

MINUTES OF THE TWO HUNDRED AND NINETY-SIXTH MEETING
March 2, 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 March 2, 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 Chairman said that three members of the Commission, O.L. Teagarden, Daniel E. Bricker and James W. Shocknessy were present and constituted a quorum and that any business that was done had to be done by unanimous vote because it took three votes to act. Two minutes later David L. Weir, Assistant Director of Transportation of the State of Ohio arrived to represent the Director of Transportation and the Chairman said that the Director of Transportation was the only Member of the Commission who could be represented by a substitute, and that he was suffering from an asthma attack and was unable to attend but Mr. Weir was received and accredited as his alternate.

A motion was made by Mr. Teagarden, seconded by Mr. Bricker, that the minutes for the meeting of February 3, 1976 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. Weir, Mr. Shocknessy.

Nays: None.

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

The Chairman reported that since the last meeting of the Commission the Ohio Senate had confirmed his appointment for another eight year term as a Member of the Commission.

The Chairman reported also that there had been heartening response to the Commission's Annual Report. He said no one had complained about it and that no one had said it looked too expensive. He said the Youngstown Vindicator had done him a favor by saying "The Ohio Turnpike Commission can't be blamed for breaking out into color in an elaborate booklet reporting on the 20th full year of its operation. It has a remarkable record."

The Chairman said the peculiar thing about it was that people were always looking the Turnpike's Annual Reports and saying how elaborate and how expensive they were while department after department within the State

government issued fancier reports and more expensive ones and no one ever uttered a word of criticism.

The Chairman reported further that the Youngstown Vindicator editorial, which was entitled "Our Pike's 20 Years" had been reprinted by the Lorain Journal and that the Toledo Blade had had an editorial which had been reprinted by the Cincinnati Post & Times-Star. He said there had been a nice letter from a businessman in Indiana who said he believed that the Indiana Toll Road record, while good, did not approach the fabulous record of the Ohio Turnpike Commission. The businessman had said he liked the historical report and he especially had enjoyed the picture of the Chairman and Governor Frank J. Lausche taken on October 1, 1955 but that the Chairman and Frank J. Lausche had been quite a bit younger then. The businessman had said he really gloated over that portion of the report about the "vicious predatory perfidious special interest lobbyists."

The Chairman said there had been a letter from the chief executive of the Ohio National Bank, Walter Mercer, thanking the Commission for the report and commenting on what a good record it was. He said there had been a letter from Charles Lazarus and one from Novice Fawcett. He said Mr. Fawcett's letter said in part, "Your report this year meets the same high standards that have been followed for two decades." The Chairman quoted further from Mr. Fawcett's letter: "The only change I can detect was a natural one. Close scrutiny of page four resulted in the realization that all things change over the years."

The Chairman said there was a letter from Lieutenant Governor Richard F. Celeste. He said no letter had yet been received from Governor James A. Rhodes. He said there had been a letter from Robert Doolittle of the law firm of Baker, Hostettler & Patterson, of Cleveland, a man whom he admired, and that there had been a letter from the Cuyahoga County Republican Party Chairman as well.

The Chairman said a letter had been received from the Bishop of Columbus and one from Ernst and Ernst, certified public accountants with whom the Commission did not do business. He said there was a letter from R. Livingston Ireland.

The Chairman reported also that the minutes of the February 3 meeting were especially well prepared.

The Chairman reported also that since the last meeting Richard Peters, who had been a great supporter of the Ohio Turnpike Commission when he was at the Cleveland Press, had been named the outstanding alumnus of University School of Cleveland. The Chairman requested the Director of Information and Research, Talbot Harding, to send Mr. Peters a letter on his behalf and on behalf of the Commission, congratulating Mr. Peters on the award and telling Mr. Peters that the Commission would never forget him. He said the Commission always made certain that Mr. Peters was among the very first to receive the Annual Report because on one occasion many years ago Mr. Peters

had complained to the Chairman because he did not get his report on time. The Chairman said thereafter a great point was made to be certain that Mr. Peters got a report, wherever he was. The Chairman said Mr. Peters had left the Cleveland Press for Indianapolis and later went to New York but wherever Mr. Peters was the Commission made certain he got a copy of the Annual Report.

The Chairman reported also that the chairman of the Pennsylvania Turnpike Commission had been indicted. He said he had seen a headline on the story that said "Turnpike Chief Indicted" and said to himself, "What goes on? They didn't tell me." He said he then read the story and found out that it was again the chairman of the Pennsylvania Turnpike. He said the first time he ever visited the Pennsylvania Turnpike he was an innocent in the field and knew nothing about it and that he had been taken to Pennsylvania to see what a good outfit did. He said he met the executives over there at that time and the man who was Chairman then was later indicted and convicted. The Chairman said that the chairman's name was Thomas J. Evans. He asked Mr. Harnden whether Evans had gone to jail. Mr. Harnden said he had. The Chairman said that James F. Torrance, a member of the Commission who had been its Secretary-Treasurer, was also convicted and that the chief finance officer, Paul J. McNeill, had also been convicted along with others.

The Chairman said the Pennsylvania officials were not the only turnpike personnel or highway personnel who had had the advantage of public shelter in the years the Ohio Turnpike Commission had been operating and that Massachusetts and New Jersey officials had also been in difficulty with the law. He said it always grieved him when people in positions of trust violated the trust placed in them. He said he did not remember whether Mr. Teagarden had been present or not but in the early days of the Commission he had visited Wall Street on Turnpike business and there had been a meeting of highway and toll road officials which he had attended. He said while he was standing in a group of four or five people a bright young man came over to him and said, "Mr. Shocknessy, would you step over here?" The Chairman said he had looked at him to see what he wanted him to step over about and the young man said, "We want to take your picture with Mr. So-and-so, would you step over here." The Chairman said he had replied, "No." The Chairman said the young man had not understood what he said so he walked away and came back and said, "But Mr. Shocknessy, what I was asking you was would you come over here and have your picture taken? We want to take your picture with Mr. So-and-so and Mr. So-and-so." The Chairman said that he replied, "And I told you no!" The Chairman said the man backed away and said, "Well, why not?" And the Chairman had replied, "Because their pictures are going to be in the Rogue's Gallery. And I do not want to have my picture with those people who are prospectively going to be in the Rogue's Gallery." The Chairman said the men's pictures were later in the Rogue's Gallery.

The Chairman said it had been clear to him at that time that certain people present in that room were going to get what they were earning, and they had done so. He said recently Egido Cerilli, chairman of the Pennsylvania

Turnpike Commission, who had just been indicted, had written to the Executive Director, Allan V. Johnson, and said he wanted to come over and meet the personnel of the Commission and had even offered to come down to Columbus and see the Chairman. He said he told the Executive Director that if Mr. Cerilli wanted to go to Berea and look over the Ohio Turnpike operation, it was all right with him, but he was not going to entertain him in Columbus and he was not going to go to Berea to see him. He said now he would not have to, that for a while, at least, he could not be accused of being ungracious for not doing anything.

The Chairman said he had a list of six Pennsylvania people who had been indicted, convicted or had served time. He said Tom Evans was the first chairman of a turnpike commission he had ever met. The Chairman said he wanted to determine how many turnpike commission officials had had similar things happen to them over the years. He directed that Mr. Harnden ask the J. E. Greiner Company to prepare a list that would show how many of them had violated their trust to the extent of having been prosecuted in the years that the Ohio Turnpike Commission had been in existence. Mr. Bricker said it was the money that tempted persons. The Chairman said that that was a decision he had taken long before, that the Ohio Turnpike Commission would not keep any money, and that it did not have any. He said when the Commission was organized a number of people, including J. E. Greiner Co., said he would have to decide how big an account he would like to keep. The Chairman said he had said, "I do not need any money, I do not want any money and am not going to keep money."

In response to a question from the Chairman, the Comptroller, William G. Gerber, said that the Commission did not even have a petty cash fund and that the Trustee, the Ohio National Bank, kept all the Commission's funds. In response to a question from the Chairman, Mr. Sesler said that the Trustee kept every penny of the Commission's money.

The Chairman reported also that Virgil A. Gladieux, Chairman of the Board of Gladieux Food Services, Inc. had had an accident from which he was still recovering. The Chairman directed Mr. Harding to extend the Commission's good wishes to Mr. Gladieux. He said Mr. Gladieux had a big operation now as restaurant concessionaire on turnpikes; that he had restaurants on the New Jersey Turnpike, the Garden State Parkway, the New York Thruway, the Indiana Toll Road, the Kentucky Turnpikes and the Florida Turnpike.

The Chairman reported also that the Lorain Journal, in its "What's Your Beef" column dated the 24th of February had awarded a \$10 prize for the "best beef" of the previous week and the winner was one Robert Boswell, who had suggested that the Ohio and Pennsylvania Turnpikes cooperate so that when a driver paid one toll he picked up the ticket for the next Turnpike. He said the Lorain Journal had given Mr. Boswell \$10. He said he thought that was sort of a joke, although he respected the Lorain Journal. He said he wondered if they would have given him \$20 if he had included Indiana. He said the suggestion was the craziest thing yet. He said the Administrative

Assistant to the Executive Director, Robert P. Barnett, had sent a letter to Mr. Boswell, with a copy to the Lorain Journal, which explained why such a procedure was not feasible.

The Chairman said the Executive Director should write a letter to Irving Leibowitz, editor of the Lorain Journal, in which he should mention that the Commission had discussed the matter at the meeting. He said it was an idiotic suggestion but perhaps not altogether idiotic from the standpoint of Mr. Boswell. The Chairman asked if it were too much trouble for someone to stop after he had driven 240 miles to get another ticket and besides that, a tremendous amount of bookkeeping and other things like that would be required in order to follow such a procedure. He said Mr. Boswell had made a gratuitous, snide remark in his letter to the Lorain Journal that following Mr. Boswell's suggestion would probably take away some political jobs. The Chairman said whenever any letter was written in the future on such a subject he wanted it mentioned that the Commission had never taken a political recommendation for the procurement of goods or services in the long history of the Turnpike. He said that he was not saying that that was the reason that no Member of the Ohio Turnpike Commission had ever been in jail, but it was one of the things that could be mentioned.

The Chairman asked Mr. Sesler when he would have accumulated enough money to buy bonds. Mr. Sesler said deposits to the Reserve Maintenance Account would have to be completed first and that it and various other accounts were maintained under the Indenture and that the funds were held by the Ohio National Bank.

The Chairman reported also that the Members had already seen the month-end statement and that he liked it very much. He said February was not only a nice month for weather, but it was a nice month for business. He said the Ohio Turnpike Commission revenues were more than $8\frac{1}{2}\%$ over the previous February. He said one had to take notice of the fact that there was a Leap Year day in February, 1976, but February was still a good month and the increase was more than the Leap Year Day alone would have caused. He said he therefore stood on his previous statements that the American economy was reflected in the business of the Ohio Turnpike and continued to be so reflected. He said the economy was improving on the basis of the Ohio Turnpike figures, and it was improving measurably and gradually, nothing dramatic, but it was improving.

The Chairman reported that many people in Ohio had taken notice of some of the things that had been said at the February meeting of the Commission with respect to the real estate tax reappraisal program and the Commission's sister agency, of which he had once been chairman, the Ohio Building Authority. He said the Ohio Building Authority and the State Office Building Tower had not improved very much since. He said he had opened up that can of worms in February and did not know that much had happened except that he kept crying about how other people were treated so much better than the Ohio Turnpike Commission. He said the General Assembly had set aside \$4 million for the Ohio Building Authority to pay expenses which they

were supposed to be able to pay out of income. The Chairman said there had been a story in the Toledo Blade quoting Arthur Wilkowski, a representative from Toledo in the Ohio House, on the subject of the Ohio Building Authority. The Chairman said whoever reported the story did not understand the difference between revenues and general obligation bonds. The Chairman said the story reported that Squire, Sanders & Dempsey had said that the Constitution prohibited the use of revenue bonds which were guaranteed. The Chairman said someone obviously did not know what he was talking about because there was nothing in the Ohio Constitution that prevented the issuance of revenue bonds. He said that the Ohio Turnpike Commission bonds were revenue bonds and they had nothing to do with the Ohio Constitution, but the Commission's bonds were not general obligations. He said he did not know what the Ohio Building Authority bonds were but the General Assembly was treating them as if they were general obligation bonds and that even West Virginia had not done that when the West Virginia Turnpike bonds got in trouble. He said as far as he knew, the West Virginia Turnpike Commission had not tried to get the West Virginia General Assembly to pick up the bonds on the moral obligation theory. The Chairman said there was no reason that revenue bonds could not be used for anything, provided, as he had said in February and as he had said a thousand times before, that revenue bonds were used for financing on a selective basis. The Chairman said the Toledo Blade story had quoted Mr. Wilkowski and he did not know whether Mr. Wilkowski had said what he was quoted for or not, but certainly there was nothing illegal about revenue bonds and he was certain that Squire, Sanders & Dempsey had not said that for which they had been quoted.

The Chairman said the report of the Chairman was accepted as offered. He said he expected to enter the hospital for his annual checkup on March 16th. He said the report of the Secretary-Treasurer would be received.

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

1. Traffic & Revenue Report for January 1976.
2. Financial Statements as of January 31, 1976.
3. Weekly traffic statistics.
4. Detail of Investment Transactions which took place in February 1976.
5. Draft of the minutes of the February 3, 1976 meeting.
6. Month-end release.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report from the Committee on

Budget and Finance. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that activity at the plazas during February had been uneventful despite a three-day holiday weekend caused by observance of Presidents' Day on February 16. He said traffic at the restaurants and service stations fell short of expectation although there had been an increase in traffic over the comparable period in previous years.

Mr. Teagarden reported also that on February 8 and 9 the Patron Services Department had conducted a survey of gasoline prices at the service stations adjacent to the Turnpike. He said the survey showed that gasoline prices at service stations on the Turnpike were at or below prices charged at service stations off the Turnpike.

Mr. Teagarden reported also that as of the morning of the meeting Standard Oil Company of Ohio had lowered the price of gasoline at all stations on the Turnpike by two cents a gallon.

The Executive Director said in the next week the Turnpike staff would conduct another survey of off-turnpike stations to determine whether Sohio was still in compliance with the average of off-turnpike stations.

Mr. Teagarden said the Executive Director was devoting a lot of time through his employees to make sure that the contract was being observed. He said Sohio had been very cooperative about the corrections they had been asked to make and that his committee was not unhappy with Sohio.

In the absence of further discussion, the Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report from the Committee on Employee Relations. The Chairman asked the Assistant Director of Transportation whether the Director of Transportation had a report for the meeting.

The Assistant Director of Transportation said the tentative but still unconfirmed date for moving out of the building at 139 East Gay Street was some time in the middle of September. The Chairman directed that the record show that the Director of Transportation did not expect the building to be vacated by the Department of Transportation before the middle of September. He said he assumed the Commission would be given ample notice and that he wanted to be in touch with whatever state agency took possession of the building, if the state assigned the building to another state agency, so the Commission could try to arrange to use it for meetings and other purposes. He said it was not absolutely necessary for the Commission to use the building as it met for only about two hours a month so it could meet somewhere else, but it had been the Commission's tradition to meet at 139 East Gay Street. He said the Commission had bought the building and had later sold it to the Department of Transportation.

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 51 days since there had been a fatal accident despite unusually bad weather during the month of January and the early part of February and during a record level traffic on the Turnpike for February.

The Chairman said that that supported his thesis that when people were alert to danger, there were fewer accidents than when everything was calm and clear and beautiful.

Mr. Johnson reported that the Ohio Department of Highway Safety had released statistics of the safety experience throughout the state in 1975 and had reported that the statewide fatality rate during that year was 2.8 per 100 million vehicle miles which was the lowest ever recorded in Ohio and also the lowest of any state of comparable size in the nation. He said the Turnpike accident rate of 1.6 fatalities per 100 million vehicle miles was substantially lower than the statewide average.

The Chairman said the state benefitted from the fact that the Turnpike record was lower than theirs when the statewide figures were compiled because the Turnpike rate was so much lower than the state's rate before the Turnpike experience was included. Mr. Johnson said the Turnpike rate was about half of what it was in the entire system of Ohio.

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 during February pre-construction meetings were held on all three resurfacing contracts that had been awarded at the February meeting. He said preliminary layout work and field inspections on those contracts were underway but that no actual work had been started.

The Executive Director reported also that during February the Deputy Executive Director, G. Alan Plain, the Director of Operations, J. Budd Morrison, and he had visited all 19 toll plazas for the purpose of meeting employees informally to listen to any comments and to answer any questions the employees might have. He said the employees were very appreciative that the executives had done so and he had not found any major problems. He said in general the employees were quite satisfied and pleased with their employment with the Commission. He said they had raised a number of minor points about certain conditions which comments would be used in reviewing the Commission's work rules and procedures. He said he would expect to make such visits on a fairly regular basis and that it would next be done with the maintenance employees.

The Chairman congratulated everyone who had anything to do with the Commission's employee relations, especially Mr. Teagarden and Mr. Bricker, because he was convinced the Commission had a more stable relationship with its employees than any other agency in the state had. Mr. Bricker expressed agreement.

The Executive Director said he had picked the time because it was just after the conclusion of the 1975 meetings conducted by the Committee on Employee Relations to see if he could get some response and reaction to the meetings. He said that the response and reaction had been excellent.

The Chairman said both Mr. Bricker and Mr. Teagarden had a vast amount of experience in employee relations. He said nothing was more important than a good grievance procedure and he was convinced that the Commission's grievance procedure which it had had for many years had much to do with the maintenance of stable relationships. Mr. Bricker agreed. The Chairman said Mr. Teagarden had much to do with maintaining the grievance procedure. Mr. Teagarden said the Chairman had written the grievance procedure. The Chairman said when the Commission began operation, public agencies did not believe they had to treat with employees but he had known better. He said at that time it was generally believed that anyone who had a public job needed nothing more. He said it did not work that way.

Mr. Teagarden said he would like to add that the public relations being conducted by the Executive Director and his staff were going to help both Mr. Bricker and him when they approached the discussions in 1976. He said the Committee on Employee Relations had always sat down and discussed any problems with the employees. He said through the grievance procedure and the Commission's Employee Manual, he did not know what more could be done to create a good public relation with the employees.

The Chairman said he had gone out of his way to make it clear how the Commission felt about the rights of working people, no matter where they were employed, in an interview that he gave to a reporter from the Lorain Journal, an interview that was printed in that newspaper on January 11, 1976. He said the Commission's feelings about those rights had been the basis of its operation and that the Commission's employees had always reposed trust in the executives who dealt with them. He said he hardly ever received a complaint anymore about anything. He said he did not even hear about toilets or cold hamburgers or about any other things that he had heard about over the years.

The Executive Director reported also that he and the staff and especially the Legal Department, were reviewing the Commission's Traffic Rules and Regulations to determine whether any changes might be desirable. He said if it appeared that changes were desirable, he would report to the Commission at a future date and make recommendations for any changes. He said the reason the staff had begun to review the rules and regulations was the fact that the state had made some changes in the permissible length of trucks on the state highway system. He said the staff was reviewing those changes in relationship to its Traffic Rules and Regulations. He said while the staff was

reviewing that portion of the Rules and Regulations pertaining to vehicle dimensions they wanted to see whether any further changes were desirable.

The Executive Director reported also that the study of the radio communication system to determine whether any rehabilitation, replacement or improvement was necessary or desirable was continuing but the study was not yet at a conclusive stage. He said he would report further on the study at future meetings of the Commission.

The Chairman asked what mileage employees received for use of their own automobiles on Commission business. The Executive Director said that they now received 16¢ a mile which was the same rate that the state paid.

The Chairman said the report of the Executive Director was accepted as offered. The Chairman ascertained there would be no report from the General Counsel. The Executive Director said the General Counsel, Francis K. Cole, was in Toledo where he was taking depositions from plaintiffs in the case of Vito's Trucking and Excavating Company vs. Lucas County Board of Commissioners and Ohio Turnpike Commission.

The Chairman ascertained there would be no report from the Consulting Engineers or from the Director of Information and Research. The Chairman said that since the Director of Information and Research had not been present at the February meeting, he wanted him to know that the Commission wanted to share with him as well as with the Executive Director the compliments it had received on the Annual Report. The Chairman said Warner M. Pomerene had telephoned him to tell him he considered the Annual Report for 1975 the best the Commission had ever issued. He said the Executive Director should write a letter to Mr. Pomerene to tell him that the telephone call had been mentioned at the meeting. The Chairman said Warner Pomerene was a descendent of one of the great families of Ohio and especially an Ohio State University family. Mr. Teagarden asked whether Mr. Pomerene was the son of the late Senator Atlee Pomerene. The Chairman said he was not, but he was probably related, Warner Pomerene referred to the Senator as Uncle Atlee. Mr. Teagarden said he had known the Senator very well indeed. The Chairman said that Pomerene was one of the great families of Ohio, that both Warner and his wife, Laura, were great people and they had recently made another gift to The Ohio State University and that Warner Pomerene had always taken a great interest in the Turnpike although the Pomerenes did not live near it, but in Coshocton. He said the first settlement of the Pomerenes in Ohio had been in Millersburg, in Holmes County.

The Chairman ascertained there would be no report from the Trustee.

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

RESOLUTION NO. 6-1976

"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 February 3, 1976, 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 February 3, 1976 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. Bricker, Mr. Weir, 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. 6-1976.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Teagarden, that the meeting adjourn until April 6 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. Bricker, Mr. Teagarden, Mr. Weir, Mr. Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:07 p. m.

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



Ralph H. Anderson, Secretary-Treasurer