

MINUTES OF THE TWO HUNDRED AND FORTY-FOURTH MEETING  
November 3, 1970

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Ohio Department of Highways building at 139 East Gay Street in Columbus, Ohio at 11:00 a.m. on November 3, 1970 with the key members of the staff; a representative, Mr. H. A. Harnden, of the Consulting Engineers; a representative, Mr. P. Joseph Sesler, of the Trustee, 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: Charles J. Chastang, O. L. Teagarden, J. W. Wilson,  
James W. Shocknessy.

Absent: E. C. Redman

The Chairman announced that a quorum was present. He said P. E. Masheter the Ohio Director of Highways was being represented by Mr. Wilson, Chief Engineer of the Department of Highways, in accordance with the opinion of the General Counsel of the Commission.

A motion was made by Mr. Chastang, seconded by Mr. Teagarden, that the minutes for the meeting of October 13, 1970 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. Chastang, Mr. Teagarden, Mr. Wilson, Mr. Shocknessy.

Nays: None.

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

The Chairman reported that the new Executive Director, Allan V. Johnson, was present for his first meeting. He said Mr. Johnson was welcome. He said the Commission extended him its greetings and its wishes at its last meeting but on behalf of the Commission and himself he would renew them and wish him well.

The Chairman reported also that the revenue for October was approximately \$3,020,000, which was less than the previous records, that of October of 1969. He said the reduction in revenue was undoubtedly due to the economy. He said the Commission's business was always reflective of the economy. He said the reduction was not only reflective of the automotive industry strike but it was reflective of a softening of the economy. He said that was a statement of fact that was supported by all the economic conditions. He said the monthly revenue was down for the second time in 28 or 29 months.

At this point Mr. E. C. Redman entered and the secretary noted his attendance.

The Chairman reported also that there was one fatal accident in October which brought the total number of deaths in the first ten months to 18 which compared to 38 in the same period of 1969. He said it was always sad to report any deaths but it was good that the report was so much lower than for the similar period of the last year. He said he thought it was possible that there was sensible cause for fatal accidents on some occasions but some of the 18 were just without any sensible cause.

The Chairman reported also that the Interstate Coordinators' Conference held its last meeting of the 26th of October with Governor James A. Rhodes and many other friends present. He said the Executive Director, who had served as liaison engineer for that Conference, summarized the final report of the Conference and it was being prepared for distribution.

The Chairman reported also that the Director of Operations, Andrew R. Grace, and the Superintendent of Maintenance, Francis C. Staib, were present.

The Chairman reported also that the General Counsel, Judge Lockwood Thompson, had prepared a report on the status of the right-of-way acquisition which was an outstandingly fine report and the Members of the Commission had received a copy each. He said Judge Thompson would refer to it in his report and the Commission would incorporate it in its entirety in the business of the meeting.

The Chairman reported also that some time before the death of the late Executive Director, Mr. Russell S. Deetz, he asked him to have a comparison made between the life and medical care insurance provided the Commission's employees and that provided by the State of Ohio for its employees. He said he received the report before the last meeting. He said he did not consider the coverage provided under the Commission's policy to be comparable to the coverage provided by the State. He said the letter which he had received with the report suggested that the coverage was comparable but he did not agree. The Chairman addressed the Executive Director and

suggested that a determination be made not only as to whether or not the coverage which was provided the Commission employees was comparable but whether or not it would be possible for the Commission's employees to be covered under the State's policy the same as the Commission's employees were covered in the Public Employees Retirement System. He said he wanted the record to show that he was not satisfied with the report that was given to him and that he wanted work done on that subject. He said the Executive Director should consult with the Resident Engineer of the Consulting Engineers and get whatever expert advice he needed with respect to the insurance. He said he was of the opinion that the first thing to determine was whether the Commission was eligible to be included under the same policy as the State if the State coverage is better for the employees. The General Counsel said he was looking into the legal angle of the Commission's ability to be eligible under the State's policy.

The Chairman said he wanted to be sure the Commission's people were well covered as the people covered by the State and at the same time he wanted to determine whether or not Commission employees could be covered by the State coverage because they were covered by PERS and it seemed to him the same rules ought to apply.

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

The Assistant Secretary-Treasurer, John Soller, reported for the Secretary-Treasurer, Mr. Chastang, that since the last meeting the following were sent to all Members:

1. Traffic and Revenue Report for September 1970.
2. Financial Statements as of September 30, 1970.
3. Budget Report, First 9 Months - 1970.
4. Detail of investment transactions for October 1970.
5. Draft of the minutes of the October 13, 1970 meeting.

The Assistant Secretary-Treasurer reported also that plans were firmed up for the transporting of money and tickets from toll plazas on the Ohio Turnpike beginning November 13. He said the Commission's own car and personnel would share the pick-up task with a Wells Fargo Armored Service Corp. truck.

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. Redman, reported that expenses were \$85,627 over estimate for the first nine months of 1970. He said \$46,000 of that amount was in Administration and Insurance, due chiefly to increases in employees' insurance and Workmen's Compensation. He said expenses for operations were about \$46,000 over budget in areas such as section salaries, maintenance buildings and equipment and pavement repairs.

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

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that on October 22, 1970 the Committee met separately with representatives of Gladieux Food Services, Inc. and the Howard Johnson Company to discuss the progress being made with respect to the four restaurants operated by ABC Vending Corporation prior to October 1, 1970.

Mr. Teagarden said further that while Gladieux Food Services, Inc. had not started remodeling the Erie Islands and Commodore Perry Service Plaza restaurants, its representatives submitted plans for the two restaurants to the Committee for consideration and indicated that they would like to start the remodeling as soon as possible. He said he understood the company purchased the equipment from ABC when it went in but found the equipment so worn out it was going to have to spend considerable money in replacements. He said the Gladieux representatives requested that the Commission participate in the remodeling by relocating a wall at the Commodore Perry Service Plaza and by adding an overflow dining room in the old carry-out section to provide an additional 75 seats for peak volume periods. He said the Committee appointed a sub-committee to study the requests and gave permission for Gladieux Food Services, Inc. to proceed with remodeling in other areas as outlined in the submitted plans.

Mr. Teagarden reported also that in the meeting with representatives of the Howard Johnson Company the Committee expressed its disappointment that the Vermilion Valley and Middle Ridge Service Plaza restaurants were still offering limited food service three weeks after the change of operators. He said the Howard Johnson representative stated that progress had been slower than anticipated due to the condition in which ABC Vending had left the electrical and plumbing systems in both buildings upon surrender of the premises. He said the Committee was advised, however, that the Howard Johnson Company still expected to offer full cafeteria service on November 1 unless some unforeseen problem might cause a delay.

Mr. Teagarden reported also that the Committee reviewed customer complaints with both restaurant operators and expressed the need for good customer relations and customer satisfaction. He said the Committee impressed upon the operators' representatives that customer satisfaction was of first and foremost importance to the Commission and recalled to their attention the program previously discussed to endeavor to increase substantially the number of meals served on the Turnpike.

Mr. Teagarden reported also that on October 27, the Comptroller, Mr. Soller, a member of the Service Plaza Committee, met with the head gift shop buyer of the Howard Johnson Company to discuss the possibility of upgrading the merchandise in the gift shops at the Turnpike restaurants. He said it was agreed that the quality of gifts displayed in the gift shops had a significant bearing on the image of the restaurant operation.

The Comptroller said the concessionaires operated the restaurants and all the Commission could do was to give them its views but what they did was entirely up to them. He said what the Commission had been trying to do was to get higher quality merchandise displayed and he had taken the position that he did not care if it did not sell. He said he was interested in creating an image when people walked in. He said that was when they got their first impression and if they thought it was a high-class operation maybe they would be more willing to be satisfied with whatever the food service was. He said the objective was to avoid starting them out going into the food service operation feeling it was a cheap operation anyway and probably everything else was going to be. The Comptroller said he was amazed at the sort of stuff sold. He said souvenir merchandise still had appeal and the concessionaires still had to stock it but he would like some high-quality merchandise stocked also -- real gift shop items rather than souvenirs out in front where the first impression was created. He said that was the approach the Commission had taken.

Mr. Teagarden reported also that work on remodeling the rest rooms at the Commodore Perry Service Plaza was progressing on schedule and barring any unforeseen difficulties the new rest rooms should be ready in late January.

The Chairman said he was reminded again of Mr. Redman's recommendation of long standing of shoppers in the food department of the restaurants. He thought the program ought to be reinstated. He said he was hearing more down-grading of the Turnpike restaurants.

Mr. Chastang said people accepted the fact that the restaurants could not or would not serve good food. He said travellers had kind of given up. He said they thought they were going to get poor service. The Chairman said Mr. Chastang had expressed the sort of futility the public

was expressing about the food. He said that bothered him greatly. He said somebody would tell him they had a meal on the Turnpike and he was afraid to ask, but he did, how it was.

In response to a question by Mr. Redman about projected remodeling in the restaurants in 1971, Mr. Teagarden said the Gladioux Food Services, Inc. had asked that the outside carry-out at Commodore Perry Service Plaza be remodeled to make a supplemental cafeteria dining room. He said the Howard Johnson Company might replace the counters at Brady's Leap Service Plaza with a cafeteria. He said the Committee had discussed altering the entrance at one or more service plazas.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report by the Committee on Employee Relations. He said the report of the Committee on Safety would be received. He designated the Executive Director, Mr. Johnson, chairman of the Committee on Safety and as successor to any committee designations that were outstanding with respect to the previous Executive Director, the late Russell S. Deetz.

The chairman of the Committee on Safety, Mr. Johnson, reported that on October 14 the driver of an empty flat-bed truck apparently went to sleep while travelling east on the Turnpike. He said the truck drifted into the median, crashed through the end of the guard rail protecting the bridge parapet, travelled 274 feet down the center of the median, became airborne for 101 feet at the open space in the median between the bridges carrying the Turnpike over a railroad, and dived downward 35 feet to a dead stop against the concrete crash wall on the far side of the tracks. He said that was the one fatal accident during the month of October.

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 clearance from the legal aspect for the simultaneous opening of the new Niles-Youngstown (No. 15) Interchange and the closing of the old Niles-Youngstown (No. 15) Interchange was given by General Counsel on the afternoon of Friday, October 16, 1970. He said that according to plans originally prepared under the direction of Mr. Deetz, maintenance, toll collection and traffic and safety forces of the Commission, assisted by two engineers, a foreman and eight men from Division 4 of the Ohio Department of Highways carried out the closing and opening of the respective interchanges. He said the work of removing barricades at the new interchange and erecting them at the old interchange and of exposing or covering up directional signs at the respective interchanges began promptly at 10:00 a. m. and proceeded rapidly without incident. He said the first vehicles entered the new interchange at 10:05 a. m. and found the toll collectors at their assigned posts ready to hand out toll tickets

or to receive toll payments as the case might be. He said the collectors were also prepared with new informational slips giving directions to local motels and local points of interest.

The Executive Director said further that the operation of the new interchange had been without unusual incident. He said traffic through the interchange was continuing to increase and was expected to do so for some time. He said traffic at the Youngstown (No. 16) Interchange and the Eastgate (No. 17) Terminal continued to decline as the combined results of the opening of Interstate Route 80 across Pennsylvania to a junction with the Ohio Turnpike at the new Niles-Youngstown (No. 15) Interchange and of the fare increase put into effect on the Pennsylvania Turnpike in September 1969.

The Deputy Executive Director, James D. Hartshorne, said the Director of Operations, Mr. Grace, and the Superintendent of Maintenance, Mr. Staib, were the producers of the opening and closing. He said they went by the script which, as Mr. Johnson had said, was prepared originally under the direction of Mr. Deetz. He said they operated by radio from the utility room of the new interchange and directed quite a number of crews of the Commission and of the Highway Department and accomplished the various moves to open the closed ramps and change the signs in an orderly manner so that people could be directed into the interchange.

The Executive Director reported also that bids were opened on October 29, 1970 on Contract RMP 59-70-5 for construction of a climbing lane on the eastbound roadway at the Humm Road hill near Berlin Heights in Erie County. He said the additional lane would be 1.9 miles long and its construction would involve the widening of bridges carrying the Turnpike over State Route 61 and Humm Road. He said the low bid of the four received was that of the S. E. Johnson Company of Maumee, Ohio in the amount of \$908,034. He said the low bid was 2.9 percent in excess of the estimate.

The Executive Director said further that the Consulting Engineers had examined the bids and recommended an award to the low bidder. He said the Chief Engineer had concurred in the recommendation of the Consulting Engineers as described. He said General Counsel had examined all bids and related documents and had advised the Commission it might lawfully award a contract to the low bidder. He said that, accordingly, it was his recommendation to the Commission that favorable action be taken on the resolution prepared for the purpose of making an award of Contract RMP 59-70-5 to S. E. Johnson Company of Maumee, Ohio in the amount of \$908,034, the total bid price based upon unit bid prices and estimated quantities.

A resolution awarding contract RMP 59-70-5 was moved for adoption by Mr. Wilson, seconded by Mr. Chastang, as follows:

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract RMP 59-70-5

"WHEREAS the Commission has duly advertised, according to law, for bids upon a contract for the widening of existing structures of the eastbound roadway over SR 61 and over Humm Road and construction of a third traffic lane and new shoulder for the eastbound roadway of original Construction Section C-28, between Milepost 124.1 and Milepost 126.0, in Erie County, Ohio, which contract is designated Contract RMP 59-70-5, and proof of said advertising is before the Commission;

"WHEREAS bids for the performance of said contract have been received and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

" WHEREAS all of the aforesaid 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 S. E. Johnson Company, Maumee, Ohio, for the performance of said Contract RMP 59-70-5, is, and is by the Commission determined to be, the lowest of all said bids 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, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid 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, Maumee, Ohio, in the amount of \$908,034.00 for the performance of Contract RMP 59-70-5 be, and hereby it is, determined to be the lowest and best of all said bids and is accepted, and that the chairman and executive director, or either of them, be, and each 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 all bidders for the aforesaid contract, other than said successful bidder, of the bid security furnished by each of them, respectively, (3) to direct the return to said successful bidder of its bid security when the aforesaid contract has been duly executed and said 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.

(Resolution No. 33 - 1970 adopted November 3, 1970)"

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

Ayes: Wilson, Chastang, Redman, Teagarden, Shocknessy.

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 33-1970.

The Executive Director reported also that by letter dated October 23, 1970 the Superintendent of the Ohio State Highway Patrol, Colonel Robert M. Chiaramonte, asked the Commission to increase the rate per mile paid on patrol cars assigned to District 10 from the present six cents to 8-1/2 cents, effective January 1, 1971. He said Colonel Chiaramonte explained that the Highway Patrol's depreciation cost for its patrol cars had increase 1.6 cents per mile as a result of discontinuance of subsidies on fleet purchases by automobile manufacturers which added approximately \$1,075 to the purchase price per car. The Executive Director said Colonel Chiaramonte said further that the Highway Patrol's operating costs per vehicle had increased by 1/2-cent per mile due to reduction by the manufacturers of the warranty on new cars to twelve months or 12,000 miles. He said Colonel Chiaramonte said further that the six-cents-per-mile rate currently being paid by the Commission already failed to meet the actual costs by approximately 0.7 cents per mile.

The Executive Director said further that, based on the 3,524,985 miles which the Turnpike Highway Patrol fleet amassed during fiscal 1970 (July 1969 through June 1970) the additional costs of the mileage-rate increase to the Commission would be \$88,125 during 1971. He said Colonel Chiaramonte said that projections by his organization indicated that actual operating costs of the patrol vehicles during the current fiscal year might well be 8.8 cents per mile.

The Chairman directed the Executive Director and the Comptroller to work on the request of the Highway Patrol and to consult with Mr. Redman and the Consulting Engineers. He said the analysis presented was not an adequate analysis. He said he was not saying that the request might not be valid but its validity was certainly not demonstrated.

The Executive Director reported also that developments relating to the status of construction contracts since the last meeting were:

1. The contract for repairing the deck of Tinkers Creek bridge which was completed by maintenance forces had been closed out.
2. Final papers on three resurfacing contracts were being processed.
3. Two landscape contracts for screening and landscape developments had been recently awarded.
4. Construction work on two prior landscape contracts was 30 per cent complete and maintenance work on three projects was 70 per cent complete and on the fourth contract 60 per cent complete.
5. The contractor for the expansion of the rest rooms at Commodore Perry Service Plaza had been cautioned to expedite delivery of equipment to avoid delay.
6. Preparation of plans for resurfacing four service plaza areas was 75 per cent complete.

The Executive Director reported also that the trial of the truck driver who had been charged by the Highway Patrol with failure to maintain assured clear distance and with second degree homicide by vehicle had been postponed to December 3. He said the postponement was requested by the Office of the Sandusky County Prosecutor on the basis that one of the State's material witnesses would be confined at his home for some time. He said the witness concerned was the Commission's maintenance man, Donald R. Overmyer, who sustained broken legs in the accident of September 17, 1970 which resulted in the deaths of two other maintenance workers.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no report by the Director of Highways. He said the report of the General Counsel would be received.

The General Counsel reported that at the last Commission meeting on October 13 he had mentioned the ruling the Commission had received on

October 9 from Judge Clyde W. Osborne of the Mahoning County Common Pleas Court who said he was making a general finding for the Commission and that the Commission's motion to dismiss would be sustained. He said Judge Osborne said further that an order of judgment in accordance therewith would be furnished at a later date under provisions of Rule 52 of the Civil Procedure. General Counsel said that pursuant to that hint, he and the Assistant General Counsel, Francis K. Cole, went to Youngstown to see Judge Osborne after discussions with opposing counsel, and on October 16 the judgment entry was signed by Judge Osborne in the presence of counsel providing that the preliminary injunction theretofore granted in the cause be and thereby was dissolved and that the action be dismissed with prejudice at the plaintiff's costs. He said the appeal date pursuant to the judgment entry would have to follow in 20 days.

The General Counsel reported also that he had summarized his years of work with respect to the status of releases by utility companies of easements on properties acquired for right-of-way for the Ohio Turnpike in an eleven-page report, including attachments showing exact instances of reservations or questions relating to easements. He said each instance had been investigated by the Chief Engineer and the Commission could live with those exceptions. He said utilities by contract agreed to remove their facilities on the parcels concerned wherever demanded and would present a statement of costs that the Commission would have to pay.

The Chairman directed that the General Counsel's report entitled "Status of Releases" be made part of the record. He said he wanted to have it on the record also that the Commission did appreciate the monumental job that the report represented. He said it was unbelievable how much work it represented.

The Chairman suggested that a Certificate of Completion of construction of the Ohio Turnpike be prepared and, if the Chief Engineer and the Consulting Engineers agree, the Commission would proceed to attest at the next meeting that the Turnpike was completed.

The General Counsel's report entitled "Status of Releases" was as follows:

October 30, 1970

#### STATUS OF RELEASES

The need for releases dates back to conferences with utility companies in Columbus at various dates in 1952 when the Commission sought the views of railroads, oil and gas pipe lines, telephone and telegraph and electric power companies, regarding procedures under Revised

Code of Ohio, Section 5537.05. That section declared that in constructing the Turnpike if the Commission found it necessary to change the location of a public utility facility it should cause the same to be constructed at another location deemed most favorable by the division of government having jurisdiction of the utility. This section also provided that the cost of such reconstruction, relocation or removal of public utility facilities should be ascertained and paid by the Commission as a part of the cost of the Turnpike project.

In order to adopt some uniform plan which would be practicable from the point of view of the utilities, the Commission therefore held a series of meetings in Columbus, endeavoring to group similar utilities in individual meetings. As a result of these conferences, the Commission, with the aid of attorneys representing individual utilities, hammered out a form of agreement setting forth mutual responsibilities, procedures, and methods of approvals for payments. While not all of the agreements with utilities were identical, each agreement was generally similar and in much the same language. The agreement with The Cleveland Electric Illuminating Company, for example, was entered into on December 16, 1952. Section 2 thereof provided that upon receipt of written notice from the Commission that specified facilities owned by the company would interfere with the construction or operation of the Turnpike, the company would cooperate with the Commission in the alteration, reconstruction, relocation, or removal of facilities and would, if necessary, secure additional rights of way for use and submit plans and costs to the Commission for approval.

Section 6 provided that after approval of the plans and costs by the Commission the company would release to the Commission its existing rights of way, privileges and interests within the Turnpike right of way, and would execute and deliver to the Commission such instruments to effectuate the purpose as might be necessary.

Section 7 provided that the company would also take steps to procure releases from any mortgagees or others having an interest in the rights of way deemed necessary by the Commission for the purpose of clearing title to such premises.

By Section 8, the Commission agreed to permit the company access to the right of way of the Ohio Turnpike project for the purpose of altering, reconstructing, relocating or removing its facilities in accordance with approved plans and thereafter the company should have the right to maintain and operate such altered, reconstructed and relocated facilities in accordance with plans approved by the Commission and subject to the latter's rules and regulations.

By Section 12, the Commission obligated itself to pay the costs of

removal of facilities and their replacement by facilities, if need be, in another location of equivalent service capacity.

During the busy construction days the overtaxed right of way and legal sections were unable to obtain all releases pursuant to cleared rights of way. It has therefore been a subsequent objective of the Commission's Legal Department (1) to secure all releases not previously obtained but revealed in title reports of the 5,630 parcels acquired by the Turnpike; and (2) in so doing to check the descriptions of all title reports to be certain they conformed to descriptions in deeds and easements regardless of whether releases from utilities were demanded. While the checking of title descriptions against descriptions in deeds and easements proved to be a relatively burdensome concern, it was of importance as was demonstrated in half a dozen or more cases where corrections of title reports became necessary and were so recognized by the title company.

Parcels examined, broken down by counties, were as follows:

Williams County	-	391
Fulton County	-	505
Lucas County	-	545
Wood County	-	342
Ottawa County	-	136
Sandusky County	-	495
Erie County	-	457
Lorain County	-	652
Cuyahoga County	-	863
Summit County	-	232
Portage County	-	261
Trumbull County	-	162
Mahoning County	-	<u>589</u>
Total		5,630

Of the foregoing parcels acquired, fee parcels comprised 2,597 permanent easements for highway, drainage, slopes, channel and access were 2,092, and temporary easements for which title reports were not issued amounted to 941. These figures do not tell the entire story with respect to the work involved because they cover only parcels acquired and refer not at all to the number of easements held by utilities and required to be released in order to provide clear title to the properties negotiated or appropriated by the Commission to which title was taken in the name of the State of Ohio. Generally speaking, the more industrial the county, the more easements were held by utilities, and which were needed to be released, and the more easements of utilities were mortgaged to banks requiring additional negotiations to obtain releases.

Work of acquiring the necessary releases was slowed by the delays on the part of some utilities in responding to requests. Despite follow-up letters, some delays exceeded a year or more before satisfactory releases could be obtained. Sometimes records were lost; sometimes extended argument over language of releases ensued.

In some cases, removal and payment went hand in hand but sometimes payments were made to utilities before use of parcel numbers became a practice and searches in the field by engineering personnel became necessary in some of the western counties where requests for payment were made without granting of releases allocated to specific parcel numbers. At times, the language of the agreement was called in question; sometimes the releases went back and forth with requests for exceptions. In one case, a distribution tower was within the Commission's right-of-way fences and research of different files in different departments showed that no order to remove the tower was given because the cost of removal would have amounted to many thousands of dollars and therefore the structure was permitted to remain. In this particular case the Commission's fee parcel was encumbered by the earlier dated easement of the utility and the release entered into has provided that the company, its successors and assigns, "hereby excepts and reserves the right to maintain and operate at its existing location within the south-westerly portion of the above described parcel an electric transmission line tower and within the remaining area of said parcel, the right to maintain and operate overhead electric transmission line wires and ground wires over and across the said premises at their existing location, and the Commission shall permit the Company, its successors and assigns, access to the Ohio Turnpike for the purpose of maintaining such facilities, in accordance with and subject to such rules and regulations of the Commission as may be prescribed in accordance with law, and by prior notice to the Commission's Chief Engineer". The foregoing language was drafted in collaboration with the Commission's Chief Engineer and is deemed acceptable.

As to the other releases there have been problems in some instances where our preliminary plans indicated the presence of easements because of utility facilities at one time visible on the premises even though not shown by title reports. In some cases, although a utility had no facilities discoverable on the premises, it wished to retain any claims shown by title reports. In a few cases utilities have categorically refused to grant releases except where exceptions would be recognized. In these latter cases, I have accepted releases (most of which relating to drainage cases where the Commission had acquired drainage easements extending wholly outside the Commission's right-of-way fences) only in instances where the Chief Engineer has advised that rights retained by utilities or exceptions engrafted onto releases need have no practical concern to the Commission.

In my preliminary report to the Commission on September 2, 1969

I stated that in the thirteen counties crossed by the Ohio Turnpike there proved to be some 24 different utilities, including five mortgage banks holding easements on Turnpike project parcels. I then enumerated various problems in various counties in which releases were still in process of negotiation. The situation since that date has been solved with only three or four releases still awaited.

In my earlier report I stated that releases for Williams County had been obtained except for certain parcels where North Western Electric Cooperative, Inc. held easements. We have now reached agreement with that company and releases have been obtained as to all parcels with a blanket exception reserving "existing aerial rights to maintain and operate overhead electric transmission line wires and ground wires over and across the above-described premises at their existing locations, such rights to be exercised only in accordance with and subject to such rules and regulations of the Ohio Turnpike Commission and upon such prior notice to the Commission's Chief Engineer as the Commission may prescribe in accordance with law".

As stated in my earlier report, all releases had been secured for Fulton, Portage and Trumbull Counties.

With respect to Lucas County, all required releases have been obtained but with respect to four parcels of American Telephone and Telegraph Company that company has reserved in its releases a ten foot strip, namely, five feet on each side of an existing conduit, and in that county also Panhandle Eastern Pipe Line Company has subordinated its interest in two highway easements to the extent necessary to permit the State of Ohio to reconstruct, repair and maintain Holloway Road and ditches. In Lucas County, also, Columbia Gas of Ohio, Inc. has retained a reservation with respect to one parcel in order to permit it to operate, maintain, repair and replace an existing gas pipe line, and Shell Oil Company has attached reservations as to one parcel, the language of which is still under discussion.

In Wood County, all releases have been obtained with the exception that Sinclair Pipe Line Company has reserved a 33 foot strip, namely, 16-1/2 feet on each side of a certain described centerline with reference to a pipe line, and Buckeye Pipe Line Company as to two parcels has retained a 50 foot strip because of an existing pipe line.

With respect to Ottawa County, the only exceptions relate to Northern Ohio Telephone Company which has reserved rights of ingress and egress to maintain existing facilities on three parcels.

As to Cuyahoga County, there are two parcels on which The East Ohio Gas Company has reserved a 60 foot strip because of a gas pipe line,

three parcels where Buckeye Pipe Line Company has reserved a 50 foot strip, namely, 25 feet on each side of a pipe line, and 17 parcels where The Cleveland Electric Illuminating Company has made exceptions to its release, including the parcel herein previously referred to as having a transmission tower. The other parcels have retained exceptions or reservations permitting right of ingress and egress to maintain, repair or replace existing wires.

In the case of Summit County, Buckeye Pipeline Company has retained a 25 foot strip on one parcel to permit access to maintain an existing pipe line, and a 30 foot strip, 15 feet on each side of a pipe line, on another parcel for the same purposes. Also, The East Ohio Gas Company has retained the right of access to a 60 foot strip on eight parcels for similar purposes.

In Lorain County, The Ohio Fuel Gas Company jointly with the Columbia Gas of Ohio, Inc. has reserved the right to operate, maintain, repair and replace existing pipe lines on 17 parcels, and The Elyria Telephone Company has reserved the right to construct, reconstruct, maintain and remove existing telephone lines on another parcel.

In Erie County, American Telephone and Telegraph Company has reserved a 20 foot strip on one parcel, being 10 feet on each side of the company's existing facilities, and The East Ohio Gas Company has refused to release a pipe line easement on a drainage easement purchased by the Commission, which pipe line easement the Commission's Chief Engineer has found in no way detrimental to uses contemplated by the Commission. The Ohio Fuel Gas Company as to one parcel has reserved the right to operate, maintain and replace an existing gas pipe line and a right of ingress and egress to and from the gas regulating station site.

In Sandusky County, the only reservation is by The Toledo Edison Company with respect to two parcels where it has reserves a 20 foot strip representing 10 feet on each side of the centerline of existing facilities.

Finally, in Mahoning County the Ohio Edison Company has retained a reservation of rights for distribution facilities on one parcel, and The Ohio Fuel Gas Company has retained as to one parcel the right to operate, maintain, repair, replace and remove an existing gas pipe line. In addition, the American Telephone and Telegraph Company as to three parcels has retained use of a 20 foot strip, as to another parcel a 40 foot strip, and as to another parcel a 15 foot strip. Also, The East Ohio Gas Company in Mahoning County has refused to release easements on four parcels requested by the Commission but all four easements are ones which the Commission's Chief Engineer finds inconsequential so far as the Commission is concerned. In Mahoning County, the Sun Pipe Line Company has also in releasing one parcel



declared that it reserves its rights under the agreement with the Commission executed February 11, 1953, a matter, of course, which is wholly acceptable to the Commission.

In each case where exceptions have been engrafted onto requested releases, I have referred the matter to the Commission's Chief Engineer in order to ascertain whether the exception is one which the Commission could tolerate and I have received written confirmation from him that the exceptions retained have his approval.

My survey remains incomplete at this time as to five items only and these are as follows:

1. Mortgage releases by The Chase Manhattan Bank of The Toledo Edison Company parcels in six counties in the hands of Wilson Snyder, attorney for The Toledo Edison Company, for completion and as to which we have had assurance that the releases will be forthcoming shortly in language drafted by me and approved by the title company.
2. Mortgage release of National City Bank of Cleveland as to one parcel in Lorain County mortgaged by The Elyria Telephone Company and as to which the telephone company has heretofore released its interest to the Commission.
3. Release of four parcels in Mahoning County by The East Ohio Gas Company still in the hands of the company.
4. Shell Oil Company proposed subordination agreement relating to the sole parcel on which Shell Oil Company has an easement, which utility never signed an indemnity agreement in 1952-53 when other utilities entered into such agreements.
5. Inland Corporation (successor to Standard Oil Company of Ohio) with reference to one parcel in Wood County.

\* Attached are pages 1 through 6 showing detailed description of exceptions to releases by counties, with date of approval by the Commission's Chief Engineer.

\* Attachment  
cc: Chairman and Commission Members  
Executive Director  
Chief Engineer

Lockwood Thompson  
General Counsel

BREAKDOWN OF EXCEPTIONS TO RELEASES

<u>Utility</u>	<u>County</u>	<u>Parcels Involved</u>	<u>Nature of Exceptions</u>	<u>Action of Chief Engineer</u>
Amer. Tel. & Tel. Co.	Lucas	44Q-2 )	Each of these four easements reserves a 10 foot strip, i. e., 5 feet on each side of existing conduit.	Action of Chief Engineer 44Q-2 and 44LL, September 16, 1969; 44PP and 44PP-1, September 16 and September 24, 1969
		44LL )		
		44PP )		
		44PP-1 )		
	Erie	101S-1	Reservation of 20 foot strip, 10 feet on either side of company's existing facilities.	Language of restrictions approved October 3, 1969 (would not detrimentally affect the Turnpike).
	Mahoning	181G-3	Reservation of 20 foot strip.	January 13, 1969.
		181G-5	Reservation of 20 foot strip.	January 13, 1969.
		181H	Reservation of 15 foot strip.	January 13, 1969.
		181H-1	Reservation of 20 foot strip.	January 13, 1969
		190C-2	Reservation of a 40 foot strip, 20 feet on each side of company's facilities.	January 13, 1969.
Buckeye Pipe Line Co.	Cuyahoga	140A-1	50 foot strip, 25 feet each side of pipe line.	Approved December 9, 1969.
		140B-2	50 foot strip, 25 feet each side of pipe line.	" "
		141S	50 foot strip, 25 feet each side of pipe line.	" "
		141C-8	25 foot strip to operate and maintain existing pipe line.	" "
	Summit	141F-1	30 foot strip, 15 feet each side of pipe line.	" "

Breakdown of Exceptions to Releases

10/30/70

Utility

Action of Chief Engineer

Buckeye Pipe Line Co.  
(cont'd.)

Approved December 9, 1969.

Parcels Involved

Nature of Exceptions

County Wood

50 foot strip, 20 feet from centerline of 22 inch pipe on each side, and 30 feet from centerline of 22 inch pipe.

57A-58H 1

50 foot strip, 25 feet each side of pipe line.

Cleveland Electric Illuminating Co. )  
130A-131V-1 )  
130L-3 )  
130W-2 )  
131S-1 )  
131VV )

Approved March 13, 1970 and subsequent.

Excepts and reserves aerial rights to construct, maintain, repair and renew overhead electric transmission wires in accordance with rules and regulations of Commission and on prior notice to Chief Engineer.

130A-131V )  
130B )  
130D )  
130V )  
130W )  
130W-1 )  
130X )  
130Y )  
130GG )  
140B )  
140C )

Excepts and reserves aerial rights to maintain and operate overhead electric transmission wires and ground wires over and across the premises at their existing location with access to maintain the overhead facilities in accordance with rules and regulations of Commission, with prior notice to Chief Engineer.

130C

Reservation of right to maintain and operate at existing location an electric transmission line tower with overhead transmission wires and ground wires at existing locations with access rights subject to Commission's rules and regulations with prior notice to Chief Engineer.



Breakdown of Exceptions to Releases

10/30/70

-4-

<u>Utility</u>	<u>County</u>	<u>Parcels Involved</u>	<u>Nature of Exceptions</u>	<u>Action of Chief Engineer</u>
North Western Electric Cooperative, Inc.	Williams	3B-3 )	Reservation of existing aerial rights to maintain and operate overhead electric transmission line wires and ground wires over and across, such rights to be exercised in accordance with and subject to rules and regulations of OTC and upon prior notice to Chief Engineer.	October 30, 1970.
		3B-4 )		
		3B-5 )		
		3G )		
		4A-2 )		
		4A-3 )		
		5A-6G-3 )		
		5A-6G-4 )		
		5D-2 )		
		5D-3 )		
		6A-7D-3 )		
		6B-7F-5 )		
		6H )		
		7C-6 )		
		7C-8 )		
		10A-11E-3 )		
10A-11E-4 )				
10A-11E-7 )				
10B-3 )				
10B-4 )				
10F )				
11C-2 )				
11D-3 )				
11D-4 )				

Ohio Edison Co.

Mahoning 180H

Except for statement added by the October 21, 1970.

company that this parcel is released "except all rights for distribution facilities" and the reference to the exception as to that portion of the property lying within the bounds of Gladstone Road as now established "and/or as may hereafter be established or changed."

Breakdown of Exceptions to Release

10-30-70

-5-

<u>Utility</u>	<u>County</u>	<u>Parcels Involved</u>	<u>Nature of Exception</u>	<u>Action of Chief Engineer</u>
Ohio Fuel Gas Co. (and Columbia Gas of Ohio, Inc.)	Lorain	123E-1 )	Company excepts and reserves as to said seventeen parcels the right to operate, maintain, repair and replace existing gas pipe line presently crossing a part of said parcels.	March 18, 1969 as to all parcels listed.
		123E-3 )		
		123E-6 )		
		123AA )		
		123BB )		
		123BB-1 )		
		123CC )		
		123CC-1 )		
		123DD )		
		123DD-1 )		
		123EE )		
		123FF )		
		123GG )		
		123GG-3 )		
123HH )				
123JJ )				
123QQ )				
Erie	96P		Reservation of right to operate, repair, maintain and replace existing gas pipe line (p. 24 of release) and also of ingress and egress to and from a gas regulation station site.	Approved March 23, 1970 with qualification.
Lucas	50K		Reservation of right to operate, maintain, repair, replace and remove any existing gas pipe line.	Approved March 23, 1970.
Mahoning	195S		Addition of following language "excepting also the right to operate, maintain, repair, replace and remove an existing gas pipe line."	Approved October 30, 1970.

Breakdown of Exceptions to Releases

-6-

10-30-70

<u>Utility</u>	<u>County</u>	<u>Parcels Involved</u>	<u>Nature of Exceptions</u>	<u>Action of Chief Engineer</u>
Panhandle Eastern Pipe Line Co.	Lucas	47C-1 ) 47E-3 )	Company subordinates its interest in easement to extent necessary to permit State of Ohio to reconstruct, repair and maintain Holloway Road and ditches.	Approved March 23, 1970.
Sinclair Pipe Line Co.	Wood	54G-4 (release p.5)	Reservation of 33 foot strip being 16-1/2 feet on each side of a certain described centerline (pipe line).	Reservation approved on February 18, 1969.
Sun Pipe Line Co.	Mahoning	189A-190D-4	Reservation of rights under company agreement with Commission, 2-11-53.	Approved by Chief Engineer (see FKC memo of 8-28-68).
Toledo Edison Co.	Sandusky	73C-4	20 foot strip, 10 feet on either side of center-line of existing facilities.	July 22, 1969
		73J-2	20 foot strip, 10 feet on either side of existing facilities.	"

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there would be no report by the Consulting Engineers. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Mr. Hartshorne, reported that since the entire turnpike was currently on the National System of Interstate and Defense Highways and because there was some possibility that the Ohio Turnpike would begin to be looked upon as an ordinary interstate expressway and would lose its identity as Ohio Turnpike, signs had been erected along the turnpike preserving its identity.

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

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

RESOLUTION NO. 34-1970

"WHEREAS the executive director, acting 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 October 13, 1970, 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 October 13, 1970 hereby are ratified, approved and confirmed."

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

Ayes: Teagarden, Chastang, Redman, Wilson, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all



Members voting in the affirmative. The resolution was identified as No. 34-1970.

There being no further business to come before the Commission a motion was made by Mr. Teagarden, seconded by Mr. Redman that the meeting adjourn to December 8 or subject to call of the Chairman.

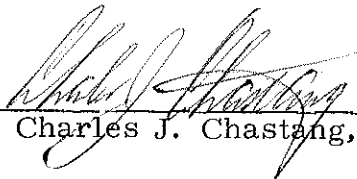
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Teagarden, Redman, Chastang, Wilson, Shocknessy.

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:18 p.m.

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



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Charles J. Chastang, Secretary-Treasurer