

MINUTES OF THE THREE HUNDRED AND SEVENTH MEETING

July 12, 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 July 12, 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; John W. Clark, Special Assistant to the Director of Transportation; a member 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, Ralph H. Anderson,
O. L. Teagarden

Absent: Clarence D. Rogers, Jr.

The Chairman announced that a quorum was present.

A motion was made by Mr. Bricker, seconded by Mr. Weir, that the minutes for the meeting of June 7, 1977, 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 responded to roll call. The vote was as follows:

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

Nays: None

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

The Chairman reported that as the other Members of the Commission knew, he had been reappointed by Governor James A. Rhodes to serve his fifth consecutive term as a Member of the Commission.

The Chairman reported also that in accordance with the Turnpike Act and the Commission's Code of Bylaws, there would be election of officers, conducted by nominations and voting, and confirmed by resolutions so that action would appear in the journal. He said he would accept nominations for election to the office of Chairman, Vice Chairman and Secretary-Treasurer. He said the Secretary-Treasurer, upon election, would designate an Assistant Secretary-Treasurer.

A nomination of O. L. Teagarden for Chairman of the Commission was made by Mr. Weir and seconded by Mr. Anderson, who moved that nominations be closed. All Members present responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mr. Anderson, Mr. Bricker

Nays: None

Abstaining: Mr. Teagarden

Mr. Bricker declared that Mr. Teagarden was elected Chairman of the Ohio Turnpike Commission and would serve for the next two years.

A nomination of Daniel E. Bricker for Vice Chairman of the Commission was made by Mr. Weir and seconded by Mr. Anderson, who moved that nominations be closed. All Members present responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mr. Anderson, Mr. Teagarden

Nays: None

Abstaining: Mr. Bricker

The Chairman declared Mr. Bricker was elected as Vice Chairman of the Ohio Turnpike Commission and would serve for the next two years.

A nomination of Ralph H. Anderson for Secretary-Treasurer of the Commission was made by Mr. Weir and seconded by Mr. Bricker, who moved that nominations be closed. All Members present responded to roll call. The vote was as follows:

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

Nays: None

Abstaining: Mr. Anderson

The Chairman declared Mr. Anderson was elected as Secretary-Treasurer of the Ohio Turnpike Commission and would serve for the next two years.

A resolution confirming election of O. L. Teagarden as Chairman was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 14-1977

"RESOLVED that the election of O. L. Teagarden, as chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02

and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1979 and until his successor is elected and qualified or until the aforesaid term is terminated by law, or until he shall cease to be a member of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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. Anderson

Nays: None

Abstaining: Mr. Teagarden

The Chairman declared the resolution was adopted with all Members present voting in the affirmative. The resolution was identified as No. 14-1977.

A resolution confirming election of Daniel E. Bricker as Vice Chairman was moved for adoption by Mr. Weir, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 15-1977

"RESOLVED that the election of Daniel E. Bricker, as vice chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1979 and until his successor is elected and qualified or until the aforesaid term is terminated by law, or until he shall cease to be a member of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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. Anderson, Mr. Teagarden

Nays: None

Abstaining: Mr. Bricker

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 15-1977.

A resolution confirming election of Ralph H. Anderson as Secretary-Treasurer was moved for adoption by Mr. Weir, seconded by Mr. Bricker, as follows:

RESOLUTION NO. 16-1977

"RESOLVED that the elction of Ralph H. Anderson, as secretary-treasurer of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1979 and until his successor is elected and qualified or until the aforesaid term is terminated by law, or until he shall cease to be a member or employee of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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. Teagarden

Nays: None

Abstaining: Mr. Anderson

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 16-1977.

The Secretary-Treasurer, Mr. Anderson, said that as the bylaws provided, he would appoint an Assistant Secretary-Treasurer with the assent of the other Members of the Commission. He said he wished to reappoint Allan V. Johnson as Assistant Secretary-Treasurer with the assent of the Commission Members present. All Members present indicated their approval of Allan V. Johnson as Assistant Secretary-Treasurer.

The Chairman said he wished to express to the other Commission Members his deep appreciation for the confidence which they had placed in him by virtue of their electing him to serve as Commission Chairman for the next two years and that he would endeavor to carry out the duties of the office to the best of his ability.

The Chairman said further that he had been very proud to have been a Commission Member for 28 years, to have served with the late James W. Shocknessy, who was a great leader and had set an example while he was Chairman which was hard to follow. He said that working with Mr. Johnson had been a pleasure and that the administrative job Mr. Johnson had done for nearly seven years as Executive Director had been outstanding. He said he had sat in on a recent meeting at one of the toll plazas that Mr. Johnson, G. Alan Plain, Deputy Executive Director, and J. Budd Morrison, Director of Operations, had conducted with the purpose of maintaining an open channel of communications with Commission

employees. He said he found that those with whom they spoke were content with their jobs and should be commended for the manner in which they fulfilled their individual responsibilities.

The Chairman reported also that on July 6, the Trustee purchased \$3,132,000 face value of bonds at an average price of 99.638, thereby reducing the outstanding debt to only \$72,692,000. He said all the bonds were purchased under par of 100.00 in the open market as opposed to the call price of 101 and that the Commission expected the debt to be reduced to about \$60,000,000 by the end of the year.

The Chairman reported also that total revenues for the month of June and for the first half of 1977 were the highest ever recorded by the Commission. He said total income for June was estimated at \$4,944,000, a 7.7% increase over the previous record month of June, 1976 and total income for the first six months was estimated at \$22,764,000, an increase of 6.6% over the same period last year, the former record.

The Chairman reported further that new all-time records for toll income were also established as toll revenues rose 7.1% above those for the first six months of 1976, the previous record six-month period, and June toll receipts were 8.5% greater than those of June, 1976, the previous record for June.

The Chairman reported also that there had been four fatalities on the Turnpike during the month of June and that the Executive Director would comment.

The Chairman said that as part of his report he wanted to mention that representatives of the Commission and the Ohio Department of Transportation had testified before the House Committee on Transportation and Urban Affairs in opposition to House Joint Resolution 45, sponsored by State Representative Arthur Wilkowski, which called for continuing the collection of tolls after the final revenue bonds had been redeemed to finance other projects unrelated to the Turnpike.

The Chairman said he had brought to the meeting a facsimile of a check which was made out to the Commission by the Trustee in the amount of \$318,882,972.22 which was the amount of money received from the sale of \$326,000,000 in revenue bonds to build the Turnpike. He said that it had cost the Commission \$7 million to sell the bonds and the nearly \$319 million was reinvested and the Commission had received considerable earnings on that money by the time the road had been completed.

The Chairman said further that the check, of which he had a facsimile, was the result of 50 bond houses going together and underwriting the \$326 million issue. He said there had been considerable negotiating between the Commission and the underwriters concerning the interest rate of the bonds and the final compromise had been $3\frac{1}{4}\%$.

The Chairman asked the Director of Transportation if he had up-to-date information on the progress of House Joint Resolution 45. The Director of Transportation said he deferred to Mr. Clark, who had represented him at hearings before the House Committee on Transportation and Urban Affairs. Mr. Clark said he had been informed by Mr. James Stegmeier, O.D.O.T.'s liaison with the Legislature, that there would possibly be a floor vote on the resolution some time that week.

The Chairman said the information supplied by Mr. Clark was different than that which he had received from State Representative Frederick H. Deering. He said Representative Deering told him that he did not expect the resolution to come to a vote.

Mr. Clark said that the resolution was amended in Committee whereby toll revenue collected on the Turnpike after the bonded indebtedness had been discharged could be used for any projects the Legislature deemed appropriate. He said adding the amendment had been an attempt by Mr. Wilkowski to gather affirmative votes for the measure from those legislators who might have intentions to use the toll revenues for their own pet projects.

The Chairman said he thought the resolution would have a greater chance of passing, which of course he was not advocating, if its sponsor proposed that toll revenue be continued indefinitely solely for the maintenance of the Turnpike.

Mr. Clark said the resolution, if passed, would simply place the question of continuing Turnpike tolls after the bonds were paid off on the ballot this fall for the general election. He said that O.D.O.T.'s legislative liaison thought the resolution had a chance of passage in the House but not in the Senate.

The Chairman said the Commission would wait to see what action would be taken on the resolution.

The Chairman said he had read an article which appeared on June 27, 1977 in the News Herald of Port Clinton-Oak Harbor concerning his reappointment as a Commission Member. He said the story, which erroneously predicted the day he would be reappointed, was incorrect with respect to the amount of revenue the Commission received from the service plazas. He said he had spoken with a representative of the newspaper who wanted to print a correction but that he told them it would not be necessary. He said the main reason he brought up the subject was to inform the other Commission Members that he had not been consulted by anyone at the newspaper prior to publication of the story in question.

Mr. Bricker said that he and Mr. Anderson had gone to meet with the Governor in support of the Chairman's reappointment, which took place on July 7, 1977.

The Chairman thanked Mr. Bricker and Mr. Anderson for their actions.

The Chairman said he understood that the Executive Director, Mr. Clark and Francis K. Cole, General Counsel, had an appointment to meet with representatives of the Kentucky Department of Transportation on the day following the meeting, July 13, regarding a subject of mutual concern, maintaining direct access service areas on turnpikes once they became toll free and became part of the interstate system.

The Executive Director said the Chairman was correct in his statement.

The Chairman said perhaps the Commission might receive criticism from some quarters for beginning a program at this time which would ultimately result in an orderly transfer of the Turnpike to the Ohio Director of Transportation after the bonds had been redeemed. He said that it was a good proposal whereby a road which could not be replaced for \$1 billion would be turned over to the State of Ohio and the Federal government without charge. He said that since the Federal government had, over the years, collected approximately \$80 million from gasoline taxes on the Turnpike without ever appropriating any funds for its upkeep, he did not see why there should be objections to providing 90%, coupled with 10% from the State, of the funds deemed necessary for altering interchange connections with secondary roads and maintaining the anticipated toll-free road in an acceptable condition in the years ahead.

The Chairman asked if there were any questions for him as he concluded his report and Mr. Bricker responded by inquiring of the status of Senate Bill 222, collective bargaining for public employees. The Chairman said the bill had passed in the Senate and the House was holding hearings on it at that time.

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

The Secretary-Treasurer, Mr. Anderson, reported that since the last meeting the following had been sent to all Members:

1. Weekly Traffic Statistics
2. Traffic & Revenue Report - May 1977
3. Financial Statements - May 31, 1977
4. Traffic Accident Analysis - May 1977
5. Draft of the Minutes of the June 7, 1977 Meeting
6. Detail of Investment Transactions which took place in June 1977
7. Month End Release for June

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 chairman of the Committee on Budget and Finance, Mr. Anderson, reported that expenses for the first six months of 1977 were \$720,863 or 7.3% under the budget amount of \$9,862,190. He said on the basis of this favorable experience, it was likely that the Commission would be able to finish the year under budget barring any unexpected large expenditures.

Mr. Anderson reported further that the staff members of the Committee on Budget and Finance and the various department heads had begun work on the Preliminary Budget for 1978 so that work on it could be completed in time to present it to the Commission prior to October 20, in compliance with the provision of the Trust Agreement that required a preliminary budget to be adopted by that time.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He ascertained there would be no report from the Committee on Service Plazas or from the Committee on Employee Relations. He said the report of the Director of Transportation would be received.

The Director of Transportation said he wished to comment further on the testimony in opposition to House Joint Resolution 45 presented before the House Transportation and Urban Affairs Committee on July 7, 1977 by Mr. Clark. He said all the Commission Members had been mailed a copy of that testimony, as follows:

"ODOT POSITION ON HOUSE JOINT RESOLUTION 45

"The Ohio Department of Transportation is strongly opposed to the concept as outlined in House Joint Resolution 45, altering the State Constitution so as to permit revenue generated from Ohio Turnpike tolls to be utilized for purposes unrelated to operation, maintenance and/or improvements to the Ohio Turnpike.

"We support the original principle that the Turnpike should become a toll free part of the State Highway System at the earliest practical time after the bonded debt is retired.

"This Department recognizes that a significant improvement program incorporating both safety upgrading and additional interchanges is an absolute necessity if the facility is to become a safer and more accessible part of the State Highway System. Accordingly, we believe that consideration should be given to the establishment of a special escrow account from toll revenues for the express purpose of insuring availability of matching money for the State's share when Federal Interstate Funds become available for the needed improvements.

"Present Federal law prohibits the use of Federal Interstate Funds on facilities while tolls are being collected. Therefore, we are joining efforts and working with other states facing similar turnpike transition problems, to develop and effect necessary changes in the Federal statutes and regulations so that an orderly transition of the Ohio Turnpike to a free highway can be efficiently and economically achieved."

The Director of Transportation said further that the Commission Members had also been mailed a copy of a news release dated July 7, 1977 which capsulized the aforementioned testimony given by Mr. Clark, as follows:

"NEWS RELEASE: IMMEDIATE
July 7, 1977

"COLUMBUS . . . At the Ohio State House today Director of Transportation David L. Weir, issued a statement strongly opposing House Joint Resolution (H. J. R.) 45, which proposes to alter the State Constitution to permit revenue generated from Ohio Turnpike tolls, to be utilized for purposes unrelated to operation, maintenance and/or improvements to the Ohio Turnpike. The statement was presented before the Transportation and Urban Affairs Committee by Mr. John W. Clark, the Turnpike Coordinator for the Ohio Department of Transportation.

"Director Weir believes a special escrow account should be established from toll revenues for the express purpose of insuring availability of matching money for the State's share when Federal Interstate Funds become available for needed improvements."

The Director of Transportation said that he would have preferred to have had some previous discussion with the Commission Members on the subject of his proposed escrow account but that he had believed it should have been brought before the Committee at the time it had been to gauge their reaction. He said it was his belief that the Committee should have also been made aware of the financial problems the Department of Transportation anticipated to have with the transition once the Turnpike became toll free which it had been by virtue of the testimony given.

The Director of Transportation said further that for the current Federal fiscal year, Ohio had been allocated \$86 million in interstate highway funds as compared with the \$93 million allocated last fiscal year, a \$7 million reduction. He said Ohio was only 92% complete on the interstate program and O. D. O. T.'s current five-year program projected that all the state's matching funds to be added to Federal funds had been already designated for specific projects. He said the only recourse would be for the state to stop some of those projects in order to have the money anticipated to be needed for a 90/10 ratio funding for the Turnpike.

The Chairman said that he thought the matter of establishing an escrow account for the aforementioned purpose would have to be discussed in a meeting among him, the Director of Transportation and the Executive Director. He said following the return of Mr. Clark, Mr. Cole and the Executive Director from their conference with Kentucky Department of Transportation officials, such a meeting would be convened.

The Executive Director said that all the Commission Members and staff were in agreement on the goal of seeking 90% Federal aid on improvements that were agreed upon to be needed on the Turnpike but that such funds had yet to be committed. He said the Commission was not in a position at that time to determine exactly what those improvements should be.

The Chairman said that if House Resolution 45 were to pass, the situation would drastically change.

Mr. Clark said that when he appeared before the Committee his testimony was politely received by its members. He said it had been reported to him that at a prior meeting, State Representative Wilkowski had stated that the Ohio Turnpike was more modern in construction than any other interstate road in Ohio and it needed no improvements and would not need improvements in the foreseeable future, thus there was no need for Federal money.

The Chairman said he did not understand the position taken by Mr. Wilkowski and that he obviously did not comprehend the situation.

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

The chairman of the Committee on Safety, Mr. Johnson, reported that regrettably there had been four fatal accidents during the month of June which brought the total for the year to seven but that still was a good record. He said there had been 13 fatal accidents on the Turnpike at the same time in 1976 when traffic was lighter, so despite the four fatal accidents in June of 1977, he considered the Turnpike had an excellent safety record for the year. He said there had been no fatal accidents over the Fourth of July holiday period and the Turnpike had not had any fatal accidents during the days of July which had preceded the meeting.

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

The Executive Director reported that Senate Bill 221, which was the state budget language bill, would have affected the Turnpike as it was proposed. He said there had been language inserted in the bill which would have required the Turnpike Commission and some of the other commissions to submit biennial budgets for legislative review. He said such proposals had been brought up in the past and had been opposed by the Commission because it did not have biennial

budgets as the State did. He said the Trust Agreement required annual budgets coinciding with the calendar year.

The Executive Director reported further that he had tried to see the Senate Finance Committee chairman about the bill which had passed the Senate containing the language pertaining to the Commission but he had been unable to do so. He said instead he had testified before the House Finance and Appropriations Committee about the bill during which he informed them that the Commission did not have biennial budgets but annual budgets and the Commission would be pleased to submit any information which would be of assistance to the Committee regarding that matter. He said he had learned that the Committee had offered an amendment which was essentially what the Commission had asked them to do, deleting the language which required the Commission to submit biennial budgets. He said the Committee had inserted a paragraph which he read as follows:

"That the Commission shall submit a copy of its proposed annual budget for each calendar year to the General Assembly members, the Office of Budget and Management and the Legislative Budget Office of the Legislative Service Commission at the same time such budget is submitted to the Trustees of the Commission's bondholders."

The Executive Director said that although that version of the bill was different than the one that passed the Senate and would have to go back to it, he understood that the Senate would concur with the aforementioned change.

The Chairman said the amendment to the bill was submitted by Representative Frederick H. Deering, who represented District 84, in which the Chairman lived, and that Mr. Deering had informed the Chairman that other members of the Committee had been willing to accept the amendment.

The Executive Director reported also that the three resurfacing projects which had been affected by a strike in June by members of the Laborers International Union of North America were essentially completed before the heavy traffic of the Fourth of July holiday weekend due to the fact that the strike had ended. He said the other projects, mainly guardrail replacement, were well under way and there was no interference with traffic at any of the projects.

The Executive Director reported further that the bridge carrying Turnpike traffic over State Route 49 at milepost 2.1 was struck on June 30, 1977 by a truck travelling on the state route. He said repairs were being made and a bi-directional work zone had been placed in the area.

The Executive Director reported also that the meeting with Calvin G. Grayson, Secretary of the Kentucky Department of Transportation and other officials of K.D.O.T., scheduled for the day following the Commission meeting, was essentially to determine whether or not the Commission and O.D.O.T. would join with the Kentucky Department of Transportation in pursuing before the Federal Highway Administration the issue of retaining service plazas on the toll roads that were on the interstate system after they became toll free. He said that

Kentucky was interested in retaining the service plazas that now exist on that portion of Interstate 65 south of Louisville which had formerly been the original section of the Kentucky Turnpike but which was now toll free.

The Executive Director reported further that he had also discussed the issue with Senator Jennings Randolph from West Virginia several months ago and he had indicated that West Virginia, which currently had Federal funds for major upgrading, had encountered similar problems and also he planned to confer with the Director of the Kentucky Turnpike who was coming to the Berea Administration Building on July 14, 1977.

The Executive Director said he was pleased that Mr. Grayson was participating in the meeting in Kentucky because it indicated his personal interest in the matter and he thought Mr. Grayson's presence would lend weight to the prospective joint effort.

The Chairman said he thought that Senator Randolph, as chairman of the Senate Committee on Environment and Public Works, would be most receptive to testimony concerning the revision of the Federal law pertaining to service areas on turnpikes after they became toll free in view of his statements to the Executive Director.

The Director of Transportation said that perhaps the Commission should correspond with U. S. Representative James J. Howard of New Jersey, a member of the House Public Works and Transportation Committee and current spokesman for land transportation. He said that, since the New Jersey Turnpike had similar service areas to those found on the Ohio, West Virginia and Kentucky Turnpikes, Representative Howard could conceivably be interested in endorsing the proposed coordinated effort to have the 1956 Federal Aid Interstate Act revised.

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 reported that since the last meeting he had sent out the quarterly litigation report. He said there had been an indication from counsel representing the appellant in the Stacey case that an out-of-court settlement might be in the offing. He said the Motion to Certify filed on May 11 in the Supreme Court of Ohio and the similar motion filed on May 12 by the Commission as appellee and cross appellant had yet to be acted upon.

The General Counsel reported also that he had testified before the Committee hearing on House Joint Resolution 45. He said he had not been in the same position as a representative of the Commission that Mr. Clark had been in presenting a rebuttal to the resolution on behalf of the Department of Transportation. He said that nevertheless he felt it incumbent to bring to the Committee members attention some of the arguments that had been made against similar activity in the past. He said that he told them it had consistently

been the Commission belief that there had been a commitment made by the General Assembly to the people of Ohio when the road was initially authorized to see that when the bonds were paid off it became toll free. He said that at the time the commitment was made, it was known to everyone that sale of \$326 million face value of revenue bonds on the open market was the only means of financing available and that was the condition on which it was authorized.

The General Counsel reported further that he said that it appeared to the Commission that it would be unfair to the people of northern Ohio and those who had used and paid for the Turnpike to impose an additional continuing burden on them for the purpose of funding benefits for the entire state. He said he told the Committee that both the Commission's fiscal counsel and he thought that that unfairness was too blatant and serious that it could well involve a violation of the Federal Constitution relating to equal protection and possibly creating an undue burden on interstate commerce. He said he also called to their attention the so-called tripartite agreement emphasizing that the Federal law provided that Federal funds allocated to the State of Ohio for interstate highway construction could be used to construct approaches to toll roads as part of the interstate system but only after an agreement had been entered into with the state and the authority governing the road or controlling it to the effect that there would be no additional tolls and nothing would be done to terminate, hinder or delay payment of the revenue bonds and as soon as the existing bonds were paid off, the road would be toll free.

The General Counsel reported further to the Committee that the Commission and the State of Ohio had entered into such an agreement with the Secretary of the U. S. Department of Transportation and that it was still in effect. He said Representative Wilkowski had commented while he was before the Committee that this was the cheapest interest on bonds the State had and that therefore the payment of the bonds should be deferred while the money was used for other things. He said he advised the Committee members that the Commission's fiscal counsel had, in response to a similar suggestion advised that the Trust Agreement contained certain specific requirements as to what must be done with the money received as revenue and that it had no latitude for the use of Turnpike revenues for anything other than the specific funds and uses provided in the Trust Agreement, even though that might result in the payment of the bonds ahead of time and that if any variations to the prescribed dictates of the agreement were initiated it might be incumbent on the Trustee for the bondholders to file suit to enjoin such action. He said that in conclusion he offered to the Committee his own opinion that it would be unwise to have a constitutional provision relating to just a single facility and that it probably was not a legal provision since the provision proposed would be inconsistent with the existing state constitutional requirement that laws have uniform operation throughout the state.

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

Mr. Harnden said that as he had reported at the last Commission meeting, the inspection of the buildings along the Turnpike was to begin soon. He said the inspection would take approximately seven to ten days and when it was finished, the total field inspection would be complete with only the paperwork remaining.

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

The Chairman said it did not appear to be necessary for the Commission to meet in August so, with the approval of the Members, the Commission would adjourn until September 13 subject to call. The Members indicated approval.

There being no further business to come before the Commission, a motion was made by Mr. Bricker, seconded by Mr. Anderson, that the meeting adjourn until September 13, 1977, at 139 East Gay Street in Columbus, subject to call of the Chairman.

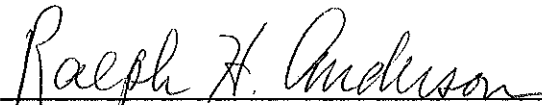
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:20 p.m.

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



Ralph H. Anderson, Secretary-Treasurer