

MINUTES OF THE THREE HUNDREDTH MEETING
September 14, 1976

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Administration Building at 682 Prospect Street in Berea, Ohio at 11:00 A.M. on September 14, 1976 with key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; representatives P. Joseph Sesler, J. Gary Jones and Steve Potter of the Ohio National Bank, Trustee; William C. Hartman of Squire, Sanders & Dempsey, the Commission's Labor Counsel; Gerald F. Sweeney, Vice President of the Cleveland Trust Company, the Commission's depository for toll receipts; the Honorable Lockwood Thompson, former General Counsel of the Commission; Frank T. Callahan and James E. Sawyer, partners in the J. E. Greiner Co. - Ohio, the Commission's Consulting Engineers; 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: Daniel E. Bricker, Richard D. Jackson, O. L. Teagarden.

Absent: Ralph H. Anderson.

The Chairman announced that a quorum was present. He said Mr. Anderson had just returned home after major surgery. He said Mr. Anderson was getting along as well as could be expected and had requested him to tell the other Members of the Commission and all those present at the meeting that he sent his best wishes and he was very sorry that he was unable to attend. The Chairman said everyone understood, because of the serious nature of the operation he had had, that it was impossible for him to attend.

The Chairman said the minutes of the meeting of July 27, 1976 had been sent to all Members of the Commission. A motion was made by Mr. Bricker, seconded by Mr. Jackson, that the minutes for the meeting of July 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. Teagarden.

Nays: None.

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

The Chairman said the next order of business was the report of the Chairman. He said the first portion of the report concerning something that he had looked forward to since July 15 when the late Chairman, James W. Shocknessy, passed away. He said everyone knew the Governor of Ohio, James A. Rhodes, had proposed to the Legislature that the Turnpike be named "The James W. Shocknessy Ohio Turnpike" in honor of the man who had served as Chairman for 27 years. The Chairman said that Mr. Shocknessy had given the very best of his life to what he had held closest to his heart, the Ohio Turnpike, for 27 years. He said he had served with Mr. Shocknessy throughout that period and had accepted from him many major assignments on the Turnpike Commission. He said his first assignment had been to settle all claims when the road was completed. He said there had been a number of claims from contractors and from the persons concerned with the acquisition of the right of way and with others. He said in two years all the claims had been taken care of and the Ohio Turnpike Commission had been the first such Commission to settle all its claims.

The Chairman reported further that he remembered the first meeting of the Ohio Turnpike Commission very well. He said it had been held in the office of Governor Frank J. Lausche in Columbus on September 8, 1949. He said he had often thought of the fact and never forgot that it was he that had offered the name of James W. Shocknessy to be Chairman of the Ohio Turnpike in a motion made at that meeting. He said his motion had been seconded by the other members, J. Gordon McKay and Murray Seasongood. He said at that meeting he had been elected Vice Chairman and he and Mr. Shocknessy had served together in their respective capacities for the succeeding 27 years. He said he had received congratulations from Mr. Shocknessy for having done a good job on many occasions and while he did not want to pat himself on the back, he knew that when Jim Shocknessy gave anyone an assignment, he did not expect results the next week but in the previous week and that was the way Mr. Shocknessy wanted things done. He said he took those jobs with that realization and he hoped it showed because he had a great deal to do with the organization of the Ohio Turnpike.

The Chairman said the first thing to be done was to present a resolution honoring James W. Shocknessy and naming the Ohio Turnpike "The James W. Shocknessy Ohio Turnpike." He said since Governor Rhodes had been instrumental and had initiated the request to name the Turnpike for Mr. Shocknessy, it was appropriate that the Governor's representative on the Commission submit the resolution which had been prepared.

Mr. Jackson said as recently as the morning of the meeting Governor Thodes had again indicated his desire to have the resolution presented and passed because he felt so strongly about its propriety. He said it was a pleasure for him to present the resolution on behalf of

the Governor.

A resolution redesignating the name of the Ohio Turnpike Project No. 1 and rescinding Resolution No. 49-1955 was moved for adoption by Mr. Jackson, seconded by Mr. Bricker and Mr. Teagarden, as follows:

RESOLUTION NO. 13-1976.

"WHEREAS the Commission has previously adopted Resolution No. 49-1955 whereby it designated Ohio Turnpike Project No. 1 as the "Ohio Turnpike";

"WHEREAS the Governor has proposed that the name of the Turnpike be changed to honor the late Chairman of the Commission, James White Shocknessy, who for almost twenty-seven years guided the Turnpike to its position of pre-eminence, and there has been statewide support so to honor Mr. Shocknessy; and

"WHEREAS the Commission also deems it fitting and appropriate to pay tribute to and to honor James White Shocknessy while at the same time it recognizes that the designation "Ohio Turnpike" has become internationally known;

"NOW, THEREFORE, BE IT

"RESOLVED that Ohio Turnpike Project No. 1 be, and hereby it is, designated "The James W. Shocknessy Ohio Turnpike";

"FURTHER RESOLVED that the executive director be, and hereby he is, authorized to cause signs indicating this designation to be erected at the entry points into Ohio from Indiana and Pennsylvania and at such other places along the Turnpike as the executive director shall deem appropriate and to place the designation on such documents, maps, publications, records, plaques and other items which are produced by the Commission at its own expense so long as it is prudent and economically feasible in each instance to do so and with recognition that the Turnpike will continue to be regarded also as the "Ohio Turnpike" for as long as it remains a toll road; provided, however, that prior to causing any of the aforesaid actions to be taken the executive director shall notify the Commission of his intention to do so;

"FURTHER RESOLVED that Resolution No. 49-1955 be, and hereby it is, rescinded; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to the Governor, the Lieutenant Governor, the Speaker of the Ohio House, the President Pro Tem of the Ohio Senate and the Minority Leaders of both Houses of the General Assembly."

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.

Nays: None.

The Chairman declared the resolution unanimously adopted. The resolution was identified as No. 13-1976.

The Chairman said the first resolution naming the Ohio Turnpike had been adopted in 1955 and had been numbered 49. He said he was sure that Mr. Shocknessy himself had written the resolution because of the language. He said he would quote certain parts of the resolution. He said one Whereas said: "WHEREAS said project has in common parlance been well-nigh universally called the 'Ohio Turnpike;'" He said another Whereas read: "WHEREAS it deems it highly fitting that the appellation given said project honor the State of Ohio and all its citizens;" He then quoted the Resolved, which read: "RESOLVED that Ohio Turnpike Project No. 1 be, and it hereby is, designated 'Ohio Turnpike.' " He said he could tell by the wording that only Jim Shocknessy could have written the resolution.

The Chairman said Resolution 13-1976 required signs at the entrances of the Turnpike from Pennsylvania and from Indiana into Ohio and the resolution also directed the Executive Director to place any other designations or plaques that in his opinion would be adequate to inform the public that the road had been named "The James W. Shocknessy Ohio Turnpike." He said Governor had mentioned plaques being placed in the lobbies of all the service plazas and in the lobby of the headquarters building in Berea. He said he had suggested to the Executive Director that consideration be given any design for plaques that he thought appropriate but the design be submitted to the Members of the Commission for approval before proceeding further. The Chairman directed that the Executive Director send copies of the resolution to the Governor and to the Lt. Governor, the Speaker of the House and the Minority and Majority Leaders of the General Assembly.

The Executive Director said that it was recognized that even though the Ohio Turnpike had now been redesignated officially as "The James W. Shocknessy Ohio Turnpike," it would still be regarded by many as the Ohio Turnpike. He assured the Commission that in placing the signs and any plaques and in changing any of the documents which he was authorized to do by the resolution, he would first notify the Commission before taking action. He said he would also regard and recognize any of the expense that was involved. He said he did not contemplate that there would be any great expense connected with the first two signs that would be erected at the entry points from Indiana and Pennsylvania. He

said in fact that would involve only a modest expense. He said other changes on any documents, including the Ohio Turnpike map, would be made at such a time as changes would normally be made so that it really would be without expense. He said he wished to call attention to a similar situation that existed in New York on the New York Thruway which was officially designated "The Governor Thomas E. Dewey Thruway" and he felt that the Ohio Turnpike Commission's effort would be comparable. He said the New York Thruway was still generally regarded as that, just as the James W. Shocknessy Ohio Turnpike would commonly be regarded as the Ohio Turnpike. He said the cover of the New York Thruway map, a copy of which he displayed at the meeting, had the words "New York Thruway" at the top of the cover and the words "The Governor Thomas E. Dewey Thruway" at the bottom of the cover. He said it would be more or less in that manner that he would propose to make the changes on the documents. He said there would be no expense in changing the documents because the changes would not be made until new editions were being prepared. He said the signs and plaques that all had been mentioned would be at very modest expense and a tribute to Mr. Shocknessy that Mr. Shocknessy himself would have deemed appropriate, although an honor he declined in the past.

The Executive Director said further that the meeting was indeed the 300th meeting of the Commission and the 20th anniversary, more or less, of the opening of the building in which the Commission was meeting. He said it was the first time in slightly more than 13 years that the Commission had met in the building. He said the last time the Commission met in the Berea Administration Building had been on April 16, 1963, at which time the then Governor, James A. Rhodes, had asked the Commission and Mr. Shocknessy to expedite completion of Interstate Route 71 in Ohio. He said Mr. Shocknessy had performed that task with distinction. He said that had been the first day that he had anything to do with Jim Shocknessy and that he had been present in the room on that day as an appointee to the Interstate Coordinators' Conference, so it had been slightly more than 13 years before that he had met Jim Shocknessy and begun to work with him. He said Mr. Shocknessy was meticulous and demanded perfection from those who worked for him, but it had all been for a good cause. He said he was pleased and proud that he had known Mr. Shocknessy and had been able to work for him and he was pleased by and proud of the tribute that had been paid to him.

The Chairman said he had hoped that the Executive Director would give immediate consideration to the plaques or something similar for erection at suitable places along the Turnpike to carry out the wishes not only of the Governor but of the people of Ohio.

The Chairman recalled that in July, Mr. Shocknessy had spoken to him and to the Executive Director about holding the 300th meeting in the Berea Administration Building so that the meeting was really being held

in the building at Mr. Shocknessy's call. He said he was proud of the fact that the Commission could carry out Mr. Shocknessy's wishes in that respect. Mr. Bricker said Mr. Shocknessy had planned to do something special for the Commission at the 300th meeting.

The Chairman reported also that one of the most serious accidents that even occurred on the Ohio Turnpike had taken place the day after he was elected Chairman. He said on the morning of July 28 a gasoline tank laden with 8,600 gallons of gasoline had left the roadway, entered the median, plunged between the two bridges at milepost 186 and had caught fire on impact, destroying one of the bridges. He said the Executive Director and his staff had taken action immediately and had cleared the debris away. He said it had been necessary to reroute traffic until 11 o'clock in the morning and that thereafter one mile of bidirectional traffic had been established. He said the employees and contractors had worked very long hours in clearing away the debris and in rebuilding the bridge. He said one of the helpful things was that the Legal Department had determined that in the emergency it would not be necessary to go through the normal bidding procedure. He said it was fortunate that it was learned the Bethlehem Steel Company was about to roll steel of the required size and that prompt action had been taken to secure the steel. He said everyone involved had worked long hours thereby enabling the bridge to be reopened in just 24 days.

The Chairman said there had been a number of congratulatory letters and that he did not know how many people had called him on the telephone and asked how the Turnpike had managed to rebuild the bridge so quickly. He said his answer had been: "Easy, we have the best employees, the most capable employees it is possible to have, on the Turnpike, because they are treated right and they are dedicated people." He said he was very proud to tell the Executive Director and the Chief Engineer, Frank A. Dutton, and all those that had anything to do with the rebuilding of the bridge, that he wanted to express his thanks and those of the Commission for a job well done.

Mr. Bricker said he would certainly agree. He said he looked back to the first time that he attended a meeting of the Commission as a Member. He said as a former union representative of a building trades union, the smallest amount that he had ever negotiated was about 30 cents an hour, but at the first meeting he attended the Committee on Service Plazas had brought in a recommendation for some price increases on controlled food items. He said the Committee on Service Plazas had recommended permitting the price of milk to increase by five cents to 25¢ for eight ounces. He said Mr. Shocknessy had reacted very strenuously and said the price of milk would not rise because families that travelled the Turnpike needed milk for their children and milk was going to stay at 20¢. He said after the meeting he had spoken to the Chairman and had said, "Do you know, Mr. Chairman, that is the first

time in fifteen years that I have seen a meeting where anyone argued about a nickel for that length of time." He said Mr. Shocknessy had enjoyed that remark because he knew when Mr. Bricker had sat in on labor negotiations, the negotiators started at a dollar and worked their way down. He said the incident showed what sort of person Mr. Shocknessy had been and illustrated the interest he had for the travelling public. He said it had been a great honor for him to serve with a man of the distinction of James Shocknessy. He said Mr. Shocknessy was a very fine friend and respected tutor. He said he would never forget the time that he forgot to attend a Commission meeting, he did not know how. He said it was the first time in the history of the Turnpike Commission that a Member had forgotten a meeting and did not call in before a meeting to explain why he could not attend. He said it dawned on him about 6 o'clock the morning after the meeting that there had been a meeting. He said anyone could imagine the anticipation he had when he realized he would have to call the Chairman because if anyone had ever been reproved by Mr. Shocknessy, he would understand what he meant.

Mr. Bricker said he had telephoned Mr. Shocknessy and Mr. Shocknessy had said, "Where were you?" He said the Chairman told him that he had upset a tradition of some twenty years of not reporting before being absent. Mr. Bricker recalled that he had said: "Well, I'll tell you what, what do you think my penance should be?" and the Chairman had responded "Well, I think you should stay in the penalty box until the next meeting." He said the Chairman had been a great man and he was pleased and proud to sit on the Commission that had the distinction and honor of naming the Turnpike after him.

The Chairman thanked Mr. Bricker and said when the price of milk was increased from 20 to 23 cents, Mr. Shocknessy was still living and had agreed to it. The Executive Director said the increase had been asked for for five years by the concessionaires. The Chairman said that was so. He said a great deal of Mr. Shocknessy's approach to Turnpike matters had rubbed off on every one of the members of the staff. He said he knew that it had with him and he hoped he would continue to carry out the program that Mr. Shocknessy had set up. He said the Ohio Turnpike bonds would be paid off by 1981 unless something unforeseen happened to the economy. He said he hoped no one would interfere with the operation of the Turnpike and that it would continue to be operated as it had been under Mr. Shocknessy who had mentioned many times that he wanted the road to be a free road in 1981 and what happened after that was someone else's business.

The Director of Transportation said he was the newest member of the Commission and his relationship with Mr. Shocknessy had been short and sometimes very intense. He said in the very short time that he served he had grown to appreciate Mr. Shocknessy and to respect him and realize what a great man he was in his own right. He said he was very proud to

have been a part of the Commission and would always remember his experiences. He said he was going to miss Mr. Shocknessy very much because of his advice and consultation. He said he and the Chairman had talked very often about transportation matters as they related to the entire state. He said the Chairman was intimately involved in many other matters that concerned the whole state, especially with the total transportation of the state. He said on behalf of the Governor and himself, he was very proud and pleased to be a part of the Commission.

The Chairman said that one thing he would never forget was Mr. Shocknessy's remarks about how the Turnpike was built. He said the late Chairman had said it was built on lawbooks, newspapers and concrete. He said as everyone knew, the Commission was in the courts for several years before it even started to think about building a road and if it had not been for Mr. Shocknessy and his ability to get things done, he doubted if there would ever have been the 241 miles of roadway across the state. He said he had been with the late Chairman on many occasions and that they had spent many days together in New York City when they were making arrangements for the financing.

The Chairman reported that on August 4 revenue bonds in the face amount of \$4,411,000 had been purchased by the Trustee, the Ohio National Bank, at an average price of 98.139 and that on September 2 additional revenue bonds in the face amount of \$4,243,000 had been purchased at an average price of 98.719 or \$4,189,000. He said so far in 1976 retirements had amounted to \$12,155,000 and the face value of bonds outstanding was \$83,838,000. He said the next purchase would reduce the indebtedness to close to \$80,000,000. He said bonds would be purchased again before the end of the year. He said every time the Commission attempted to buy bonds it was harder to get them, because people that owned the bonds were holding onto them. He said the average price of the September purchase had been almost one hundred, and that if the Commission had to call bonds before 1982 the price would be 101, so that would be the highest price the Commission would have to pay, should it be impossible to purchase bonds on the open market. He said it was his understanding that if it became necessary to call bonds they would have to be called on an interest paying date. The Executive Director said that was correct.

The Chairman said that since bond purchases began in 1961 \$242,162,000, or 74.3 percent, of the original indebtedness of \$326,000,000 had been retired.

The Chairman reported further that total revenue for August had been \$5,460,623 which was \$274,701 or 5.3 percent more than the total revenue figure for August, 1975. He said a new record day occurred on August 22, the day after the reopening of the bridge which had been destroyed, when 118,387 vehicles used the Turnpike. He said the old record was set on August 19, 1973 when 117,962 vehicles used the Turnpike.

The Chairman reported also that July 1976 total revenue had been \$5,239,089, a new record for July and 10.9 percent more than July, 1975 revenue. He said the old record for July, set in 1973, had been \$5,020,036.

The Chairman said there were several resolutions to present to the Commission. He said two companies had requested permission to drill for oil and gas near the Turnpike and there were some other resolutions which were merely a matter of formality and were required to be in compliance with the statutes.

The Chairman reported also that there had been five fatal accidents since the last meeting of the Commission and five persons had died. He said the Executive Director would comment on the accidents when he reported as chairman of the Committee on Safety.

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. Accountants' Report - Financial Statements - June 30, 1976.
2. Detail of Investment Transactions which took place in July and August, 1976.
3. Traffic and Revenue Report as of July 1976.
4. Financial Statements as of July 31, 1976 and August 31, 1976.
5. Weekly traffic statistics.
6. Draft of the minutes of the July 27, 1976 meeting.
7. Month end releases for July and August 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 reported that the Committee was in the midst of preparing the preliminary budget for 1977. He said if it were necessary a meeting of the Committee would be scheduled in Mr. Anderson's absence with Mr. Jackson and

that he was certain the Committee would have the budget to submit to the Commission at the October meeting. The Director of Transportation said the sooner the date was determined the better it would be for him and for Mr. Anderson, but it would have to be after the first of October. The Executive Director said the meeting would have to be between the first of the month and before the Commission meeting date so the schedule would be very tight. He said the meeting would ordinarily be on the 5th but it was conceivable that it would be desirable to postpone the meeting for one week. The Chairman said that subject would be discussed before the meeting was adjourned.

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. Johnson, reported that it had been a very, very busy summer. He said there had been record use of the service plazas but through careful and continuous surveillance of the plazas and the operation of the concessionaires, both the restaurants and the service stations had performed adequately during the summer. He said any deficiencies the staff had noted had been called to the attention of the concessionaires. He said 1976 was the first summer the Standard Oil Co. of Ohio (Sohio) had operated on the Turnpike because Sohio had started on October 1, 1975. He said now that the first busy season was over, the staff expected to take a look at Sohio's operation for the first year and meet with them and exchange ideas with them on how their operation might be improved. He said he did not mean to imply that anything had gone wrong, but in any operation of that size there were sure to be areas where improvement could be made and the staff expected to call those areas to Sohio's attention. The Chairman said Standard Oil had been very cooperative. He said they had gotten off on the wrong foot and it was called to their attention and they immediately corrected it and during the period he was chairman of the Committee on Service Plazas, he knew they were very cooperative. He said he and the Superintendent of Patron Services, Robert L. Asman, had driven from Oak Harbor on the morning of the meeting and they had remarked on the fact that very few complaints had been received about the service plaza operation and therefore the concessionaires must be doing a good job. The Executive Director said that was true. He said he would be the last to claim that everything was perfect at those plazas every minute of the day because the plazas were open 24 hours every day of the year and there were times when several busloads of people would arrive together at a plaza, and under such circumstances it took only a few minutes to have litter accumulated and people might come to the plaza just after something like that happened and might think that that was the way things looked all the time. He said it was a very difficult business.

The Chairman said it was a difficult operation and could not be expected to be 100 percent perfect in every respect at all times. He said the public in general had been very cooperative and while he tried to do a good job, the concessionaires had been doing a good job, too. He said if the Executive Director did not have persons on the Turnpike checking the concessionaires to see that they abided by the contracts, the Turnpike might receive more complaints. The Executive Director said it was a question of men and woman. Mr. Teagarden agreed and said there was one woman assistant to the Superintendent of Patron Services.

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. Bricker, reported that meetings between the Committee and spokesmen of the various employee groups would begin on September 27. He said a sub-committee of the Committee had been appointed to develop recommendations for employees other than those in the toll and maintenance departments who had not had access to the committee in its conduct of the annual employees' discussions. He said this was a new approach.

The chairman of the Committee on Employee Relations reported also that the Executive Director would explain a plan for a program of deferred compensation on which subject the Commission would be asked to adopt a resolution.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. The Chairman said that Mr. Bricker would be sure to do a good job as chairman of the Committee on Employee Relations together with the help of William C. Hartman of Squire, Sanders & Dempsey, the Commission's labor counsel, and Frank A. Dutton, Chief Engineer; G. Alan Plain, Deputy Executive Director, and all the other Members of the Committee. He said Mr. Bricker was facing things before the final retirement of the bonds that were not going to be easy to solve and he wished Mr. Bricker the very best. Mr. Bricker thanked the Chairman.

The Chairman said there was a resolution in every Member's folder which he would ask the Executive Director to explain because it referred to employees' deferred compensation. He said it was a routine resolution. The Executive Director said, as all Members of the Commission were aware, the Turnpike employees were members of the Ohio Public Employees' Retirement System to which a certain amount of every employee's salary was contributed and the Commission also contributed a sum determined by a percentage of every employee's pay. He said the resolution that would be introduced would enable the Turnpike employees to participate in a deferred compensation program

that the General Assembly had adopted. He said the Ohio Public Employees Deferred Compensation Board would administer the program which was similar to the Keogh Plan, and its purpose was to give income tax advantages to those employees who participated. He said the Commission would not pay anything. He said it was strictly a voluntary program and the Commission would withhold amounts stipulated by employees which would be deposited in the program. He said it was required that certain eligible agencies which wanted to grant employees an opportunity to participate in the program had to adopt a resolution authorizing such participation. He said the program had not yet been started but the adoption of the resolution would be the first step by the Ohio Turnpike Commission so that its employees who wished to do so could take advantage of the program.

A resolution adopting the Ohio Public Employees Deferred Compensation Program permitting all eligible employees of the Ohio Turnpike Commission to defer a portion of their compensation was moved for adoption by Mr. Jackson, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 14-1976.

"WHEREAS the General Assembly of the State of Ohio has enacted Sections 145.71, 145.72 and 145.73 of the Ohio Revised Code, authorizing the creation of the Ohio Public Employees Deferred Compensation Board (the "Board") and the establishment of the Ohio Public Employees Deferred Compensation Program (the "Program");

"WHEREAS under the Program all "eligible employees" as defined in Division (A) of Section 145.71 of the Ohio Revised Code, are permitted to contract with their employer for the deferral of compensation;

"WHEREAS the employees of the Ohio Turnpike Commission are "eligible employees"; and

"WHEREAS the Ohio Turnpike Commission wishes to adopt the Program for the benefit of its employees;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby adopts the Ohio Public Employees Deferred Compensation Program, and extends to all eligible employees the opportunity to join the Program;

"FURTHER RESOLVED that the executive director be, and hereby he is, authorized by the Ohio Turnpike Commission to execute an agreement with the Board on terms and conditions which the executive director

"determines are in the best interest of the Ohio Turnpike Commission, which agreement shall authorize the Board to offer the Program to all eligible employees of the Ohio Turnpike Commission and thereafter to administer the Program on behalf of such employees; and

"FURTHER RESOLVED that the executive director shall have the authority to perform such acts himself, or through those he may designate or appoint, which may be necessary to establish the Program and to establish its acceptability with the Internal Revenue Service."

The Director of Transportation said the intent of the program was good. He said some employees would use it and some would ignore it but it was an appropriate program for the Commission to undertake. He said the program had not yet begun but when it began he thought it would be appropriate that the Turnpike Commission employees be in a position to take advantage of it. He said the Department of Transportation, because it was a state department rather than a state agency, would not have to pass an enabling resolution.

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.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 14-1976.

The Chairman ascertained there would be no report from the Director of Transportation. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, reported that with a fatality that had occurred the day before the meeting, there had been five fatalities since the Commission meeting of July 27. He said the record for the year was approximately the same as it was in the same period in 1975. He said he considered the record to be a good one especially as 1976 traffic had been heavier than 1975 traffic and thus the rates were even lower than they had been in 1975. He said the State of Ohio had the lowest fatality rate in 1975 in the United States, and although he did not know what the statewide experience was at the time of the meeting, the Turnpike's experience in 1975 had contributed to the low record of deaths throughout the State in 1975.

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

The Executive Director said he would like to add his congratulations to the Turnpike employees who had worked diligently on the bridge reconstruction. He said he had something to do with the reconstruction but it really was the effort of the Turnpike engineering department and the employees in that department that made it possible for the feat to be achieved. He said he knew of no one anywhere else who had built a bridge in 24 days. He said in fact, it was not merely the building of the bridge, it was the tearing down the wreckage of the old bridge, too, which really was the contribution that Turnpike employees made. He said the contractors who worked with the Turnpike on the bridge cooperated fully. He said he would close the subject by saying that it was now known that the cost to rebuild the bridge was approximately \$230,000 and he expected that cost to be reimbursed by insurance so that there would be no real expense to the Commission.

The Chairman said he had intended to mention in his own report that the trucking firm for whom the driver worked carried sufficient insurance to pay for the expenses in erecting and finishing the new bridge. He said he had already told the Chief Engineer of the Commission's congratulations and thanks due to him for a job well done and that the Commission wished to compliment all those who had anything to do with it. He said the reconstruction of the bridge had set an example of what the Turnpike could do if it ran into difficulties in the future. The Director of Transportation said the reconstruction had set a record which would never be equalled. The Chairman said he hoped such an event never occurred again but if it did the Turnpike could set another example. The Director of Transportation said he was sure the Commission could set another example, but it would not be one that would beat the rebuilding of the bridge at milepost 186.

The Chairman said he would like to read a letter which the Commission had received in regard to the rebuilding of the bridge, a letter from the Hudson Township Trustees. He read the letter as follows:

"August 25, 1976

"Ohio Turnpike Commission
Administration Building
682 Prospect Street
Berea, Ohio 44017

"Gentlemen:

"I should like to join with the Hudson Township Trustees in congratulating the Turnpike Commission for the most efficient restoration of service on this highway following the tragic accident of July 28th.

"Completion of the eastbound (sic) bridge is surely an engineering fete (sic) of which your commission can be justly proud.

"We didn't appreciate the magnitude of traffic the turnpike handles until the cars and trucks glutted State Route 303 from Streetsboro to State Route 8.

"Again congratulations.

"Very truly yours,

"Prentiss J. Drew, Clerk
Hudson Township Board of Trustees"

The Executive Director reported further that the review of the radio system and maintenance of the radio system were continuing. He said since the last meeting, Syntonic Technology Inc. had been retained for the maintenance and rehabilitation of the radio communication system. He said the company was the same company which had been maintaining the toll audit system and that it would now proceed with rehabilitation of the system so it could continue to function properly. He said he would continue to report at future Commission meetings.

The Chairman said the report of the Executive Director was accepted as offered. He said there were two similar resolutions which related to the same subject which was permission to extract oil and gas from beneath the right of way of the Ohio Turnpike. He said in the beginning he had had reservations about the resolutions because he wanted to be sure that if the Ohio Turnpike made a contract he wanted to know what effect it would have when the road was turned over to the Department of Transportation. He said that matter had been gone into quite thoroughly with the Executive Director and the Legal Department and he would therefore ask the Executive Director to explain the two resolutions for the benefit of the Members.

The Executive Director said he would ask the General Counsel, Francis K. Cole, to explain the legal technicalities of the resolution but he would make a brief comment before he did so. He said there had been a renewed interest in drilling gas wells in the State of Ohio because of gas shortages that had been experienced in the state. He said areas adjoining the Turnpike were potential locations for drilling gas wells. He said none of them would be drilled within the Turnpike right of way but if such wells were drilled near the Turnpike some Turnpike areas could be included within what were called drilling units. He said there were drillers who wanted to drill wells close to the Turnpike and certain parts of the Turnpike right of way fell within the drilling unit. The Executive Director asked the General Counsel to explain what had been done, and why, in the two cases that were before the Commission.

The General Counsel said both locations concerned in the resolutions were in Mahoning County. He said the first resolution concerned Phillip H. Segrest, who had asked permission to use his well. He said the well had already been drilled or at least the drilling had begun as a result of an error by Segrest's title company which thought that the Ohio Turnpike Commission merely had an easement. He said in that case the Turnpike Commission would not have to be asked about the drilling, but since the property on which the Turnpike is built is held in fee simple, Segrest would need permission. General Counsel said that was so because the law was that anyone who held title within 500 feet of the well had to consent to its drilling and would then, if the well were successful, receive a proportionate share of the royalty. He said royalty was fixed at 1/8 of the gross receipts from the operation of the well, whether oil or gas or both were recovered. He said the drilling unit had to be at least 40 acres and was usually more, and the amount received by any landowner was a proportionate amount depending upon the proportion of land owned within the drilling unit. He said when the matter came to the attention of the Commission he took the matter up with the Bureau of Utilities and Properties of the Ohio Department of Transportation of which Mr. Robert L. Art was administrator and discovered that the Department of Transportation had similar situations in which the Director of Transportation had given consent to drill.

General Counsel said further that the general operation of the well was subject to control by the Division of Oil & Gas, Department of Natural Resources. He said the Division had rather elaborate regulations about what might be done such as how close to a building, road or structure a well might be and that, in order to get the permit required by the Division, it was necessary for the driller to get consent from affected property owners. General Counsel said language had been developed for the resolution which would assure that the royalties would pass to the State of Ohio after the authority of the Ohio Turnpike Commission over the road ceased. He said the language also assured that correspondence after that time would be addressed to the Director of Transportation. He said he believed those provisions were consistent with what the Director of Transportation wanted. (The Director of Transportation indicated his assent.)

The Chairman said that had been one of his concerns. He said the Commission was about to grant permission to do something that it would have no control over after the bonds were paid and if the State of Ohio and the Director of Transportation had no objection to the arrangement, he had no objection. He said the amount of money the Commission would receive would be very small because of the Turnpike's portion of the pooling area was small.

The Executive Director said that before such a permit was issued, the advice of the Consulting Engineers was sought as to whether there would be any effect on the operation of the Turnpike. He said the

consultant had advised that it would not affect the operation. He said the matter was being done by resolution in order to comply with a provision in the Trust Agreement that required, whenever the Commission did something that would affect the property rights in which the Commission held an interest, it must be done by resolution. He said ordinarily he would not want to bring things of this nature to the Commission every time it occurred, but it was required by the Trust Agreement. He said he hoped that if such requests became commonplace the Commission might adopt a way to issue the permits without having to pass a resolution in every case.

The Chairman said that was a concern of his. He said he had grown up in an oil field and the first job he ever had was in an oil territory and could envision that if gas were struck along the Turnpike there would be a large number of wells. He said passage of the resolution would establish a precedent that would have to be followed if someone else wanted a similar resolution. He said the other reservation was that the Commission had tried to prevent the erection of signs visible from the right of way. He said he understood that one of the wells was only 125 feet and another about 200 feet from the right of way fence.

The Executive Director said that was true but he did not believe there would be any signs or anything similar in conjunction with the wells. He said once the drilling rigs had been removed the wells would be hardly visible. The Chairman said he did not know how many feet the drillers planned to drill but the deeper the well the higher the derrick would have to be. He said he could envision a derrick 80 feet high if it was planned to drill to a depth of three or four thousand feet. He said if there were no objections on the part of the Department of Transportation, he would have no objections.

The Director of Transportation said it was particularly important to make use of the natural resources in the area because of the energy crisis. He said the crisis was real and that most persons did not appreciate it as yet. He said that drilling was vitally important, particularly as there were predictions that industry would have to furlough people in the winter of 1976 - 1977 because of a lack of natural gas. He said it would be a serious error on behalf of the Commission if it did not approve the resolution. The Chairman said that was precisely why he was willing to go along with approving the resolution provided the other Members approved. He said the Commission had a letter from the Consulting Engineers assuring the Commission that the project had their approval and would not affect the operation of the Turnpike. The Chairman asked Mr. Harnden whether that was correct. Mr. Harnden said it was.

A resolution granting permission to Phillip H. Segrest to extract oil and gas and their constituents from beneath the right of way was moved for adoption by Mr. Bricker, seconded by Mr. Jackson, as follows:

RESOLUTION NO. 15-1976.

"WHEREAS Phillip H. Segrest, 1158 Adare Road, Marion, Ohio 43302, has sought permission to extract gas and oil and their constituents by means of wells from a pooling area consisting of 53.76 acres which includes 6.05 acres of the right of way of the Ohio Turnpike in Jackson Township, Mahoning County, Ohio, said wells being drilled outside the Turnpike right of way upon the realty of Margaret Dailey;

"WHEREAS said Phillip H. Segrest has submitted to the executive director a plat of the aforesaid pooling area showing the acreage of the Ohio Turnpike involved and the location of the wells within said pooling area;

"WHEREAS the consulting engineer has advised the Commission that the gas and oil and their constituents to be extracted are not needed and serve no useful purpose in connection with the operation or maintenance of the Ohio Turnpike, and has approved this resolution in writing, a copy of such approval being hereto attached;

"WHEREAS said Phillip H. Segrest is willing to pay to the Commission a royalty computed by dividing the Turnpike acreage included by the total acreage of the said pooling area and multiplying the fraction so obtained by one-eighth of the gross profits from the sale of products of said wells which is the standard and customary method for determining and distributing such royalties; and

"WHEREAS the Commission desires to consent to the extraction of oil and gas and their constituents by means of wells as aforesaid, and to receive the royalty mentioned as compensation therefor;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission authorizes and ratifies the actions necessary to be taken or heretofore taken by the executive director to comply with said request of Phillip H. Segrest and grants to him permission to extract oil and gas and their constituents from beneath the Turnpike upon the terms and conditions aforesaid; and

"FURTHER RESOLVED that the executive director be, and hereby he is, directed to do anything necessary to carry out the terms of this resolution, including anything necessary to further assure, confirm or amend permission to Phillip H. Segrest to extract oil and gas and their constituents as aforesaid, and to obtain and receive the royalties on behalf of the Commission and report the amounts and disposition thereof to the Trustee."

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. Teagarden.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 15-1976.

A resolution granting permission to Rowley & Brown Petroleum Corporation to extract oil and gas and their constituents from beneath the right of way was moved for adoption by Mr. Bricker, seconded by Mr. Jackson, as follows:

RESOLUTION NO. 16-1976.

"WHEREAS Rowley & Brown Petroleum Corporation, 3040 Riverside Drive, Suite 228, Columbus, Ohio 43221, has sought permission to extract gas and oil and their constituents by means of wells from a pooling area consisting of 127.51 acres which include 14.77 acres of the right of way of the Ohio Turnpike in Canfield Township, Mahoning County, Ohio, said wells being drilled outside the Turnpike right of way upon the property of K. N. Flickinger and Cora Ewanik;

"WHEREAS said Rowley & Brown Petroleum Corporation has submitted to the executive director a plat of the aforesaid pooling area showing the acreage of the Ohio Turnpike involved and the location of the wells within said pooling area;

"WHEREAS the consulting engineer has advised the Commission that the gas and oil and their constituents to be extracted are not needed and serve no useful purpose in connection with the operation or maintenance of the Ohio Turnpike, and has approved this resolution in writing, a copy of such approval being hereto attached;

"WHEREAS said Rowley & Brown Petroleum Corporation is willing to pay to the Commission a royalty computed by dividing the Turnpike acreage included by the total acreage of the said pooling area and multiplying the fraction so obtained by one-eighth of the gross profits from the sale of products of said wells which is the standard and customary method for determining and distributing such royalties; and

"WHEREAS the Commission desires to consent to the extraction of oil and gas and their constituents by means of wells as aforesaid, and to receive the royalty mentioned as compensation therefor;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission authorizes and ratifies the actions necessary to be taken or heretofore taken by the executive director to comply with said request of Rowley & Brown Petroleum Corporation and grants to said corporation permission to extract oil and gas and their constituents from beneath the Turnpike upon the terms and conditions aforesaid; and

"FURTHER RESOLVED that the executive director be, and hereby he is, directed to do anything necessary to carry out the terms of this resolution, including anything necessary to further assure, confirm or amend permission to Rowley & Brown Petroleum Corporation to extract oil and gas and their constituents as aforesaid, and to obtain and receive the royalties on behalf of the Commission and report the amounts and disposition thereof to the Trustee."

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. Teagarden.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 16-1976.

The Chairman said the Executive Director had an invitation to attend the 44th Annual Meeting of the International Bridge, Tunnel and Turnpike Association which was to be held in Seattle, Washington, on September 19 to 22. He said he told the Executive Director that it would be well for him to attend on behalf of the Commission. He asked if there were any objections and there were none. The Executive Director said the conference was to start on Sunday, September 19 and continue through Wednesday, the 22nd, and that he planned to take the remainder of the week as vacation. He said in his absence the Deputy Executive Director would be in charge.

The Chairman ascertained there would be no report from the General Counsel. He said the report of the Consulting Engineers would be received.

Before he gave his report, Mr. Harnden introduced two members of the Greiner Company who were present, Frank T. Callahan and James E. Sawyer.

Mr. Harnden reported that the annual report of the Consulting Engineers had been written and was being printed. He said it was

complete so far as the inspection of roadways, pavement, structures, drainage and buildings was concerned. He said the only things not complete were the budget and the Reserve Maintenance Deposit portions of the report and that he was working closely with the Commission Committee and staff on those matters in the hope that they would be available for printing and delivering to the Commission at the time which the Trust Indenture prescribed, October 1.

The Chairman said the report of the Consulting Engineers was accepted as offered. He said the report of the Trustee would be received.

Mr. Sesler said he had no report but he should like to introduce two men from his office, J. Gary Jones and Steve Potter.

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

The Chairman said under new business, there was a resolution, which he had asked be prepared, to set compensation for the Executive Director. He said that in examining the record he had discovered it had been some time since the Executive Director had received any increase in salary and he thought it was long past due. He said it was to have been discussed at the July 27 meeting and that Mr. Shocknessy had discussed the matter with him. He said because of the press of business at the July 27 meeting he did not want to have too many items on the agenda and he had asked the Executive Director to delay the matter. He said a resolution had been prepared and Mr. Bricker would introduce it.

A resolution increasing compensation of the Executive Director was moved for adoption by Mr. Bricker, seconded by Mr. Jackson, as follows:

RESOLUTION NO. 17-1976.

"WHEREAS it is the wish of the Commission to take note of and to give recognition to the continued satisfactory services which the executive director is providing to the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the salary of the executive director of the Commission, Allan V. Johnson, be \$39,000 per annum, effective September 19, 1976."

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. Teagarden.

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 17-1976.

The Chairman said he could assure the Commission that he had never worked with anyone who had been more courteous and more cooperative. He said on the day before the meeting Mr. Johnson had met with nearly all the Administration Building employees. He said he had talked to some of the employees and everyone had said that it was a wonderful meeting and all of them said they were glad to have attended. The Chairman said he wanted the Executive Director to know that he had given him all the cooperation anyone could expect and he appreciated it. He said it was not only the Executive Director but every employee in the room who worked with the Commission cooperated and he appreciated it.

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

RESOLUTION NO. 18-1976.

"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 July 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 July 27, 1976 hereby are ratified, approved and confirmed."

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

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

Nays: None.

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 18-1976.

The Chairman then introduced William C. Hartman of Squire, Sanders & Dempsey, the Commission's labor counsel. He said it was a pleasure to have Mr. Hartman at the Commission meetings. He then introduced the Honorable Lockwood Thompson, former General Counsel of the Commission and said he had worked with Mr. Thompson for many years and no finer gentleman ever attended a meeting than Mr. Thompson.

The Executive Director said that Mr. Callahan and Mr. Sawyer, both of whom were partners in the J. E. Greiner Company, had already been introduced. He then introduced Gerald F. Sweeney, a Vice President of the Cleveland Trust Company, the depository for Ohio Turnpike toll collections. He then introduced Frank A. Dutton, Chief Engineer; James C. McGrath, Staff Counsel; Robert A. Meywes, Director of Administrative Services; Wilma Schroeder, the Executive Director's secretary, Robert L. Asman, Superintendent of Patron Services; Alvin Vartorella, Superintendent of Toll Collections; Don Mayle, Manager of Data Processing and J. Budd Morrison, Director of Operations. He then introduced Captain Ralph J. Rizzo and said he had been recently named Commander of District 10 the Turnpike district of the Ohio State Highway Patrol. He said Capt. Rizzo had spent a long time on the Turnpike and had risen through the ranks while he was on the Turnpike and the staff was happy to have him as Commander. He then introduced Stephen Farmer, Chief Accountant and Eleanore Spencer, one of the Legal Department secretaries, and said that he was proud to have them present. He said the occasion of honoring Mr. Shocknessy was the chief note of the meeting.

The Chairman directed that the Assistant Secretary-Treasurer should write a letter to Mr. Anderson on behalf of the Commission and give him the Commission's wishes for a speedy recovery.

The Chairman asked whether the second Tuesday in October would be a convenient meeting date. The Director of Transportation said he thought it was very nice to have the meeting in the Berea Administration Building and he felt it should be held there more often.

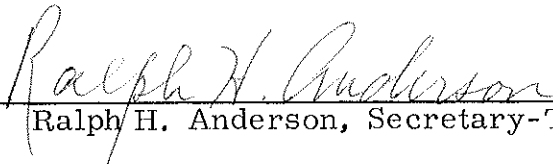
There being no further business to come before the Commission, a motion was made by Mr. Jackson, seconded by Mr. Bricker, that the meeting adjourn until October 12 at the Berea Administration Building subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. Time of adjournment was 12:22 P.M.

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



Ralph H. Anderson, Secretary-Treasurer