden asked if the total mileage to be resurfaced was 30.8. The Executive Director said that was correct. Mr. Teagarden asked whether that was the longest mileage that the Commission had ever done in any one year. The Executive Director said it was not. In response to a further question by Mr. Teagarden, the Executive Director said the Commission was in the third season of projects for second resurfacings. He said in 1975 there were 28 miles of second resurfacing and 12 miles of first resurfacing, but from now on everything would be second resurfacing. The Chairman said the Commission's schedule held up. He said when the Commission built the road and used Portland cement concrete for the paving in the beginning, that the Portland cement concrete would be driven on for 14 years and then would be resurfaced with asphalt. The Executive Director said the final section that was resurfaced for the first time in 1975 held up for 19 years.

The Chairman said he told the Supreme Court of Ohio that it would be that way. He said had had nothing to take back among the things he had said about the construction of the Turnpike. He said the Commission did not have a General Counsel who was being paid, he was told, as much as \$50,000 a year as was the General Counsel of the Ohio Building Authority and the General Counsel of the Building Authority did not know that \$6,100,000 had been lost somewhere. The Chairman said Mr. Cole, Lockwood Thompson, Frank C. Dunbar, Ruth L. Wilkins and all the people who have been General Counsel for the Turnpike Commission, must have been defrauded over the years because they were not paid comparable sums.

The Chairman said he was still astounded that people were willing to tolerate a request for money to support revenue bonds which had been represented as self-supporting when they were issued. He said he was sure he would have been tarred and feathered if the Commission had ever gone to the Legislature with anything like that.

The Executive Director reported also that a comprehensive review of the records of the Commission had been underway for some time. He said

the review was being conducted primarily by James D. Hartshorne, former Deputy Executive Director, Director of Information and Research and Executive Assistant to the Chairman of the Commission, who was serving as Records Consultant to the Commission. He said Mr. Hartshorne was working closely with Robert P. Barnett whom the Executive Director had appointed as the Commission's Records Administrator. He said Mr. Hartshorne and Mr. Barnett were working with the Ohio Historical Society and the State Records Center to determine which of the Commission's records had historical significance and thus should ultimately be placed in the Ohio Historical Society and what other records might either be ultimately stored in the State Records Center or destroyed. He said a records officer had been named in every administrative department to work with Mr. Barnett and he expected the entire program to be in full swing by spring.

The Chairman said that when the road was turned over to the State the State would also get a comprehensive history. He said he had turned over all his personal files to Mr. Hartshorne to pull out anything that was of significance to the Turnpike Commission. He said in the very beginning he had been the historian and everything else so that many of his personal records included things that might be of significance to the Turnpike Commission and to its history. He said he did not want the same thing to happen to the Turnpike that happened to some others such as the canal history that was lost over the years. He said the annual reports and the things that were being prepared for the Historical Society would give a comprehensive view to the future.

The Executive Director reported also that an extensive study of the Central Office computer system which he had described at the December 16, 1975 meeting had been concluded. He said the study was a nine-month review, included the first busy summer season of operation of the new toll audit system, and it was determined that a new, single more powerful computer could replace the existing two computers at a lower, long term cost with greater efficiency. He said a new computer had been ordered and it was expected it would be installed and in operation before the summer traffic began. He said the staff was looking forward to the new computer because the present system had to be operated many more hours than had been expected and it was putting a hard strain on the data processing staff.

The Executive Director reported also that an extensive study of the Turnpike's radio communications system had been undertaken to determine whether rehabilitation and improvements were desirable or in some cases, necessary because of current Federal Communications Commission regulations and requirements. He said it was hoped the study would be concluded within the next month or two at which time appropriate followup action would be taken.

The Executive Director reported also that in 1973 an agreement had been entered into for the J. E. Greiner Co. to study the future needs of the Turnpike when it was to become a toll free road. He said the study had been essentially completed in February, 1974, or at least all the basic work for

it had been done, but the final conclusion had been delayed in order to incorporate its findings into the statewide transportation plan which had been completed toward the end of 1974 and early in 1975. He said he had been working with the Greiner Co. to get the Commission's report into a state that could be considered completed and that had been done in December of 1975. He said while the formal final report had not been printed the Commission had the basic information in the form of a summary and all the background information and studies and displays and so on were filed and available for the Commission at any time it might wish to utilize them in the future. The Chairman said the Commission had paid for the study and asked whether the Department of Transportation had paid any part of the cost. The Executive Director said the cost had been borne by the Commission and the Department of Transportation had not paid for any of it. The Chairman said the study had been urged upon the Commission by Mr. Jackson's predecessor in the office of Director of Transportation. The Executive Director said he would forward a copy of the summary to the Director of Transportation so he would have it for his file. He said the Department of Transportation had already received some of the earlier information. The Chairman said he had been skeptical about the motivation for the study at the time it was urged.

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

The Chairman asked where work stood on the contract with the J. E. Greiner Co. as Consulting Engineers. The Executive Director said the General Counsel and he were working with the lawyers for the Greiner Company to get the contract into a form that was acceptable.

The Chairman ascertained there would be no report from the Trustee. Mr. Teagarden asked what the bid price on Ohio Turnpike Commission bonds was. Mr. Sesler said it was 92 to 94. The Chairman said it was customary for the Commission to make a prediction at the beginning of a year about the number of bonds that would be retired. He said in 1976 the Trustee would buy the first bonds in July and that by the end of 1976 the Trustee would probably have bought another \$16 million face value of bonds. He thanked Mr. Sesler and said the husbanding that the Trustee did of the funds was done well. Mr. Sesler thanked the Chairman. The Chairman said the Commission had had the same Consulting Engineers, the same Trustee, and continuity in management and counsel over the years and that in many ways the continuity had supported the record the Commission had been able to make.

The Chairman ascertained there would be no report from the Department of Information and Research.

Mr. Teagarden said he wanted to advise the Commission that he was celebrating his golden anniversary as a resident of Oak Harbor. The Chairman said he wanted it in the record. The Chairman said on his own behalf and on

behalf of the Commission, he wished to offer a resolution extending the Commission's felicitations to O. L. Teagarden upon the fiftieth anniversary of his arrival in Oak Harbor, Ohio, as follows:

RESOLUTION NO. 4-1976

"WHEREAS the Ohio Turnpike has been apprised that one of its members, O. L. Teagarden, came to reside in Oak Harbor, Ohio, fifty years prior to the first day of February 1976;

"WHEREAS since 1926 Mr. Teagarden has achieved great personal success, and has contributed extraordinarily to the nation, the state, and his community;

"WHEREAS the community of Oak Harbor has just cause to be proud of Mr. Teagarden's wide range of achievements as reflected in this partial enumeration: Mayor of Oak Harbor for an entire decade; owner and president of the J. Weller Canning Company, one of the foremost business organizations of its type in the country; founder and president of the National Bank of Oak Harbor; president and director of the National Cannery Association; president of the Ohio Cannery Association; delegate to Democratic National Conventions; member of the Electoral College; and organizer and leader in diverse fraternal and civic activities and organizations including the Boy Scouts of America, Toledo Area Council, which has awarded to him the Silver Beaver, the highest award for volunteer service to a local council; and

"WHEREAS Mr. Teagarden has been a member and Vice Chairman of the Ohio Turnpike Commission since its inception in 1949, and the other members of the Ohio Turnpike Commission desire to take note of and commemorate his half century of contribution and service to his local community of Oak Harbor, and to the State of Ohio and the nation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby extends to O. L. Teagarden its felicitations and commendations upon his fiftieth anniversary as a resident of Oak Harbor and upon his many important and diverse achievements and service to his community during said period; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Teagarden and to the Mayor of Oak Harbor, Ohio."

The resolution was seconded by Mr. Jackson, and the Chairman declared the resolution stood adopted by unanimous vote of all Members present. The resolution was identified as No. 4-1976. The Chairman directed that a copy of the resolution be sent to the Mayor of Oak Harbor. Mr. Teagarden thanked the Commission.

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

RESOLUTION NO. 5-1976

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on December 16, 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 December 16, 1975 hereby are ratified, approved and confirmed."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 5-1976.

There being no further business to come before the Commission, a motion was made by Mr. Jackson, seconded by Mr. Bricker, that the meeting adjourn until March 2, 1976 subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. Time of adjournment was 12:31 P.M.

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



Ralph H. Anderson, Secretary-Treasurer