

MINUTES OF THE 321st MEETING OF THE OHIO TURNPIKE COMMISSION

December 18, 1979

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Administration Building at 682 Prospect Street in Berea, Ohio at 11:00 a.m. on December 18, 1979, with key members of the staff; representatives Frank Callahan and William R. Fleischman, of the Consulting Engineers; a representative, Dan Hearl, of the Trustee, BancOhio National Bank; John W. Clark, Special Assistant to the Director of Transportation; Captain Ralph Rizzo, Commander of District 10, Ohio State Highway Patrol; 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, Jo Ann Davidson, Ralph H. Anderson
Clarence D. Rogers, Jr.

Absent: None

The Chairman said the meeting was the 321st of the Ohio Turnpike Commission. He said he trusted that the business of the meeting could be handled swiftly so that all in attendance could join the employees and guests at the start of the annual Christmas luncheon being held later in the conference room.

He said he wished to acknowledge the presence of several guests. He said that before doing so, he wanted to note that O. L. Teagarden, the Commission's former Chairman, was invited but his health would not permit him to travel and be at the Commission meeting. He said that Teagarden did send his greetings and best wishes to his friends at the Commission and he would ask the Executive Director to convey the Commission's greetings to Teagarden.

The Chairman said that in attendance were William Hartman and Dean Berry of Squire, Sanders & Dempsey, the Commission's labor and fiscal counsel; Capt. Ralph Rizzo, Commander, District 10, Ohio State Highway Patrol; along with Callahan, partner of J. E. Greiner-Ohio, the Commission's consulting engineers; Hearl of BancOhio National Bank, the Commission's trustee; and the other staff members and conferees who regularly attended.

A motion was made by Mrs. Davidson, seconded by Mr. Weir that the minutes of the meeting of October 9, 1979, 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 of ayes and nays was taken, and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Weir, Mr. Anderson, Mr. Rogers

Nays: None

The Chairman declared the minutes stood as approved with all Members voting in the affirmative.

The Chairman reported that as the Commission came to the close of another year, a year which had been marked by the deepening worldwide energy crisis and all its consequences, the Commission should reflect briefly on the impact of those events on the Commission's operations, finances and future.

The Chairman reported further that most noticeable had been a significant drop in passenger car travel, which resulted in a decline of 10.6% in passenger car toll revenues for the first eleven months of 1979 compared to the same period in 1978. He said commercial tolls were up in each of the first nine months but dipped below 1978 levels in October and November and commercial tolls for the year were up just 3.6% over a year ago. He said the net result of those fluctuations was that total revenues from all sources so far in 1979 amounted to \$49,968,024, only \$84,661 or 0.2% above 1978, and, if those trends continued through December, total revenue for 1979 likely would be slightly lower than in 1978.

The Chairman reported further that operating expenses were up 8.3% over 1978 and the Reserve Maintenance Fund deposit was \$6.5 million higher, all meaning that less money had been available for bond retirements. He said that, nevertheless, bond purchases during the year totalled \$11,113,000, which was more than the scheduled amount in the Trust Agreement, and the outstanding debt was then only \$26,658,000 of the original \$326,000,000.

The Chairman reported further that approximately \$1.2 million was still available in the redemption account for bond purchases but purchases had been suspended until after the end of the year to facilitate audits and the closing of 1979 accounts.

The Chairman reported further that the Commission was ending the year and about to begin the next with another round of sharp price increases being announced by the foreign oil cartel. He said additional fuel taxes were needed to boost sagging state transportation revenues and were advocated by some as a national means to reduce gasoline consumption. He said a standby rationing bill finally had been passed by Congress.

The Chairman reported further that all those unsettling events had clouded the picture and made it difficult to see the future. He said that, nevertheless, the Commission was committed to doing what was needed to

make the road eligible for available federal funding in the event the road became toll free as provided in the current state law and Tripartite Agreement. He said he would ask the Executive Director to report later on the status of the studies the Commission had authorized to achieve that goal.

The Chairman reported also that the Commission had only one resolution to be considered by the Commission at the meeting, a resolution to adopt the Annual Budget for 1980. He said the resolution would be explained and offered by the Chairman of the Committee on Budget and Finance, Mr. Anderson.

The Chairman said that that concluded his report. He said he regretted that it was so replete with the gloomy aspects of the times but the Commission could not ignore those facts. He said, also, that he was unable to attend the recently held meetings between the Committee on Employee Relations and employee representatives, which the vice chairman of the Committee, G. Alan Plain, would report on later, and he thanked the Committee members and particularly Mrs. Davidson for her participation as a Commission member and member of the Committee.

The Chairman said that in the absence of any questions 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, said that since the last meeting the following had been sent to all Members;

1. Traffic & Revenue Report - September, October and November 1979.
2. Financial Statement for September, October and November 1979.
3. Traffic Accident Analysis Report for September, October and November 1979.
4. Expense and Budget Report for the Third Quarter of 1979.
5. Litigation Report for Quarter Ending September 30, 1979.
6. Weekly Traffic Statistics.
7. Investments Transacted During the Month of October and November 1979.
8. Draft of Ohio Turnpike Commission Minutes of the October 9, 1979 meeting.

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, said that first, he wanted to recall that prior to the meeting on October 9, 1979, a detailed analysis had been made of expenses so far in 1979 and, as a result, the budget for 1979 was amended by transferring \$30,000 from operations expense to trust indenture expense. He said that because of continuing favorable experience, total overall expenses for 1979 remained substantially under the amount budgeted for the year and it would not be necessary, therefore, for any further amendment or supplement to the current 1979 budget.

Mr. Anderson said further that at the October 9, 1979, meeting, the Commission adopted a preliminary budget for 1980 as required by the Trust Agreement and the preliminary budget was filed with the Trustee and mailed to the Consulting Engineers and principal underwriters. He said that the Trust Agreement provided that bondholders might request a hearing to modify the preliminary budget. He said no such request for a hearing had been received and it was appropriate, therefore, to adopt the preliminary budget for 1980 as the final budget for 1980.

A resolution adopting the annual budget for the fiscal year 1980 was moved for adoption by Mr. Anderson, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 18-1979

"WHEREAS, the Commission, by Resolution No. 16-1979, adopted a preliminary budget for the fiscal year 1980, and caused copies thereof to be filed with the trustee and mailed to the consulting engineers and the principal underwriters;

"WHEREAS, no request whatsoever for a public hearing thereon has been made to the Commission by any person or persons whomsoever;

"WHEREAS, pursuant to §505 of the trust agreement dated June 1, 1952, entered into between the Commission and The Ohio National Bank of Columbus, (now BancOhio National Bank), as trustee, and The National City Bank of New York (now Citibank, N. A.), as co-trustee, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1980, to be designated the "Annual Budget"; and

"WHEREAS, §505 of the trust agreement provides that the total appropriations in any division of the annual budget will not exceed the total appropriations in the corresponding division of the preliminary budget;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following budget:

"Annual Budget of Income and Current Expenses
for the Fiscal Year 1980

Income	\$ 53,000,000
Current Expenses	
Administration & Insurance	\$6,413,304
Operations	20,076,591
Trust Indenture Expense	<u>242,500</u>
Total Current Expenses	\$26,732,395

"FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed the total appropriations in the corresponding division of the preliminary budget heretofore adopted by Resolution No. 16-1979; and

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said "Annual Budget" with the trustee and to mail copies thereof to the consulting engineers and to the principal underwriters forthwith."

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

Ayes: Mr. Anderson, Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 18-1979.

Mr. Anderson said further that, as was done for the first time in 1977 in compliance with a section of the Ohio Revised Code adopted during that year, copies of the 1980 budget would be submitted to the members of the General Assembly, to the Office of Budget and Management and to the Legislative Budget Office of the Legislative Service Commission.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The Chairman of the Committee on Service Plazas, Mrs. Davidson, said that there had been considerable activity in 1979 concerning the service plazas,

which she should like to summarize for the final meeting of the year.

Mrs. Davidson said that first, the Members were aware that contracts were let to enlarge or remodel the rest rooms at all 16 plazas. She said the first group of projects involving 7 of the plazas was essentially complete. She said work on the other 9 plazas was underway and scheduled for completion next spring. She said the Executive Director would give a more complete status report in his report.

Mrs. Davidson said further that second, extensive inspections had been made during the year to determine whether other portions of the facilities should be enlarged, renovated or replaced. She said it has already been determined that the underground fuel storage and distribution systems need to be replaced and it was probable that the electrical wiring at the plazas would be modernized and replaced. She said that, furthermore, the staff members had been conferring with the concessionaires and the consulting engineers to determine whether changes in the restaurant facilities or layout were warranted. She said the precise details of the entire program were yet to be completed but she expected an extensive program to get under way next year and funds that had been set aside in the Reserve Maintenance Account for that purpose would be utilized.

Mrs. Davidson said further that the two restaurant operators had requested adjustments in both the standard menu items required under the concession contracts and in the prices charged for those items. She said a comparison survey had been made of prices charged at off-turnpike restaurants and the committee was analyzing the requested adjustments and the survey with the expectation that any changes approved would become effective some time after the first of 1980.

Mrs. Davidson said further that she wished to report that the Executive Director, acting on behalf of the Committee and the Commission, had authorized an experimental, trial program at the Wyandot Service Plaza by Gladieux Food Services, Inc., whereby the concessionaire had been granted permission to change the standard menu. She said the purpose of that experiment was to allow the operator flexibility in serving items at such prices that would be more acceptable to the patrons and still allow a reasonable return to the operator. She said that it was a high level management effort by Gladieux. She said that, so far, it appeared the public had been receptive to the program but it was still too early to reach any definite conclusions about the related cost factors. She said she would keep the Commission Members advised of the program and sincerely hoped that it would lead to a better operation and public acceptance of our restaurants.

The Executive Director said that he had received in the mail the morning of the meeting a report from Gladieux Food Service, Incorporated on the experimental program at the Wyandot Service Plaza. He said he had given the report to J. Budd Morrison, the Commission's Director of Operations, and

that he would then comment.

Mr. Morrison said that Gladieux was preparing to conduct a customer survey in conjunction with the University of Toledo to measure Turnpike patrons' responses to the new type of service. He said the survey would be conducted during the Christmas and New Year's holiday period.

The Executive Director said the Commission's staff had been working with Gladieux in taking restaurant customer and total plaza traffic counts for comparative purposes. He said the purpose was to determine whether the change in restaurant operation was drawing a greater number of patrons in to make purchases than had previously taken place.

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 vice chairman of the Committee on Employee Relations, Mr. Plain, said that the Committee had concluded its 1979 meetings with representatives of the various employee groups and advised them of the recommendations the Committee would make to the Executive Director concerning improvements in the employee wages, benefits and general working conditions. He said the following major recommendations had been made to the Executive Director.

1. A general eight percent wage and salary increase for all employees effective with the first full pay after January 1st, 1980.
2. Provision for Commission paid dental and optical insurance coverage under a policy issued by Connecticut General Life Insurance Company. He said the policy had already been put into effect with coverage effective December 1st, 1979.
3. An increase from 30 to 40 days maximum in the payment of accumulated but unused sick leave at retirement or termination for employees with at least three years of service.
4. An increase in the amount of accumulated but unused vacation leave which can be deferred from three to four times the number of days of annual vacation leave earned per year.
5. An employee may elect to receive pay for up to 1/2 of the annual amount of vacation leave earned each year.
6. An increase in the allowance for the use of private automobiles on Commission business from 16¢ to 18-1/2¢ per mile. He said the increase brought the allowance in line with the maximum permitted by the Internal Revenue Service before having the excess being declared as income.

Mr. Plain said the Executive Director had indicated he would act promptly on implementing the Committee's recommendations, those he had mentioned and others.

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 Director of Transportation, Mr. Weir, said that on November 30 the department had received legislative approval of its biennial budget. This action followed two extensions of the previous budget which ordinarily would have expired June 30, 1979. He said further, however, that the situation looked bleak because the General Assembly had not approved a proposed increase in the state gasoline tax. He said that under the circumstances, for the duration of the budget (which lasts until June 30, 1981), the department's existing share of the state gasoline tax revenue would be down \$18 million in comparison with the previous budget period. He said this loss of revenue would mean that the department would be in a no-growth or even a negative-growth situation with regard to state-wide transportation projects. He said unless the legislature readdresses the funding shortage for the department, they would have to tough it out for the next year-and-a-half on the money allocated to them and that the department could not do things such as the environmental and engineering studies which the Commission has agreed to finance for the Turnpike.

Mr. Weir said that the department had instituted a new snow removal policy in view of the high cost and a shortage in available salt supplies. He said that he believed Ohio was the last midwest, snowbelt state to eliminate a bare pavement policy. He said that, under the new policy, motorists travelling interstate highways in Ohio would not experience any change in that those roads would receive the same level of service as in previous years and primary routes would experience a minimal change. He said that the biggest change would occur on the secondary road system in the state where "grits" and salt might be applied to snow-covered pavement after it had been plowed. He said that basically 70 percent of all traffic in Ohio travelled on 30 percent of the state highways and those roads would be maintained during the winter months.

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, said that, as he had stated at past Commission meetings, he would have a report at the day's meeting on the Turnpike's safety record for the year. He said that, even though the overall number of traffic accidents was below that recorded in 1978, the number of individual fatalities noted up to the day of the meeting, 38, compared to only 19 for all of 1978. He said that that statistic had been of concern to him, the staff and District 10 of the Ohio State Highway Patrol.

Mr. Johnson said further that there was nothing unusual, in his judgment, in the character of the fatal accidents. He said he didn't consider that they could be blamed on any defect in the road or on any of the Commission's policies or practices. He said the 38 individual fatalities were not a record because in two previous years, 1966 and 1969, there were 40 individual fatalities, even though the traffic volume was substantially lower than it had been in 1979. He said his explanation for the fatality increase was some form of driver inattention.

Mr. Johnson said further that in analyzing the statistics it was found that 75 percent of the fatal accidents involved commercial vehicles. He said that as a result of conversations with Captain Ralph Rizzo, Commander of District 10, Ohio State Highway Patrol, increased enforcement efforts had been instituted, including the addition of a second traffic surveillance airplane and three-car tactical squads to provide maximum trooper visibility. He said a full evaluation of those efforts would be made in 1980.

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

The Executive Director said he first would report on the studies authorized by the Commission to identify what improvements were deemed desirable after the Turnpike becomes a free part of the interstate highway system and to qualify these improvements for federal funding. He said he had informed the Commission Members since the last meeting that, as a result of the staff's consultations with representatives of the Ohio Department of Transportation and Federal Highway Administration to develop the scope of the studies, the engineering firm Dalton·Dalton·Newport, Inc. had been invited to submit a proposal to perform the studies.

The Executive Director said further that Dalton·Dalton·Newport's proposal had been received and the total fee requested exceeded \$3 million. He said that the Commission earlier had established an amount of \$2 million to fund the studies, but he did not think it would take formal action of the Commission to authorize the execution of the agreement, although the fee would likely be more than \$2 million. He said that, as he had told the Commission Members, he didn't consider the additional cost of the studies an insurmountable economic or financial problem because there would be ample opportunity to make adjustments in the various accounts to accommodate a higher consultant cost. He said that the Commission was very close to executing an agreement with Dalton·Dalton·Newport, Inc. He said the staff had worked continuously with representatives of the Ohio Department of Transportation and Federal Highway Administration to make sure that the process was done in accordance with state and federal guidelines with the hope and expectation that the cost of the studies themselves ultimately might be determined to be a reimbursable item with federal funds. He said that it might not be the Commission who received reimbursement, but it would be the state or it could be counted as a portion of the state's matching share of funds authorized for the road's improvements.

The Executive Director said further that the agreement the Commission would enter into with Dalton·Dalton·Newport, Inc. was expected to be what is known as a "cost plus net fee" type of contract. He said the only thing that was established at the beginning of that kind of contract was the net fee, which was only a small part of the total fee. He said the final fee would be based on the consultant's actual costs based on the actual work effort expended to perform the studies. He said the contract also would contain a maximum fee that could be charged by the consultant unless there would be a change in the scope of services. He said that he expected the agreement could be executed by the end of 1979 and that he would proceed to execute the agreement on behalf of the Commission.

The Executive Director said further that, as he had already informed the Commission Members, two small advance portions of the studies had been authorized, fully realizing that by doing so those portions of the studies probably would not be eligible for federal reimbursement. He said those segments, which would cost the Commission about \$90,000, included organizational phases for the total studies and needed aerial photography work.

The Executive Director said further that participating in the studies as the major contributing sub-consultant firms are J. E. Greiner Co. -Ohio, the Commission's general consulting engineers, and Madison-Madison International, a Cleveland-based engineering firm.

The Chairman asked the Executive Director when the studies would be completed.

The Executive Director said the bulk of the detail work was scheduled to be done in a two-year period, 1980-1981. He said that, however, there would be extensive review times and hearings that had to be held and it was not likely that all the studies would be finished before the middle of 1983. He said the work had to be done by September 1983 to qualify for federal aid interstate funds.

The Executive Director said further that the goal of the studies was to qualify future improvements for federal aid. He said he realized that the question of whether the Turnpike should go toll free would again be coming up for discussion in the months ahead. He said that since the proposed increase in the state gasoline tax had failed and thus a further burden was placed on O.D.O.T., he was sure more pressure would be placed on the discussion about retaining tolls on the Turnpike after the last outstanding revenue bonds had been retired. He said the purpose of the studies, however, was to keep the door open on the prospect of getting federal funds if the Turnpike goes free. He said there would be no other way to get federal funds except to do the complicated environmental impact and engineering study process that the Commission has agreed to do.

The Executive Director said further that three to four years in the future the decision to make the Turnpike free of tolls might be changed. He

said, however, that he was not suggesting such a move. He said that an Akron Beacon Journal editorial of December 16, 1979, headed, "Turnpike tolls question needs some action soon," a copy of which had been placed in the Commission Members' folders, advocated that tolls remain. He said the editorial quoted him as saying that discussions concerning the continuation of tolls were "premature." He said he never made such a statement and he intended to point that fact out to the Akron Beacon Journal. He said that, in fact, he, as a representative of the Commission, had participated in many discussions about the question, including hearings held by the Ohio General Assembly regarding toll retention. He said that what he had said was that it would be premature for the General Assembly to act to keep tolls on the road without considering the consequences of such action. He said the consequences would be that it would be a breach of the Tripartite Agreement, which could risk the entire state's federal-aid funding, and also retention of tolls would forever shut the door on the possibility of getting federal aid for the road.

Mrs. Davidson asked the Executive Director if the contract with Dalton· Dalton· Newport, Inc. would contain a clause of termination should a major shift in policy occur at the national level within the next several years whereby federal funds would not be available for the Turnpike as a toll-free road.

The Executive Director said he expected the contract would have appropriate termination clauses to cover that event and others. He said the contract would also contain appropriate assignment provisions in the event the Commission would transfer jurisdiction of the Turnpike to the state.

Mrs. Davidson said that she was concerned that, if there was a major shift in policy on either the state or federal level, the information gathered in the studies would be valuable to O. D. O. T. and the Commission in the future and not be placed on a shelf somewhere and be of no value to anyone. She said that in talking to the staff she had been assured that the information gathered would be of benefit in the future.

The Executive Director said that even if the road continued to be a toll facility the information gathered would be usable. He said he didn't think the studies would be wasted. He said that the pursuit of federal funds should be continued. He said that if it is determined federal funds are not available, then the whole situation should be reevaluated.

The Executive Director said further that one of the first items of the study, the traffic forecasts, had been undertaken by J. E. Greiner Company - Ohio and additional traffic forecast information would be done by that firm as a sub-consultant to Dalton· Dalton· Newport, Inc. He said he did ask for a special survey to be made as part of that traffic study of the character of Turnpike traffic, especially as it related to out-of-state vehicles. He said that

he had included in the Commission Members' folders a cover letter to him from J. E. Greiner Company-Ohio with the results of that study. He said he would read one paragraph of the letter as follows:

"Based on these summaries, we estimate that approximately 39 percent of the annual trips on the Turnpike are out-of-state vehicles. These vehicles also account for approximately 60 percent of the annual vehicle miles of travel. Approximately 8 and 4 percent represent trips in vehicle miles of travel by Pennsylvania registered vehicles; 2.5 and 13 percent respectively by Indiana registered vehicles; and 9 and 11 percent respectively by Michigan registered vehicles."

The Executive Director said further that the figures were interesting. He said that in the past he had said that the number of out-of-state trips might not be as high as indicated in the study. He said that he did not consider what he said in the past necessarily conflicted with the information in the report because what he was talking about was an analysis of Turnpike traffic statistics in an attempt to determine the number of pass-through trips; in other words, trips that went straight through the state without stopping, even if the drivers got off at one of the plazas or elsewhere. He said that that figure was much lower. He said that using a fact sheet he had done on the subject, from which he read, and assuming that the indicated trips began and ended outside the state, they would only amount to 11.7 percent of the total vehicles and 22.8 percent of the total miles travelled in 1978. He said that coupling that with the relatively short average length of the trips on the Turnpike, 59.8 miles for passenger cars and 91.2 for commercial vehicles, suggests that the majority of the trips on the Turnpike were entirely within the state, and that most of the other trips either originated or ended within the state, rather than just passing through the entire state.

The Executive Director said further that he was glad to have the report since the question of out-of-state usage of the Turnpike had been raised repeatedly by many of the advocates of keeping tolls. He said that those advocates might use the information contained in the report to their advantage in order to say that out-of-state drivers were paying much of the tolls on the Turnpike and putting much of the burden on the road. He said the only thing the report did not show was how many of the trips landed, at least for a while, in the state or started in the state and went on, especially commercial vehicles. He said that many commercial vehicles had more than one license plate on them and might even be operating entirely within the state and still have out-of-state plates on them.

The Executive Director said also that, by an act of Congress, the Indiana Toll Road Authority had recently been released from a tripartite agreement it had with the State of Indiana and the Federal Highway Administration, which was similar to the one signed by the Commission. He said the Indiana

Toll Road Authority, as a result of being released from the agreement, had to pay back the moneys that the federal government gave them to finance interstate approaches to the Indiana Toll Road, which for them amounted to about \$2 million. He said the net result of dissolving the agreement was that the Indiana Toll Road Authority would be continuing the tolls on their road. The Executive Director said further that the Indiana Toll Road Authority was in the process of refinancing their outstanding revenue bonds and selling additional bonds to develop a number of improvements, including additional interchanges on the road. He said the amount of that bond issue would be about \$275 million of which approximately \$103 million was to retire the remaining debt. He said the remaining proceeds would be available for those improvements determined necessary. He said the general manager of the Indiana Toll Road informed him that at that time they did not yet know whether the bond sale would be either \$275 or \$280 million and what the interest rate would be, although it was expected to be 8 or 8-1/2 percent.

The Executive Director said he would call upon Mr. Plain to give a brief report on the status of some of the Turnpike's recent major construction projects. He said that, before Mr. Plain gave his report, he wanted to say that the annual employees' Christmas luncheon would follow the meeting and that it would be prepared by the Howard Johnson Company and paid for from funds generated by the vending machines in the Administration Building.

The Executive Director said also that he wanted to introduce to those in attendance Mrs. Susan Hileman, the new secretary in the Information and Research Department, would be aiding in the preparation of the transcripts and minutes of the Commission meetings.

The Director of Transportation said one section in the departments' new budget calls for a report on the financial impact to the department in taking over operations of the Turnpike. He said the report would have to be submitted by January 1, 1981.

The Executive Director said the Commission's staff would be furnishing statistics and other information to O. D. O. T. to aid in preparation of the study.

Mr. Plain said that work was essentially complete on Contract RMP 38-78-7, the installation of radio communication console equipment in the Turnpike and Ohio State Highway Patrol radio rooms in the Administration Building. He said project RMP 38-78-12, replacement of microwave communications equipment, had been completed with the exception of minor punch list items and the bridge deck improvements, using a latex concrete overlay, on six bridges at three locations, RMP 43-79-02, had been finished. He said all the equipment needed for RMP 48-78-1, Administration Building computer room environmental control, had been delivered and the project would be completed early in 1980.

Mr. Plain said further that, except for some minor concrete repairs around the toll plaza, work had been finished on the resurfacing of ramps at Interchange 11. He said the slope correction and guardrail improvement project at milepost 99, RMP 70-78-1, had been completed. He said emergency repair work at the Eastgate toll plaza, resulting from truck damage to the utility building, would be finished in February or March of 1980.

The Executive Director said he wished to mention that serious traffic backup problems had been experienced at the entering lanes at the Westgate toll plaza and the Commission's own maintenance crews had been constructing an additional entry lane to help alleviate the problem. He said that work would be finished before spring.

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

General Counsel Francis K. Cole, said he was in the process of revising his quarterly litigation report in which asterisks were now added to signify new information on previously filed cases so that individual cases would not have to be read each time a quarterly report was issued. He said this method was becoming quite cumbersome and he would certainly welcome any comments from the Members as to what they might like to have in the reports.

Mr. Cole said that, regarding the Stacey case, Stacey's counsel had previously filed a motion for a new trial and that motion had been overruled by the court. He said that, following that court action, Stacey's counsel had filed a notice of appeal to which the Commission had responded with its own notice of appeal. He said that the Commission's local counsel had been in contact with Stacey's counsel and Stacey's counsel said he would speak with Mr. Stacey to see if he would be willing to withdraw his notice of appeal if the Commission would do likewise. He said he indicated to Stacey's counsel that the Commission would be quite willing to do so. He said he had yet to hear anything further from Stacey's counsel.

Mr. Weir asked Mr. Cole about the nature of his basis for cross appeal.

Mr. Cole said the Commission had filed a notice of appeal. He said he had yet to make any assignments of error. He said he believed the Commission did have some basis for appeal in that the court had devised a rather unique method of calculating the damages that he did not think was exactly in accordance with what had been the instructions of the court of appeals.

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

Mr. Fleischman said he only wished to mention that the consulting engineers had submitted the report on out-of-state vehicle use of the Turnpike to which Mr. Johnson had already referred.

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

Mr. Hearl said that, as of December 1, 1979, bonds in the face amount of \$4,527,000 had been called. He said that, to the date of the meeting, bonds in the amount of \$498,000 had been paid. He said it was too early to tell what the co-paying agents had done. He said the expenses for the call were approximately \$67,586 and of the call made in December 1978, approximately 85 percent of the bonds had been received by the Trustee. He said that in January of 1980 he anticipated having funds available to purchase bonds in the face amount of about \$1,246,000, provided they were available for purchase.

The Chairman said the report of the Trustee was accepted as offered. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Robert P. Barnett, said work on the Commission's 1979 annual report was in progress and it would be completed on schedule.

The Chairman said the report of the Director of Information and Research was accepted as offered.

The Chairman said the next meeting of the Commission had been tentatively set for February 26, 1980, at the BancOhio National Bank board room in Columbus.

The Chairman said he invited all those in attendance to the annual Christmas luncheon and wished everyone a very happy holiday.

There being no further business to come before the Commission, a motion was made by Mr. Weir, seconded by Mr. Anderson that the meeting adjourn, subject to call of the Chairman.

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

Ayes: Mr. Weir, Mr. Anderson, Mrs. Davidson, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:59 a.m.

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



Ralph H. Anderson, Secretary-Treasurer