

MINUTES OF THE TWO HUNDRED AND NINETY-EIGHTH MEETING  
June 8, 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 11:04 A. M. on June 8, 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; a member of the press and others in attendance. Three Members of the Commission, Ralph H. Anderson, Daniel E. Bricker and Richard D. Jackson, the Director of Transportation, were present.

The meeting was called to order by Mr. Anderson, the Secretary-Treasurer. Mr. Anderson asked the General Counsel, Francis K. Cole, how to proceed since both the Chairman, James W. Shocknessy, and the Vice Chairman, O. L. Teagarden, were absent. The General Counsel gave his opinion that the proper procedure was for Mr. Anderson to call the meeting to order as he had already done and then to hold an election for a Chairman Pro Tem whose sole function would be to preside at the meeting of June 8. He said for any formal action other than organization of the meeting, a unanimous vote would be necessary because only three Members, which constituted a quorum, were present.

A motion was made by Mr. Bricker, seconded by Mr. Jackson, that Mr. Anderson be elected Chairman Pro Tem to conduct the meeting. 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. Jackson, Mr. Anderson.

Nays: None.

Mr. Anderson announced that he had been elected Chairman Pro Tem to conduct the business of the instant meeting and directed that the roll be called for attendance.

The Assistant Secretary-Treasurer, Allan V. Johnson, called the roll and announced that Mr. Teagarden and Mr. Shocknessy were absent.

The Chairman Pro Tem said that the Chairman had been present at every meeting he had ever attended and that when he asked what had happened before his time he had learned that the Chairman had been absent on only three occasions and that the Vice Chairman, Mr. Teagarden, had taken the chair on those three occasions. He said the meeting was unique in that the Chairman and the Vice Chairman were absent.

The Chairman Pro Tem said it was the 298th meeting of the Commission and that he was in the chair in the absence of Mr. Shocknessy who could not attend because he had been ill and had been advised by his doctors not to attend. The Executive Director, Allan V. Johnson, said that Mr. Teagarden had also wanted to attend and had planned to attend but immediately before the meeting he had spoken to him on the telephone at his home in Oak Harbor and Mr. Teagarden, too, was ill and was unable to be present.

The Chairman Pro Tem reported that total revenues for May, 1976 were estimated at \$3,978,000 or 13.0 percent more than those of May, 1975. He said that set an all time record for any month of May in the history of the Ohio Turnpike. He said the previous record had been set in May of 1973 when total revenues were \$3,894,029.

The Chairman Pro Tem reported further that there had been a 29 percent increase in toll revenue from commercial vehicles estimated at \$1,972,000 for May, 1976 which compared with \$1,529,000 for May, 1975. He said the truck revenues had contributed substantially to the establishment of the new record for May. He said total tolls for the month were estimated at \$3,348,000, or 11.3 percent above those of May, 1975.

The Chairman Pro Tem reported further that traffic during the Memorial Day period had also set a new record. He said tolls for the five-day period were \$599,022 which was \$46,551 more than in 1973, the old record. He said 415,852 vehicles had used the road during the holiday period compared with the previous record of 399,742 which was set in 1973. The Chairman Pro Tem reported further that the experience for the first five months strongly suggested that the nation's economy had turned the corner. He said estimated total revenue for the first five months was \$16,405,000, which, while not a new record, was the best since 1973 (\$16,470,000) and \$1,300,000 more than 1975.

The Chairman Pro Tem reported that the Executive Director would report on the safety record, the status of construction and the tourist information centers.

In the absence of discussion, the Chairman Pro Tem said the report of the Chairman was accepted as offered.

The Chairman Pro Tem said the minutes of the meeting of April 27, 1976 were before the Commission. A motion was made by Mr. Bricker, seconded by Mr. Jackson, that the minutes for the meeting of April 27, 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. Bricker, Mr. Jackson, Mr. Anderson.

Nays: None.

The Chairman Pro Tem declared the minutes stood approved with all Members present voting in the affirmative. He said the report of the Secretary-Treasurer would be received, and since he was acting as Chairman Pro Tem, he asked the Assistant Secretary-Treasurer to read the report.

The Assistant Secretary-Treasurer reported that since the last meeting the following had been sent to all Members:

1. Traffic and Revenue Report for April, 1976.
2. Financial Statement as of April 30, 1976.
3. Detail of Investment Transactions which took place in April, 1976.
4. Detail of Investment Transactions which took place in May, 1976.
5. Weekly traffic statistics.
6. Draft of the minutes of the April 27, 1976 meeting.
7. Month-end release for April, 1976.
8. Month-end release for May, 1976.

The Chairman Pro Tem 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 Executive Director, Mr. Johnson, reported as vice chairman of the Committee on Budget and Finance because the Chairman Pro Tem was chairman of that Committee. He reported that for the first five months of 1976 the Ohio Turnpike Commission was \$390,000 or 5.4 percent under the budget of \$7,202,563 for the period. He said it was hoped that the satisfactory experience would continue throughout the year although heavier than expected traffic during the summer could result in more than budgeted expenditures but it should also produce higher than expected revenues so that an unexpected increase would not be an unpleasant situation. The Director of Transportation asked whether the \$390,000 was in only one account or not. The Executive Director said no, that it was in several accounts and it was difficult to pinpoint just where the savings occurred and the savings might disappear later. He said earlier in the year the Commission had a favorable experience in the snow and ice control even though such expenditures were very heavy in

the first month and a half. He said it would be necessary to wait until the end of the year to see what the other part of the snow and ice season cost the Commission. He said on the basis of present experience the Commission should do well for the whole year.

In the absence of further questions, the Chairman Pro Tem 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.

In the absence of the chairman of the Committee on Service Plazas, Mr. Teagarden, the Executive Director reported that early in the year the Committee had acted on requests from the restaurant operators for price increases of certain controlled items. He said at that time the Committee had declined to authorize increases in certain of the requests that had been made. He said the operators had since requested reconsideration of certain of the items and in the middle of May, five-cent increases had been authorized in the price of coffee and of canned pop. He said the new prices were 30 cents for coffee and 35 cents for canned pop and were consistent with off-Turnpike prices charged for both items. He said there had been sharp increases in the cost of the basic ingredients of both items in recent months. He said the cup of coffee was really a cup of coffee with unlimited refills, a so-called "bottomless cup." He said the requests for increases in the two items had originally been made in December of 1975 but were denied in January of 1976. He said the price of coffee had skyrocketed and no increase in the price of coffee had been granted for several years. He said the same applied to canned pop.

The Executive Director reported further that the operators had also requested increases in the prices of hamburger and cheeseburger sandwiches but those requests had been denied on the basis that the Committee did not believe that the increases were warranted. He said the Committee had indicated to the operators that it would continue to watch the cost of the basic ingredients for both hamburgers and cheeseburgers and, especially if the cost of beef rose substantially, the Committee would reconsider the requests. He said the Committee had let the operators know that it expected the prices for coffee and canned pop to remain at their present levels, no matter what happened, for the rest of the year.

The Chairman Pro Tem 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 Executive Director reported that the chairman of the Committee on Employee Relations, Mr. Teagarden, did not have a report but that the record should show that a bill - Senate Bill 550 - had been introduced into the General Assembly. He said the bill, if it were enacted, would place Commission employees under Civil Service. He said copies of the bill had been sent to all Members of the Commission and all he could say about its status was that it had been referred to the Senate Ways and Means Committee.

The Chairman Pro Tem 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 he had no report, but he had just given the Executive Director copies of an agreement for the Tourist Information Centers which were being established by his department in cooperation with the Ohio Turnpike Commission and the Department of Economic and Community Development. He said he was sure the Executive Director would address himself to the matter later in the meeting.

The Chairman Pro Tem 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 eight fatalities from January 1 to the date of the meeting. He said that compared to 12 at the same time in 1975. He said four fatalities had occurred since the last meeting of the Commission and one of those had been during the Memorial holiday period. He said the accident that occurred during the Memorial Day period ended a string of three successive fatal-accident-free Memorial Day holiday periods. He said it was regrettable that all three of the fatal accidents in May, which resulted in four fatalities, were caused by drivers who apparently fell asleep and drove off the road. The Director of Transportation asked if the police report showed that the drivers fell asleep. The Executive Director said the police reports showed that the drivers apparently fell asleep. He said one of the accidents resulted in two fatalities because both occupants of the car had been killed. He said in other cases witnesses had stated that the cars wavered before they were driven off the road. He said in one accident it was some time before it was realized it was a Turnpike accident. He said the vehicle had been driven off the road into the median and then through a spill-through slope and fell down onto a road below. He said the road below was State Route 57 in Lorain County and the accident occurred early in the morning, 4:45 A.M., while it was still dark so the local authorities did not realize for at least an hour that the vehicle had come from the Turnpike.

The Director of Transportation asked whether it was standard procedure in fatality accidents to take blood alcohol tests. The Deputy Executive Director, G. Alan Plain, said not all coroners included statements about blood alcohol in their reports. The Executive Director said it was up to the coroner to decide whether to make such a test or not. He said he was sure the Patrol would like to have the information whenever it could, but that he was aware that sometimes the coroner in question decided not to make the test. He said on all of the accident reports there was indication about whether a sample had been taken or not. He said there were times when it showed that a sample had been taken and there was no evidence of alcohol. He said from what he knew about Turnpike accidents that the number of accidents involving alcohol were relatively few when compared to the general published statistics that he

had seen about the percentage of fatal accidents which involved drivers who were under the influence of alcohol. He said he thought it might be because the Turnpike was a closed system and that might discourage people from driving under the influence of alcohol. He said when such drivers came through the toll booths they were sometimes spotted by the toll collectors. He said the toll collectors then called the Ohio State Highway Patrol immediately and gave the patrol the license number of the car. He said the number of arrests for driving under the influence of alcohol was relatively low on the Turnpike. The Executive Director said that the experience of eight fatalities between January 1 and June 8 was still an excellent record. He said the Commission never liked to have one accident, but as the record stood it was good, especially in the face of a sharp increase in traffic.

The Director of Transportation said the number of deaths was 33 percent less than at the same time in 1975 and the exposure factors had been considerably greater in 1976 than in 1975, together with a great deal of commercial traffic.

The Executive Director reported also that the staff was bringing the Commission's Traffic Rules and Regulations up to date and that he expected to recommend certain revisions to bring them into general conformance with the rest of the State. He said the Commission's Rules and Regulations had not been changed for a long time. He said he had hoped to be able to bring the recommendations that day to the meeting but unfortunately there had not been time to complete the study and to put the recommendations into a form that could have been submitted to the Commission Members in advance. He said he hoped to be able to submit the report by the time of the next Commission meeting and that they would be reviewed by the Safety Committee before they were presented to the Commission. He said he did not consider that there was any grave urgency about the revisions but it was something he had wanted to do for a long while and he thought it would be appropriate, so it would be done when it could be done properly. He said it was not something that he wanted to present without a great deal of care and proper research. He said if it were not presented at the next meeting it would be presented whenever it was finished.

The Executive Director reported also that Captain Frank R. Nedveski, who had been the Commander of District 10, the Ohio State Highway Patrol unit on the Turnpike, for almost two years, had resigned effective May 28. He said the Captain was approaching the mandatory retirement age and he had expected the Captain would resign no later than the end of 1976, but he did it at the time he did in order to take advantage of another opportunity that arose. He said the staff was expecting a replacement to be named by the headquarters of the Ohio State Highway Patrol on Wednesday, June 9. He said the staff looked forward to working with whomever was appointed to succeed Capt. Nedveski. He said the Commission had an excellent relationship with the Patrol and had always had good Commanders and good staff officers of the Patrol unit.

The Chairman Pro Tem asked the Director of Transportation what the safety of Ohio highways was in general and how it compared with the Turnpike. The Director said he could not compare figures directly but that over the last three years Ohio was probably the only State in the Union, and certainly the only major state with an urban population, that had received an award for safety and for decrease in fatalities. He said of course the Turnpike contributed to the record. He said he agreed with Mr. Johnson that when one had one death, it was not as good a record as it should be. He said there was a need to correct a great many hazardous conditions which his department was not able to undertake at the time but the state did have a good record in comparison with other similar states but it was not as good as it ought to be. Mr. Anderson said it was a good record. He said he alluded to the fact at the April 27 meeting when he told how he had travelled 1300 miles returning from Florida and had not seen an accident. He said he had seen more Highway Patrolmen in Ohio than in all the other states put together which meant that they were out on the road on duty and people were aware of them and were probably watching the speed limit and a few other things more carefully than they would elsewhere. The Director of Transportation said the Ohio State Highway Patrol was very effective. The Executive Director said they were very effective on the Turnpike, too, and that they were probably more visible there than on any other highway in the state because they probably had greater density of coverage on the Turnpike.

The Executive Director said the Commission would always like to have a better safety record than it had. He said the Commission had such a remarkable year in 1974, when there were only ten fatalities, that anything more than ten seemed bad. He said that the 24 fatalities in 1975 was still a very good record and helped to contribute to the remarkable record made by the State as a whole which the Director of Transportation had indicated was the best record in the nation. He said he knew the Turnpike statistics compared to those of other interstate highways in the state and probably were very similar.

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

The Executive Director reported that the three mainline resurfacing projects which totalled 30.8 miles were underway and he was pleased to say that they were nearly complete with less than one week of paving work left on one of the projects and minor cleanup on all three projects. He said that meant that all the projects should be completed before the end of June and before the busiest part of the summer traffic period. He said that on the Memorial Day Holiday weekend and on every weekend the staff made sure that all the lanes were available and open and that had been the case on weekends and holiday periods throughout the construction. He said there had been an indication that there might be difficulty on one of the projects but that the difficulty had been overcome.

The Executive Director reported also that at the last Commission meeting the Chairman had appointed the Director of Transportation, the General Counsel and him as a committee to work out the details of getting two Tourist Information Centers installed and coordinated on the Turnpike at the service plazas first reached by travellers coming from Pennsylvania on the east end and from Indiana on the west. He said on May 10 the Committee met with representatives of the Department of Economic and Community Development which was the state agency which would actually staff the centers. He said some final details remained to be accomplished but as the Director of Transportation had indicated, he had given the Executive Director the proposed agreements between the Department of Transportation and the Commission to accomplish the installation of the Toursit Centers. He said he had not had time to go over them but would do so promptly. He said he was working toward getting the centers installed perhaps even before the end of the week and certainly before the end of the month. He said he knew the schedule would work and he knew the Director had already opened Tourist Centers elsewhere in the State. He said he had seen those that were under construction on I-71 in Morrow County. The Director of Transportation said the one center opened so far was on I-77 north of New Philadelphia. He said it was very attractive and very tastefully done and he believed that the centers on the Ohio Turnpike would be a great asset to the State at a very, very minimum cost. He said he appreciated the cooperation of the Ohio Turnpike Commission and its staff.

The Executive Director reported also that since the April 27 meeting of the Commission William G. Gerber, who had been Comptroller of the Commission for more than four and a half years had resigned. He said Mr. Gerber had served well during his tenure and that he was sorry he had left, but Mr. Gerber had done so to accept another position which had been offered to him. He said that while he was sorry that Mr. Gerber had left, he could see why he had made his choice. He said he wanted the Commission to know that he expected to make a permanent appointment to the Comptroller position in the near future but in the meantime Robert E. Oliver, Chief Auditor of the Commission, was Acting Comptroller.

The Executive Director reported also that he, the staff and the Consulting Engineers had been reviewing and studying the Turnpike's radio communication system. He said the system was more than 20 years old and the review and study had been undertaken because of some problems that the staff had had in operating the system. He said that it had, at times, been off the air. He said the sutdy was undertaken to determine whether any rehabilitation or changes were desirable or perhaps even necessary in order to comply with the constantly changing Federal Communications Commission regulations. He said some preliminary conclusions had been reached and some recommendations drawn concerning the various aspects of the system. He said that certain rehabilitation and maintenance options had been presented in the study that were likely to be selected and implemented very soon in order to assure that the system remained operational and in compliance with Federal regulations. He said most of the



things that he was talking about would not require any formal action by the Commission but he wanted the Commission to be informed of what the staff was doing. He said radio communications system was essential to the Turnpike operation and to the operation of the Patrol for which the Commission furnished the communications. He said the communication system was very necessary in the Turnpike's operation. He said he would be happy to answer any questions on the subject.

The Director of Transportation said he gathered from the tone of the Executive Director's statement that he was talking about rehabilitation and maintenance rather than a total replacement of the system. The Executive Director said he was, that he did not consider total replacement, although that could be suggested. He said many of the components of the system were 20 years old and could be replaced and rehabilitated with solid state equipment, but that did not necessarily mean installing an entirely new system. He said there were nine transmission towers, eight at maintenance buildings and one at the Administration Building. He said in the 20 or 25 years since the system was installed things had happened along the signal paths that might be causing interference and some of the towers might not now be high enough or in quite the right location. He said that was one of the things under study. He said he certainly did not expect to have to replace all the towers. He said they were a key part of the system and could be adjusted so they would work with greater efficiency. He said some of the equipment could be replaced to make the system work more effectively, but he was not talking about an entirely new system, he was talking about maintaining what the Turnpike already had to the proper standards. He said he expected to act soon on choosing among the available options and would keep the Commission informed on what was done. He said if any action was required by the Commission, of course he would bring the matter before the Commission.

The Chairman Pro Tem said he knew how vital the two radio systems were and it would be like cutting off one's right arm to try to do without them. The Executive Director said that was true and that the radio communication was needed 24 hours a day the year round. He said the radio rooms were always open, the Patrol was always on the road, and there were two different circuits, one for the Patrol and one for Commission use, but the heart of the system was combined and had to be kept operating. He said even if sections of it were out of service it caused all sorts of problems. The Director of Transportation agreed.

In the absence of further questions, the Chairman Pro Tem said the report of the Executive Director was accepted as offered. He said the report of the General Counsel would be received.

The General Counsel said he had not expected to make a report, but since the agenda had been prepared he had been told that the court had accepted the Commission's draft of the journal entry in the Stacey case. He said the draft, of course, was in accordance with the court's opinion which did not

mean that the opinion was changed or that the court had given the Turnpike Commission what it wanted. He said opposing counsel had evidently accepted what the court decided. He said there had been disagreement between the Commission's counsel and opposing counsel, but the order was now officially made and the time for appeal was running. He said it would be necessary to make a decision as to whether the Commission should appeal or not before the next Commission meeting, and that was something that should be looked at rather carefully because an appeal, among other things, could invite a cross appeal and the plaintiff had received only about an eighth of the damages he had asked for, so the Commission would probably arrange settlement. The Executive Director said it might be time to settle the 24-year-old case. The Director of Transportation asked how much money was involved. The Executive Director said the plaintiff's final request in the suit was for \$200,000, but the verdict was in the neighborhood of \$35,000. General Counsel said the settlement was \$35,360 plus some equitable relief which really was something the Commission would do anyway. He said at first Commission's counsel had been quite concerned as to the equitable relief which the court granted because it seemed to require the Commission to do things which the Commission's Chief Engineer thought would be impractical. He said the court had accepted Commission's counsel's emendation of that requirement so counsel now believed it was a practical thing and pretty much something the Commission would do anyway. The Executive Director said it was a matter that could be settled without formal action of the Commission and that the staff would make a careful review of the court's entry. He asked the General Counsel if that were correct. General Counsel said that it was correct and that the court had signed the Commission's draft of the journal entry.

The Executive Director said the Commission had had outside counsel on the suit, Lockwood Thompson, the Commission's former General Counsel, who had served as Special Counsel for the Commission on the case because he was familiar with it. He said the case spanned Judge Thompson's entire career with the Commission and then went on after Judge Thompson resigned. He said the Commission had also had local counsel on the case, Lorin L. Hogue, of Williams County.

General Counsel said there was one amusing thing in the opposing counsel's draft of the entry. He said opposing counsel wanted the court to retain jurisdiction of the case. He said conceivably that could have kept the case going for another 15 or 20 years.

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

Mr. Harnden reported that during the previous week he had submitted bridge inspection forms required by the Division of Highways of the Department of Transportation. He said they had been submitted to the Commission to transmit to the Department of Transportation.

In the absence of questions, the Chairman Pro Tem said the report of the Consulting Engineers was accepted as offered. He ascertained there would be no report from the Trustee or from the Director of Information and Research.

The Chairman Pro Tem said the Commission had missed its Chairman and Vice Chairman and hoped that they could be with the Commission at its next meeting and that their health would improve.

A motion was made by the Director of Transportation, seconded by Mr. Bricker, that letters be sent to both the Chairman and Vice Chairman wishing them well and expressing the hope of the Commission Members that their health would improve and that they could be present at the next meeting. The Chairman Pro Tem informed the Assistant Secretary-Treasurer that that was the consensus of all the Members of the Commission and that the letters should be sent.

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

RESOLUTION NO. 8-1976

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, acting comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on April 27, 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 April 27, 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. Bricker, Mr. Jackson, Mr. Anderson.

Nays: None.

The Chairman Pro Tem declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 8-1976.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Jackson, that the meeting

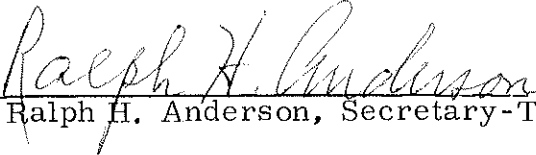
adjourn subject to call of the Chairman, since it probably would not be practical to meet on the regular meeting date of July 6, the day after a long holiday weekend. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman Pro Tem declared the meeting adjourned. The time of adjournment was 11:54 A. M.

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

  
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Ralph H. Anderson, Secretary-Treasurer