

MINUTES OF THE THREE HUNDRED AND THIRD MEETING  
February 1, 1977

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Ohio Department of Transportation building at 139 East Gay Street in Columbus, Ohio at 11:00 a.m. on February 1, 1977 with key members of the staff; a representative, Harvey A. Harnden, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, the Ohio National Bank; members of the press and others in attendance.

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

Present: David L. Weir, Daniel E. Bricker, Clarence D. Rogers, Jr.,  
O. L. Teagarden

Absent: Ralph H. Anderson

The Chairman announced that a quorum was present. He said Mr. Anderson was in Florida recuperating from an operation and could not be present.

The Executive Director, Allan V. Johnson, reported that a copy of Mr. Rogers' appointment and a copy of his oath were on file with the Ohio Turnpike Commission and that Mr. Rogers' bond had been executed and approved by Governor James A. Rhodes. The Chairman said Mr. Weir was now ex officio member of the Commission because he had succeeded Richard D. Jackson as Director of Transportation. He said he wished to welcome Mr. Rogers to the Commission and that he also wanted to welcome and wish Mr. Weir well.

Mr. Bricker said he also would like to welcome Mr. Rogers and Mr. Weir. He said he had been the junior member but suddenly he had moved up tremendously in seniority. He said Mr. Rogers moved him up and of course, Mr. Jackson had moved him up a little and Mr. Weir now moved him up further. He said his three years on the Ohio Turnpike Commission had been very gratifying. He said it was unfortunate that the two new members had not had the opportunity to serve with Mr. Shocknessy, who had been an outstanding individual. He said the present Chairman of the Turnpike Commission was hard working and diligent and as fine a person to work with as one would ever find. He said there had been very good rapport on the Commission, even though by law its members were appointed along political lines, but in his term no politics had ever really come up in the business of the Commission. He said he thought the Governor had made a fine choice in both his appointments and he was looking forward to attending meetings with them for many, many

years. Mr. Weir and Mr. Rogers thanked Mr. Bricker as did Mr. Teagarden.

The Chairman said he wished to welcome the representatives of the press and he wanted to extend the congratulations of the Commission to Tom Lindeman, correspondent for The (Toledo) Blade, who had assumed the presidency of the Ohio Legislative Correspondents Association. He offered Mr. Lindeman the congratulations of the Commission.

The Chairman said that Mr. Rogers was a lawyer in private practice in Cleveland and former Cleveland police prosecutor and was currently vice-president of the Cuyahoga County Regional Transit Authority which operated the public transit system that served Cuyahoga County and parts of Lake and Lorain Counties. He said he told Mr. Rogers before the meeting that he had had a very fine report about him and before he could tell Mr. Rogers to whom he had been talking, Mr. Rogers told him the man's name. He said the man that told him about Mr. Rogers was a judge before whom Mr. Rogers had practiced. The Chairman said he would tell Judge Tom D. Stahl that he had not been telling an untruth when he reported that Mr. Rogers was a very fine person.

A motion was made by Mr. Bricker, seconded by Mr. Weir, that the minutes for the meeting of December 14, 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. Weir, Mr. Teagarden

Nays: None

Abstaining: Mr. Rogers

The Chairman declared the minutes stood adopted.

The Chairman reported also that the Commission's Annual Report had been delivered to the Governor, to the Legislative leaders of the General Assembly and to the Clerk of the Senate and Clerk of the House of Representatives on January 31, 1977. He said he did not know whether everyone present had seen the report, but if not they were available and he wanted to congratulate the Director of Information and Research, Talbot Harding. The Chairman said the report was inexpensive as compared with some the Commission had issued when it wished to publicize the Turnpike and although it was not a cheap report, it had been prepared at relatively small expense. The Executive Director said he had delivered the report personally to the Governor, even though the Governor had not been expected to be in his office, and he was

able to hand the report to the Governor who had acknowledged receipt of it. The Executive Director said the Governor had fine things to say about the Commission and the job it was doing. He said he was also able to give it directly to Senator Oliver Ocasek, the President Pro Tem of the Senate, and it had been delivered to the offices of the other leaders of the General Assembly and to the Clerks of both Houses. The Chairman said when one stopped to think of how short the period was in which the Commission had to compile and print the report, which had to be delivered before the 1st of February every year, he thought an excellent job had been done.

The Chairman reported also that the Commission's annual revenue for 1976 had been \$47,239,265, the highest in the Commission's history. He said the year had been marked by especially high commercial vehicle tolls, and bond retirements had amounted to \$20,169,000.

The Chairman reported further that revenue for January 1977 was estimated at \$2,899,000, which was 1.3% more than revenues in January 1976. He said toll revenue had increased by 2.5% over that of January 1976.

The Chairman reported also that there had been no fatal accidents in either December 1976 or January 1977.

The Chairman reported also that the Commission would take action on five resurfacing contracts during the meeting, bids for which had been opened on January 26. He said the resurfacing would all be second resurfacing and the entire road had been resurfaced at least once.

The Chairman reported also that there had been a suggestion to continue tolls on the Turnpike. He said when the Legislature created the Turnpike Commission in 1949 and authorized the Commission to build roads and collect tolls to pay for the projects, it also stipulated that the money which was spent to build and operate the Turnpike was to be taken only from Turnpike revenue. He said the State of Ohio did not pay anything toward maintenance of the Turnpike nor did it pay anything to retire the debt contracted by the Commission in building the highway.

The Chairman reported that in 1952 the Commission decided that the best possible road would be one across northern Ohio extending from the Indiana border to the Pennsylvania line. He said after the engineers had completed their surveys, the engineers had estimated it would cost \$326,000,000 to build the 241-mile highway. He said in 1952 the Commission had gone to the public and asked the public to lend it \$326,000,000. He said the money had been raised by the sale of revenue bonds amounting to \$326,000,000. He said the public had responded and paid par for the bonds and he wanted to emphasize that fact, that the people who first put money in the Turnpike paid par to the Commission for their bonds. He said the bonds which were sold in 1952 were revenue bonds which were to be redeemed only from toll income

derived from the operation of the Turnpike and payments from the concessionaires. He said the Commission had gone along very well until 1972 when someone had an idea that the Turnpike was a very good operation and that tolls on the road could be continued after the bonds had been paid off, merely through legislation. He said the 1949 act of Legislature which set up the Commission, specified that after the revenue bonds were paid off, that the road would become free and at that time it would be turned over to the Director of Transportation for operation. He said in 1964, the State of Ohio through its Director of Highways, the Ohio Turnpike Commission and the U. S. Department of Commerce had entered into an agreement which would also prevent the collection of tolls after the bonds were paid. He said the suggestion that he had referred to had been made by Roger Dreyer who wanted the law changed so that tolls could continue on the road.

The Chairman said the Legislature and the Commission had promised the people in 1952 that when the bonds were paid off, the road would become free. He said he had been a party to that agreement and had been a member of the Commission ever since its creation. He said he was not the only living member of the original Commission because Murray Seasongood and T. J. Kauer had also been members of the original Commission. He said they had all promised the people that when the bonds were paid the road would become toll free. He said Mr. Shocknessy had fought every obstacle that was thrown in the path of that goal. He said he wanted to assure everyone that as long as he had any breath and as long as he was a member of the Commission, he would continue to uphold Mr. Shocknessy's principles and ideals and his desire to carry out the promise which the General Assembly had made to the people: that the Turnpike would be made a free road.

The Chairman reported also that he had referred to an agreement. He said the agreement was one between the Federal Government, the State of Ohio and the Ohio Turnpike Commission. He said the agreement provided that the Ohio Turnpike would become free to the public as soon as sufficient tolls had been collected to liquidate the revenue bonds of the Commission that were outstanding on the effective date of the agreement. He said the agreement provided that the revenues of the Ohio Turnpike could be used only to pay for the cost of maintenance, operation and debt service during the period of toll collections and to pay the cost of placing the Ohio Turnpike in good condition and repair to the satisfaction of the Ohio Director of Highways (now Director of Transportation) as required by the Revised Code of Ohio.

The Chairman said that was the meat of the contract that had been entered into by C. W. Hartford, the Executive Director for the Ohio Turnpike, by P. E. Masheter, the Director of Highways for the State of Ohio and by Rex W. Whitton, Federal Highway Administrator for the Federal Government. He said he did not know whether Mr. Weir was familiar with the contract or not, but he hoped Mr. Weir would familiarize himself with it because the

day was soon coming when the Turnpike was to be toll free. He said he wanted to keep his promise to the people which he had made along with Mr. Shocknessy, Murray Seasongood, J. Gordon McKay and T. J. Kauer, by paying off the bonds and making the highway a toll free road. He said the Ohio Turnpike Commission had spent \$326,000,000 to build the Turnpike between 1952 and 1955. He said if the road were to be built in 1977 he imagined that it would cost close to a billion dollars to build. He said the discussion was about turning the Ohio Turnpike over to the State of Ohio as a road that had been built without one penny's cost to the taxpayers. He said the taxpayers had not spent one cent for maintenance of the Turnpike. He said that would be a pretty nice gift to turn over to the Department of Transportation. He said he hoped Mr. Weir was not taking exception to his remarks, but the contracts existed, the promises existed, and in addition to that, he was going to ask the Executive Director to elaborate on his report and give further information about the matter. He said during the life of the Turnpike, the state had collected seven cents a gallon in fuel taxes and the Federal Government four cents for all motor fuel used on the Ohio Turnpike. He said not a penny of that collection had been used to maintain the Turnpike, to pay off bonds or any other purpose on the Turnpike.

The Chairman reported further that the press had been wonderful to the Commission and in the last few weeks had supported the Commission in its position on the matter of tolls and bond retirement. He said several editorials had appeared and that he had editorials before him from the Columbus Dispatch, the Youngstown Vindicator, the Blade of Toledo, the Lorain Journal and the Elyria Chronicle-Telegram. He asked the Executive Director to write to those newspapers expressing his thanks and the thanks of the Commission for their support. The Chairman asked the Executive Director to discuss the corrections which ought to be made on Mr. Dreyer's statements.

The Executive Director said he would like to make a few comments about the Tripartite Agreement and the fact that the Turnpike was part of the Interstate System. He said the Turnpike had been placed on the Interstate System before the Tripartite Agreement had been entered into. He said the Federal Government placed most of the Ohio Turnpike on the Interstate System in the late 1950's unilaterally without any concurrence of the Turnpike Commission or the State of Ohio. He said all the Turnpike had been on the Interstate System since 1970 and that the whole Turnpike was now on the Interstate System, again by action not taken by the Commission but by the Federal Government.

The Executive Director said the Tripartite Agreement had been executed in order to make Interstate funds available to construct interchanges between the Turnpike and other interstate roads that crossed it, such as I-80 in the Youngstown area, I-90 in the Lorain County area and I-680 in the Youngstown area. He said the Tripartite Agreement allowed for interstate

participation in the construction of the interchanges other than the toll plaza facilities and the amount of such funds that had been expended in the construction of the interchanges was rather modest.

The Executive Director reported further that he had a copy of the Ohio News Service publication which had raised the question of continuing tolls. He said Mr. Dreyer had made some statements that had been reported in the newspapers and for the record the Commission should look at some of those statements because some of them were highly inaccurate and the Commission ought to at least put them out on the table where they could be seen.

The Executive Director said he would read one item from the newsletter. He quoted the newsletter as follows: "As of the end of 1976, the Ohio Turnpike Commission had been in existence for 26 years during which time it has . . ." The Executive Director said that the Turnpike Commission had been in existence for more than 27 years. He said the following statement was accurate: "It sold in 1952 \$326,000,000 worth of  $3\frac{1}{4}$  percent revenue bonds due to be redeemed in 1992." The Executive Director said he was not at the Turnpike Commission when the bonds were sold but that at that time the \$326 million issue was the largest revenue bond issue ever made in the United States. He said there were skeptics then who thought the bonds would never sell and thought that if they did sell, that the project would never succeed. The Executive Director said the Turnpike Commission had succeeded.

The Executive Director said that the writer went on to say that: "The proceeds were used to build a 219-mile rural turnpike opened December 1954." The Executive Director said to be accurate, the road was 241 miles long and a portion of it opened in 1954, but the whole road had been opened in 1955. The Executive Director said the writer then said that the Ohio Turnpike Commission had "collected one billion, 20 million dollars in tolls and fees." He said that figure was highly inaccurate. He said if the Ohio Turnpike Commission had collected that much it would have been out of business long before the February meeting. He said the fact was the Commission had handled over a billion dollars, but the total collected in tolls and fees was \$685 million. He said that figure was in the Turnpike Commission's 1976 Annual Report and if one added the \$326 million from the original bond sale to the total of money that had passed through the Turnpike's hands, the total was more than a billion. He said the Turnpike Commission had had only \$685 million in revenues and from that \$685 million, it had retired \$250 million worth of outstanding bonds, had paid more than \$200 million in interest on the bonds and the rest of the moneys had been used for maintenance and operation of the road. The Executive Director quoted the newsletter further: "There was 24% of that income used to retire bonds." The Executive Director said it was more like 36.5% of the income had been used to retire bonds. The Executive Director said the writer also said that the Ohio Turnpike Commission had "worked out a deal whereby the entire length of the Turnpike will eventually become part of the Interstate System." The Executive Director said the Commission had not worked out

any kind of deal. He said the road had been put on the Interstate System by a unilateral action of the Federal Government and no deal had been "worked out." The Executive Director said if the writer was referring to the Tripartite Agreement, that agreement had been reached long after the road had been put on the Interstate System. The Executive Director said the writer had also said the Turnpike Commission had "expedited that Interstate arrangement in the construction of additional access point." The Executive Director said the Commission had done nothing to expedite the arrangements of the Tripartite Agreement. He said the State had done all of the work about the interchanges and some of them were far behind the schedule that the state would have liked.

The Executive Director said the writer then said "Why is this all being done? Maybe it's being done for the benefit of the bondholders." He said the writer then said that "suppose that back in 1960 to 1963 when the Turnpike bond retirements were just getting started, and we were in boom times of high interest rates that there were investors who saw the 68 to 70 dollar trading price for the \$100 based Turnpike bond as a chance to do two things." The Executive Director said first of all, he wanted to point out that the Commission had sold the bonds to the original investors in 1952 for par and that those who bought the bonds paid full price for every bond they received. He said what happened in the trading of the bonds after that was the result of a free and open market that the Commission had little to do with. He said so far as he had been able to determine the bonds had never been traded for prices as low as those quoted in the "newsletter." He said the Commission itself, as was well known, had been buying the bonds on the open market and redeeming them ever since it started to retire the bonds. He said by buying in the open market over the years, the Commission had been able to retire more than \$250 million in face value of the Commission's bonds at a cost of about \$233 million which was less than the face value and thereby the Commission had saved \$17 million. He said the Commission also had been able to save another \$16 million or so below the call prices and all in all, by the reason of buying bonds in the open market, the Commission had saved in the neighborhood of \$40 million. The Executive Director said that because the bonds had been bought in the open market the Commission had saved the premiums it would have had to pay above par had the bonds been called. The Chairman said the savings on the purchases of bonds had amounted to \$40,459,000.

The Executive Director reported further that if the Commission continued on its present course of retirement, not only would it save money in actual purchase cost, but would save something in the neighborhood of \$70 million in interest payments. He said no one could say that the Commission's course was not a prudent one or that the Commission should not be retiring the debt as quickly as possible and therefore saving interest and other payments. He said the bondholders certainly were entitled to be returned face value and they could have done so had they not sold the bonds to the Commission in the open market. He said if the Commission had had to call the bonds

it would have had to pay anywhere from \$101 to \$103. The Executive Director said that by buying in the open market, the Commission had been able to acquire the bonds at an average of \$93. He said recently the Commission had been very close to having to call bonds.

The Executive Director said the Chairman had mentioned that Turnpike users paid fuel taxes. He said he could only estimate what the fuel taxes were that had been generated on the Turnpike, but by the end of 1976 there had been 20.4 billion miles of passenger car travel on the Turnpike. He said the Commission had accurate figures as to how much travel occurred on the Turnpike and by what classes of vehicles. He said if one figured that the 20 billion miles had been travelled at an average of 20 miles per gallon of fuel, which he considered a high figure, he felt that 15 miles to the gallon would be more accurate, but supposing that it was 20 miles to the gallon, that would mean that over a billion gallons of fuel had been used by passenger cars on the Turnpike. He said at the same time, six billion miles of commercial vehicle travel had occurred. He said if one figured that the trucks averaged six miles per gallon, and again he felt the figure was conservative, because trucks got more like four miles to every gallon of fuel, and that even if one took eight miles per gallon for the commercial vehicles, the total fuel used on the Turnpike to travel those miles would be in the neighborhood of 1,775,000,000 gallons. He said when that was converted on the average of seven cents a gallon on the state tax and four cents a gallon on the federal tax for a total of 11 cents a gallon for most of the time the Turnpike had been opened, one was talking about a figure of \$195,000,000 in fuel taxes paid by users of the Turnpike, not a penny of which ever came back to the Ohio Turnpike Commission. The Executive Director said the actual mileage was closer to 15 miles per gallon for passenger car travel and 6 miles per gallon for commercial vehicles and that if the same analysis were applied to those figures, the tax figure would be \$260,000,000.

The Chairman said that truck operators were lucky to get four miles per gallon on the trucks, so he felt the estimate of six miles per gallon was very, very liberal. The Executive Director said in 1976 passenger car travel amounted to 1,150,000,000 miles and commercial vehicle travel amount to 585,000,000 miles and that if the same analysis were applied to convert the figures to taxes generated, \$15,000,000 in fuel taxes had been paid by users of the Turnpike in 1976 and he said that figure could be carried over for the remaining period in which the Turnpike would operate as a toll road. He said he felt it was something to consider when finances were examined.

The Executive Director said further that he considered the facts in the newsletter to be inaccurate and in many cases distorted and he felt that the correction should have been made, as it had been, at the meeting. He said the Ohio Turnpike had always made its financial data, including traffic reports and monthly statements, available to the news media and to

anyone who wanted the figures. He said it had always made its figures public.

Mr. Bricker asked the Chairman who Mr. Dreyer was. The Executive Director said that he was chairman of the Ohio Transportation Research Center. The Chairman asked the Director of Transportation whether he knew Mr. Dreyer and the Director of Transportation said he had met him. The Chairman said Mr. Dreyer was one of the men who had helped Senator Shaw to write the bill in 1972 that would have kept tolls on the Ohio Turnpike in perpetuity. He said at that time Mr. Shocknessy had convinced the Legislature that it was not the thing to do and he hoped the Commission could convince the present legislators that it was not the thing to do. He said a member of the Legislature from Toledo planned to introduce a bill to continue tolls after the bonds were retired. Mr. Bricker said considering the inaccuracies in Mr. Dreyer's statement he would not be too concerned, but if the Director of Transportation were to make such a statement, he would be concerned. The Chairman said the matter had reached the point to which some members of the Legislature would take Mr. Dreyer's statement as an accurate report. Mr. Bricker thought the Chairman had done a good job of dispelling that impression in showing the Dreyer statement was inaccurate. He said that was why Mr. Johnson and he had prepared information for the Members. He said the Commission had realized a saving of the difference between the market price and face value of the bonds redeemed amounting to \$16,542,000 and that further the Commission had interest savings of \$19,500,000. He said the amount of redemption premiums saved was \$4,400,000, so the Commission had saved \$40 million since it started redeeming bonds in 1962. The Executive Director said there was a prospect that the Commission would save \$70 million more in interest payments by continuing the same course. He said the Commission was already \$120 million ahead of schedule and bond retirements and those facts had been pointed out in the Annual Report for 1976. The Executive Director said the Commission had been discussing with the Ohio Department of Transportation how to make an orderly transfer of the facility and how to comply with the section of the Code that said the road must be in condition and repair to the satisfaction of the Director of Transportation. He said that matter had been under discussion with the former Director of Transportation and would be under discussion with the present Director and discussion would continue until the time the road was debt free.

The Chairman said he had already brought to the attention of the Members of the Commission the question of the service plazas. He said when the State assumed responsibility for the road the Federal Government would not make contribution to it under the Interstate Defense Highway Act unless the service plazas were not permitted to operate. He said a toll road in Kentucky had recently been turned over to the state and was on the Interstate System. He said the Federal Government would not permit the operation of the one service plaza on that road because the road was part of the Interstate System. He said at the previous meeting he had reported that the Commission's investment in the service plazas was between \$20 million and \$25 million,

and that he was trying his best to make certain that the Director of Transportation would not lose the service plazas when the road became free. He said a man had telephoned him a few days before and asked if the service plazas were for sale. He said he told the man that the Turnpike had received \$5,700,000 from the operation of the service plazas in 1976 and that on a basis that 10% was considered a very good return on investment, the plazas should be worth about \$57 million. He asked Mr. Sesler whether from a banking standpoint he was correct. Mr. Sesler said he was correct.

The Chairman said further that in 1977 the income from the service plazas would probably be \$6 million. He said he hoped the Director of Transportation would meet with him and the Executive Director soon to discuss the service plaza situation further because he felt it would require Federal legislation. He said if the road became free and was still on the Federal system the government would not make any contribution toward improvements unless the service plazas were closed. He said if they could not be operated it might be worthwhile to have them placed along the Turnpike but not as part of the system. He said he did not know what could be done but he hoped the Director of Transportation would agree to meet on the topic. He said he knew it could not be done right away because the Director was busy. The Chairman asked if there were any questions.

Mr. Rogers said when he was appointed he had made it known that he knew little if anything about the Turnpike except that it was a road that ran through Ohio and collected tolls, and he said Mr. Johnson's explanation had educated him about the Turnpike and its history. He said he did not know who Mr. Dreyer was or what his following was but he felt some sort of report should be prepared to respond to some of the allegations Dreyer had made in his newsletter. He said the report so prepared should be distributed to the members of the Legislature because if there were actually a move afoot to present legislation, the story as given by the Executive Director should be told and he felt that it could only be done in writing. He said he did not think the Commission would have much effect sitting and talking about it but a written document would have such an effect so he thought such a statement or document be prepared for distribution. The Executive Director said he would be pleased to compose such a document.

The Chairman said Mr. Rogers made reference to correcting statements that Mr. Dreyer made so that the Legislature and the public in general would understand the true story of Turnpike finances. Mr. Rogers agreed. The Chairman said if there was no objection on the part of the Members, it would be done.

Mr. Bricker said there was no reason not to go along with Mr. Rogers' proposal because he felt that Dreyer's statements probably needed to be answered, but he just wondered if the Commission might be taking the newsletter more seriously than it should. He said at first he thought it was an official

publication, but it was not. The Chairman said he would not be surprised to learn that all members of the Legislature had received Dreyer's newsletter. Mr. Bricker said there was probably no question about that. The Executive Director said some legislators might believe some of Dreyer's statements. Mr. Bricker said he would not want to let Dreyer think that he had something going or that he had the Commission on the run. He said the Commission should protect itself. The Chairman said he agreed heartily with Mr. Rogers and asked the Executive Director to furnish all members of the General Assembly with a copy of the facts. The Executive Director said Mr. Teagarden knew the history of the Commission because he had been a Member of the Commission since its beginning and he would draft such a document and submit it to Mr. Teagarden.

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 previous meeting the following had been sent to all Members.

1. Summary of Bond Purchases - Year 1976.
2. Traffic & Revenue Reports for December 1976 and Summary for 1976.
3. Financial Statement as of December 31, 1976.
4. Detail of Investment Transactions which took place in December 1976.
5. Report on Concessionaires - Year 1976.
6. Cost and Budget Report - Year 1976.
7. Draft of the Minutes of the December 14, 1976 Meeting.
8. Weekly Traffic Statistics.
9. Year End Release for 1976 and Month End Release for December 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.

The vice chairman of the Committee on Budget and Finance, Mr. Johnson, reported that the Commission had finished the year 1976 \$873,000 under the budget. He said that was 5.2% of the budget amount of \$16,798,000 and a listing of the areas in which the savings had been made had been included in the 12-month budget and expense report which had been distributed to the

Members under the date of January 19, 1977 and he would not say more other than to say that he was pleased that the Commission was under budget.

The vice chairman of the Committee said January of 1977 had been a very expensive month as he was sure it had been for the Department of Transportation and every other agency. He said it had been an incredible month and some of the Turnpike maintenance areas had been on 24-hour duty for the whole month for snow and ice control. He said the crews in the eastern half of the Turnpike had been on duty every minute of the year and that the other maintenance buildings had been on duty 24 hours a day for 15 days at a time. He said the Turnpike Commission had already used as much salt as had been planned to use for the whole winter. The Chairman asked whether there was still salt available. The Executive Director said there was because fortunately the Commission was not dependent upon barges that were stuck in the Ohio River and the Commission had an adequate supply on hand. He said the last week of January had been so cold that it had not been possible to use salt, but a tremendous amount had been used earlier and a tremendous number of manhours had been expended in keeping the road clear. He said in the week-end of January 28, 29 and 30, when the blizzard hit, for the first time in history a section of the Turnpike had been closed down because conditions were so bad that there was a risk that people would be stranded in their vehicles, so that for the period from late Friday until early Saturday morning, the road was closed between Exits 6 and 8. He said the road was reopened and had been kept open but there had been a real struggle.

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 Executive Director reported that there had been a request for price adjustments from both restaurant operators and the requests were being analyzed by the Committee.

(At this point Richard D. Jackson, former Director of Transportation, entered. The Chairman welcomed him and asked him to be seated. He and Mr. Rogers were introduced.)

The Executive Director reported that if any price adjustments were granted that would be the first price adjustments the Turnpike had granted in a year and that if any increases were granted no further increase would be permitted for the rest of the year.

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,

said he had nothing to report. The Executive Director said that the recommendations of the Committee which had been mentioned at the December Commission meeting had all been carried out.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He said the report of the Director of Transportation would be received. The Chairman said he did not like to interrupt the course of the meeting but he did want to say that when Mr. Jackson had left the Commission he had sent a good man, in the person of Mr. Weir, as a replacement. The Chairman said the Commission was going to miss Mr. Jackson because he was always a valued member of the Commission. He said the Commission would miss Mr. Jackson but he was sure Mr. Weir would do a good job. The Chairman said he had read in the newspaper that Mr. Jackson had just entered on his duties as Director of Administrative Services and he could not imagine that he already had problems. Mr. Bricker said the problems were there when Mr. Jackson got there.

Mr. Jackson thanked Mr. Bricker and said his son had put it very well when he discussed the change at home. He said his son said, "Dad, how come you can't keep a job more than two years?"

The Director of Transportation said he appreciated the opportunity to serve on the Commission as ex officio Member and that actually he and the new Director of Administrative Services, Mr. Jackson, had already had two weeks to practice in their new jobs because they had physically occupied their new offices for two weeks. He said the events that had affected the operation of the Turnpike had been almost statewide.

The Director of Transportation reported further that he did not have a great deal of detail but in light of earlier discussions, he wanted to say that he had under serious consideration the acceptability of the Turnpike as a toll-free facility and was considering assigning an individual from the Department of Transportation to work with the Ohio Turnpike Commission and its Executive Director in order to get on with the job. The Chairman said the Director of Transportation had reference to someone who would keep him and his department informed. The Director of Transportation said he would continue to maintain his position on the Commission and meet with the Commission but that the worker he assigned would cooperate with the Turnpike technical staff on the staff level. Mr. Bricker said he would be like a liaison officer. He asked whether the man had been named. The Director of Transportation said he was not yet available.

The Chairman said that Mr. Weir had shown that he was extremely interested in the affairs of the Commission and what the road might become later on so far as he was concerned as Director of Transportation. He said he appreciated that very much and the fact that Mr. Weir responded and showed the interest which Mr. Jackson had always shown. He said that

while the Commission was going to miss Mr. Jackson he was sure Mr. Jackson's chair would be filled by a very capable person.

Mr. Jackson said he did not know whether it was the appropriate time to do so or not but he would like to say two or three things. He said when he looked back at his association with the Ohio Turnpike Commission, it had been most gratifying to him, certainly the opportunity to have been closely associated with Mr. Shocknessy, and he thought he grew as a result of that association. He said he looked back upon that time as a very pleasant time and certainly a very valuable one. He said the other thing was that he had learned to know Mr. Teagarden and also learned to know Mr. Bricker better and it had been a very great experience for him and he looked back upon the association as very valuable and hoped that he had added something to the very fine operation of the Ohio Turnpike Commission. He said he wanted to thank the Chairman and wanted to attend that morning to express publicly his feelings which were to him very personal. The Chairman thanked Mr. Jackson. He said it had been a pleasure to have Mr. Jackson on the Commission, to know him and to work with him. He said the Ohio Turnpike Commission for some reason had always had very good people. He said one demonstration of that was the Governor's appointment of Mr. Rogers. He said he had said at the last meeting that the reason the Governor had not then made an appointment to fill the vacancy was that he wanted to get a good person on the Commission, someone who would take an interest and be a good member of the Commission. The Chairman said he was very proud of the Commission, that he had served on the Commission for almost 28 years and it had been more or less his life. He said when the road was financed the people were promised that if they would lend the money to build the road that when the bonds were paid off, the road would become free. He said the act of the Legislature which set up the Commission authorized the Commission to build turnpikes and to finance them out of revenues and that when the turnpikes were paid off, they were to become free roads. He said he had also referred to the contract which the Ohio Turnpike Commission had with the former Highway Department, now the Department of Transportation, and with the Federal Government. He said the contract required that when the bonds were paid off, the road would become a free road. He said he had also discussed the service plazas at the previous meeting. He said he was still concerned about the service plazas and Mr. Weir would probably want the man that he selected to talk with Mr. Johnson to study that question thoroughly because he said the service plazas represented an amount of more than \$50 million and he did not want the State of Ohio to lose them. He said he thought it was going to require Federal legislation to preserve the service plazas. He said the thing would eventually work out especially since the Turnpike Commission was now a member of the International Bridge, Tunnel and Turnpike Association and other turnpikes were concerned about service plazas. He said the other turnpikes found themselves in the same predicament that the Ohio Turnpike Commission did. The Executive Director said the Association was more concerned with tolls on some of the other roads. The Chairman said that some of the

other roads had a longer time to run before their bonds were paid but that the Ohio Turnpike Commission was getting close to payment of the bonds and he did not think that the Commission could wait until the last mile and then talk about what was going to happen to the service plazas. He said the Commission was going to have to do something about it before the bonds were paid off. The Executive Director said the planning effort would take time as Mr. Jackson had pointed out at the previous meeting. Mr. Jackson said that was the important point and the planning effort was very important. He said he felt that Congress would act favorably if the facts were properly presented to it in the case of the service plazas because the circumstances were totally different. He said he had full confidence in the long haul that it would work out very well and the service plazas would remain in operation.

The Chairman said the Commission should begin to do something about the matter very soon because it took Congress a long time to act on many things. Mr. Jackson said when Congress saw the light it acted very quickly.

Mr. Bricker asked if he might speak for a moment. The Chairman said he could. Mr. Bricker said he wanted to wish Mr. Jackson well in his new position. He said he and Mr. Jackson had known one another for at least 15 years when Mr. Jackson was the Director of District 6 of the Highway Department in Delaware and he was trying to get Mr. Jackson to fix the ditch in front of his house and he thought certainly that when Mr. Jackson became Director of Transportation that he had a down hill drag with his ditch, but unfortunately he had now lost him. Mr. Bricker said the ditch was still in the same condition that it was 15 years ago. He said he recognized that Mr. Jackson had a very difficult position because he had dealt with the Department of Administrative Services in the days when it was the Department of Public Works. He said since he was in the construction business, he knew it was a full-time position and he certainly recognized that Mr. Jackson would have his hands full and he knew Mr. Jackson would handle the job very well. He said there was no question about it. He said he wished to wish Mr. Jackson all the best. Mr. Jackson thanked Mr. Bricker.

The Chairman said he had already wished Mr. Jackson good luck in his new position and he wanted him to feel free to come and visit the Turnpike Commission whenever it met. He said he would always be welcome. Mr. Jackson thanked the Chairman.

Mr. Rogers said he, too, wanted to wish Mr. Jackson luck. He said he had met Mr. Jackson when he was at Mohican State Park for a meeting of the Ohio Public Transit Association in August and he had been greatly impressed with Mr. Jackson's knowledge of public transportation. Mr. Jackson thanked Mr. Rogers.

The Chairman said Mr. Jackson had certainly been a good Director

of Transportation to work with and he was certain that Mr. Weir would be just as fine.

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

The Executive Director reported that the Administration Building in Berea was in the Columbia Gas area and was under the same curtailment that the rest of the state was. He said the staff was making emergency provisions for an alternate heating source, propane, which he hoped would be installed by the 5th of February and would permit the building to remain in operation. He said propane might not be available, too, and in that case, there was some electric heat in the case of a complete emergency so that the staff would at least try to keep the pipes from bursting, but that one day, perhaps, the Administration Building might have to close.

The Executive Director reported also that following Mr. Jackson's suggestion at the previous meeting, he wanted the Commission to know that he had filed and registered as a legislative agent and that Francis K. Cole, General Counsel, had also been registered as a legislative agent as a precaution because, as he understood the law, there were criminal penalties if one did certain things in talking to legislators.

The Executive Director reported also that resolutions had been prepared to award five contracts for resurfacing. He said the staff had analyzed all the contracts and bid tabulations had been submitted to the Commission Members. He said as the Members could see, the low bids in every case were under the estimates and that he considered the low bids that had been submitted to be good bids. He said they had been analyzed by the Commission's Engineering Department and by the Consulting Engineers, who had recommended that the contracts be awarded to the low bidders in every case. He said he himself had also looked at the bids and he also recommended that they be awarded in every case to the low bidder. He said the Members would notice that there was one bid in which the low bidder had also bid on an alternate. He said the alternate was to permit that contractor a special access to the Turnpike because if he had such access, his bid would be lower. He said he recommended that that award be made on the alternate bid which allows a special access which is access at a point other than those at the interchanges and that the access could be done appropriately. He said the resolutions were self-explanatory and had been prepared with backup information in the Whereas's and he felt the matter could be dealt with by reading the Resolved paragraph in every one of the five cases.

The Chairman said he might add that the Legal Department had also given its approval to the bids. He said he understood that the Consulting Engineers had given their approval. Mr. Harnden said the Consulting Engineers

had given their approval.

A resolution awarding Contract RMP 59-77-1 was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 1-1977

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-44 and C-45 between Milepost 62.5 and Milepost 71.1 in Lucas and Wood Counties, Ohio, which contract is designated Contract RMP 59-77-1, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS three bids for the performance of said contract were received and were duly opened and read as provided in the published notice for said bids;

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

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of Arthur S. Langenderfer, Inc. of Toledo, Ohio, in the amount of \$1,234,668.10 for the performance of Contract RMP 59-77-1 has been determined by the Commission to be the lowest and best of all bids received, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Arthur S. Langenderfer, Inc. of Toledo, Ohio, in the amount of \$1,234,668.10 for the performance of Contract RMP 59-77-1 is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the afore-

said bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mr. Bricker, Mr. Rogers, 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. 1-1977.

A resolution awarding Contract RMP 59-77-2 was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

#### RESOLUTION NO. 2-1977

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-28, C-29 and part of C-31, from Milepost 118.8 to Milepost 127.3 in Erie County, Ohio, which contract is designated Contract RMP 59-77-2, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS five bids were received from four bidders, one of said bids being a bid upon an alternate for the performance of the contract with special access, and said bids were duly opened and read as provided in the published notice therefor;

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

"WHEREAS all bids and alternate bids for the performance of said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,194,535.00 for the performance of Contract RMP 59-77-2, without special

access, had been determined by the Commission to be the lowest and best of all bids received, including the aforesaid alternate bid, for the performance of said contract, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,194,535.00 for the performance of Contract RMP 59-77-2 be, and hereby it is, determined to be the lowest and best bid received, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mr. Bricker, Mr. Rogers, 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. 2-1977.

A resolution awarding Contract RMP 59-77-3 was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 3-1977

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Section C-16 from Milepost 172.7 to Milepost 177.0 in Summit County, Ohio, which contract is designated Contract RMP 59-77-3, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS three bids for the performance of said contract were received and were duly opened and read as provided in the published notice for said bids;

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

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of Northern Ohio Paving Co. of Twinsburg, Ohio, in the amount of \$698,193.50 for the performance of Contract RMP 59-77-3 has been determined by the Commission to be the lowest and best of all bids received, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications and to the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Northern Ohio Paving Co. of Twinsburg, Ohio, in the amount of \$698,193.50 for the performance of Contract RMP 59-77-3, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary

or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mr. Bricker, Mr. Rogers, 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. 3-1977.

A resolution awarding Contract RMP 59-77-4 was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 4-1977

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-11 and C-12, from Milepost 186.9 to Milepost 196.3 in Portage County, Ohio, which contract is designated Contract RMP 59-77-4, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS two bids were received from one bidder, one of said bids being a bid upon an alternate for the performance of the contract with special access, and said bids were duly opened and read as provided in the published notice therefor;

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

"WHEREAS bids and alternate bids for the performance of said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of The McCourt Construction Co. of Akron, Ohio, in the amount of \$1,496,088.00 for the performance of Contract RMP 59-77-4, with special access, has been determined by the Commission to be the lowest and best bid received for the performance of said contract, and the Commission has determined that it is in the best interest of the Commission to award a contract on the basis thereof;

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications and to the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work re-

quired under said contract, and of the incidental obligations thereof; and

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The McCourt Construction Co. of Akron, Ohio, in the amount of \$1,496,088.00 for the performance of Contract RMP 59-77-4 be, and hereby it is, determined to be the lowest and best bid received, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mr. Bricker, Mr. Rogers, 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. 4-1977.

A resolution awarding Contract RMP 59-77-5 was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 5-1977

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repair and resurfacing of original construction Sections C-6, C-7 and C-8, from Milepost 207.4 to Milepost 214.2 in Trumbull County, Ohio, which contract is designated Contract RMP 59-77-5, and proof of said advertising is before this meeting;

"WHEREAS only one bid was received for the performance of the contract, and said bid was duly opened and read as provided in the published notice for bids;

"WHEREAS said bid has been analyzed by the Commission's consulting engineer and by its chief engineer and they have reported thereon with respect

to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS bids for the performance of said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of The City Asphalt & Paving Co. of Youngstown, Ohio, in the amount of \$1,601,345.00 for the performance of Contract RMP 59-77-5 has been determined by the Commission to be the lowest and best bid received for the performance of said contract;

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

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

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The City Asphalt & Paving Co. of Youngstown, Ohio, in the amount of \$1,601,345.00 for the performance of Contract RMP 59-77-5, be, and hereby it is, determined to be the lowest and best received, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mr. Bricker, Mr. Rogers, 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. 5-1977. The Chairman said that the actual bidding on the contracts was \$895,050 less

than the estimates for the 37.6 miles. The Executive Director said that once the contracts had been finished 90 miles of the Turnpike would have been resurfaced for the second time.

The Chairman 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 in his last litigation report he had told the Members of the Commission that the Commission had been dismissed by stipulation of the parties in the action in the western division of the northern district of Ohio of the Federal Court wherein the Commission and Lucas County were being sued by Vito Trucking and Excavating Company in the matters arising from the collapse of a sewer under construction at mile-post 57.8. He said since that dismissal, the Commission had been advised that a judgment had been rendered against the remaining defendant, the County, and that in the Court's opinion, the Court made some remarks that were somewhat critical of both the County and the Commission's procedure or actions in the situation. He said he felt notwithstanding the statements in the opinion of the Court that the Commission did act in a responsible manner on the advice of its engineers and took action in a situation which involved many unknowns to protect the patrons and the public. He said a rather large judgment had been rendered which could have affected the Commission had it remained a party to the action had the same judgment been rendered, which might not have occurred had the Commission remained a member. He said the amount of the judgment was \$363,000. He said he felt he should not go into any elaborate discussion of the matter because it was still in Court between the County and the contractor but he believed that the result was interesting.

The Chairman said the Commission had a release from any part of that lawsuit and that he did not know how General Counsel had managed to get the Commission out of it. He said it was lucky it had been done because it was the sort of thing that probably would be in the courts for years. The Chairman asked what had occurred in the Stacey case. The General Counsel said the Stacey case was still on appeal and he was concerned because the response to the appeal was overdue but when one looked at the length of time it took the trial court to respond after it had all the pleadings, that was understandable. The Chairman said the Stacey case had been in court almost as long as he had been a Member of the Commission. The Executive Director said the case was 23 years old and was certainly a record-setting case.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there was no report from the Consulting Engineers. He said the report of the Trustee would be received. The Chairman asked Mr. Sesler if there was any money in the Bond Retirement Account. Mr. Sesler said there was no money in the Bond Retirement Account and that he had no further report.

The Chairman said the report of the Trustee was accepted as offered. He ascertained there was no report from the Director of Information and Research.

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

RESOLUTION NO. 6-1977

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller and the director of information and research of the Commission have by various written and oral communications fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting on December 14, 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 December 14, 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. Rogers, Mr. Weir, 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. 6-1977.

The Chairman asked how much longer the building at 139 East Gay Street would be available as a meeting place for the Ohio Turnpike Commission. The Director of Transportation said it would be about two months. He said the building was to have been vacated but that he did not know whether or not it would be vacated within the next two months. Mr. Jackson said the State Telephone System was in the building so that it would now fall under the Department of Administrative Services once the Department of Transportation had no further use for it. The Chairman asked the Director of Administrative Services to give the Executive Director advance notice if the building were vacated so that arrangements could be made to meet somewhere else.

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

adjourn until April 5, 1977, subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

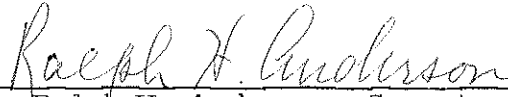
Ayes: Mr. Bricker, Mr. Rogers, Mr. Weir, Mr. Teagarden

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:41 p.m.

After adjournment the Executive Director pointed out that while the Trustee had no money in the Bond Redemption Account, it was not unusual for there to be no money in that account at the beginning of the year, in fact there rarely was any. He said the first bonds would likely be bought in July.

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

  
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Ralph H. Anderson, Secretary-Treasurer