

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on April 21, 2011. The meeting was convened at 8:30 a.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington
Jim Latta, Vice Chairman, Pinedale (via telephone)
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
Clair Anderson, Commissioner, Riverton
K. John Dooley, Commissioner, Laramie
Bruce McCormack, Commissioner, Cody
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Jess Oyler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Messrs. Tom Reiman, President, and Rich Bolkovatz, Lead Estimator, of Reiman Corporation; Trevor Brown, Reporter for the *Wyoming Tribune-Eagle*; Joel Meena, State Traffic Engineer; John Sherman, Lands Management Administrator; Ken Spear, Contracts and Estimates Engineer; and Rodney Freier, Budget Specialist.

1. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve the minutes from the March 17, 2011, breakfast meeting, regular business meeting, executive session, and education session.

2. Correspondence: Secretary Scott presented a letter from Mrs. Sylvia Steiger of Cheyenne. In her letter, Mrs. Steiger requested an appointment with the Commission to appeal the Access Review Committee denial of access to her property on Wyoming Highway 210 (Happy Jack Road). Secretary Scott advised that Mrs. Steiger was a scheduled delegation at 10:00 a.m. and that the topic would be addressed after she arrived.

3. Director Cox presented the Director's report.

U.S. Senate Committee on Environment and Public Works Meeting, Washington, D.C.: On April 14, 2011, Director Cox testified before the Senate Environment and Public Works Committee on behalf of the Five-State Coalition (Wyoming, Montana, Idaho, North Dakota, and South Dakota). Four other departments of transportation heads, one city official, and the chairman of FedEx Corporation also testified at the meeting. The primary discussion topic was the Federal Surface

Transportation Program reauthorization. Witnesses testified about various areas of concern with the future bill, including the need for less regulation of how the funds are spent, maintaining the interstate and national highway systems in rural states, and where the money will come from to fund the bill.

Director Cox shared his appreciation of Wyoming's Congressional staff and Mr. John Davis, Management Services Manager, for their extreme effort on behalf of the Five-State Coalition.

4. Mr. Hibbard presented the Budget report.

American Reinvestment and Recovery Act (ARRA) Quarterly Report: Mr. Hibbard presented the quarterly ARRA report, which detailed actual project awards and current expenditures. Wyoming has consistently led the nation for awards and expenditures since ARRA funds were released, but Oklahoma recently exceeded Wyoming's expenditure rate. Wyoming's ARRA program has been audited four times in various areas and has received best practice ratings in the areas of program budget reconciliation and in direct cost and indirect rates management.

Monthly Budget Report: The April budget report revealed overruns in Districts 3 and 5 snow control budgets. State Construction Project (SCP) funds will have to be used to cover those expenditures. The Department does have \$100 million available in state borrowing authority, and although WYDOT has never used that contingency, it will enact that authority, if necessary.

Second Quarter Budget Revision: Mr. Hibbard explained that quarterly changes to the annual budget are necessary to meet organizational priorities. One example is the fluctuation in fuel tax revenues: the Department experienced a \$1.6 million drop in gasoline and diesel revenues this quarter.

Funds received from the FY 2011 Supplemental Budget Request were also included in the quarterly revision. The Legislature approved \$50.6 million in General Fund appropriations during the 2011 session. No funds were appropriated for the legislatively-mandated increase in the state's medical benefit contributions. This necessitated moving \$2.1 million from the Highway Fund to cover the expense. If state market pay adjustments are approved, that funding will also have to come from the Highway Fund.

Commissioner Ertman asked why WYDOT doesn't receive General Funds to cover medical benefit contributions like other state agencies. Mr. Hibbard explained that most WYDOT positions are funded with transportation funds, which have been isolated from General Fund appropriations in the past.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve the second quarter budget revision.

5. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held April 14, 2011, in Sheridan.

COMMISSION DISTRICTS 1 and 2
Cactus Covello - Chairman
K. John Dooley - Commissioner

Federal project IM-B111028, involving bridge rehabilitations and miscellaneous work at various locations in Transportation District 1 in Albany, Carbon and Laramie counties. Completion date – August 31, 2012

| | |
|--|------------------------------|
| Engineer's Estimate | \$1,931,914.90 |
| Reiman Corp., Cheyenne, WY | \$2,326,886.00 +20.4% |
| Simon Contractors and Subsidiaries, Cheyenne, WY | \$2,380,474.11 |
| S & S Builders, LLC., Gillette, WY | \$2,399,295.93 |

After the bid letting, Mr. Ken Spear, Contracts and Estimates Engineer, received a letter from S & S Builders that detailed various concerns about the plans and specifications that were provided to contractors to prepare their bids. One of their primary concerns was that hydro-demolition has not been used by WYDOT before and that trying a new process on a job this size was “risky, at best.” S & S asked the Department to consider its concerns, and it would like to rebid the project after additional information could be provided to the contractors who would prepare bids.

Mr. Fredrick admitted that hydro-demolition, a process used to remove unsound concrete from bridge decks, is new to Wyoming. However, WYDOT worked with surrounding states to gain expertise and to develop specifications for the project. Mr. Fredrick ultimately studied each of the bids that were received, and he stated that he believes the bids are competitive and equitable.

Mr. Tom Reiman advised that he did not share the same concerns about the bid specifications that were expressed by S & S and attested that he would stand by his company's bid on the project.

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Anderson, and carried that **Reiman Corp., Cheyenne, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Messrs. Reiman and Bolkovatz left the meeting.

COMMISSION DISTRICTS 2 and 7
K. John Dooley - Commissioner
Clair Anderson - Commissioner

Federal project NH-N211059, involving grading, draining, placing crushed base, bituminous pavement surfacing, chip sealing, milling, bridge railing modification, guardrail and miscellaneous work on 13.49 miles of WYO 220, between reference markers (RM) 44.81 and 58.3 in Carbon and Natrona counties. Completion date – June 30, 2012

| | | |
|---|-----------------------|--------------|
| Engineer's Estimate | \$7,486,024.85 | |
| McMurry Ready-Mix Co., Casper, WY | \$7,719,912.70 | +3.1% |
| Skanska USA Civil Inc. and Subsidiaries, Cortez, CO | \$8,026,295.50 | |
| McGarvin-Moberly Construction Company, Worland, WY | \$8,966,375.75 | |

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried that **McMurry Ready-Mix Co., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 4
Jim Hladky - Commissioner

Federal projects STP-B114080 and SCP-0303024 combined, involving chip sealing and miscellaneous work on 23.09 miles of various Transportation District 4 roads in Campbell and Sheridan counties. Completion date - September 30, 2011

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|--|---------------------|--------------|
| Engineer's Estimate | \$781,390.00 | |
| Hardrives Construction, Inc., Billings, MT | \$751,475.11 | -3.8% |
| Intermountain Slurry Seal, Inc., Watsonville, CA | \$804,960.00 | |
| Bituminous Paving, Inc., Ortonville, MN | \$859,141.00 | |
| Hills Materials Company, Rapid City, SD | \$889,600.00 | |
| Northern Improvement Company and Subsidiary, Fargo, ND | \$895,995.00 | |
| Riverside Contracting, Inc., Missoula, MT | \$934,105.00 | |

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Dooley, and carried that **Hardrives Construction, Inc., Billings, MT**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICTS 4 and 6
Jim Hladky – Commissioner
Ted Ertman - Commissioner

Federal projects NH-B114014 and STP-B114015 combined, involving crack sealing and miscellaneous work on 152.74 miles of various Transportation District 4 roads in Campbell, Crook, Johnson, Sheridan and Weston counties. Completion date – August 31, 2011

| | | |
|---|---------------------|---------------|
| Engineer's Estimate | \$690,794.00 | |
| Z & Z Seal Coating, Inc., Billings, MT | \$532,176.52 | -23.0% |
| Kuntz Contracting Corp., Selma, TX | \$763,120.00 | |
| Hardrives Construction, Inc., Billings, MT | \$803,535.41 | |
| Highway Improvement, Inc., Harrisburg, SD | \$884,777.00 | |

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Hladky, and carried that **Z & Z Seal Coating, Inc., Billings, MT**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 6
Ted Ertman - Commissioner

Federal projects NH-B114002 and SCP-B114081 combined, involving chip sealing and miscellaneous work on 98.63 miles of various Transportation District 4 roads in Crook, Niobrara and Weston counties. Completion date – September 30, 2011

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|--|-----------------------|--------------|
| Engineer's Estimate | \$2,712,525.00 | |
| Hardrives Construction, Inc., Billings, MT | \$2,486,999.14 | -8.3% |
| Bituminous Paving, Inc., Ortonville, MN | \$2,598,135.00 | |
| Hill Materials Company, Rapid City, SD | \$2,695,526.00 | |
| Northern Improvement Company and Subsidiary, Fargo, ND | \$2,799,165.00 | |
| Intermountain Slurry Seal, Inc., Watsonville, CA | \$2,831,000.00 | |
| Riverside Contracting, Inc., Missoula, MT | \$2,944,911.00 | |

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried that **Hardrives Construction, Inc., Billings, MT**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State projects DR41166 and DR41211 combined, involving structural damage repair and miscellaneous work at RM 171.26 on the County Road Separation under I-90 between Moorcroft and Sundance, in Crook County. Completion date – August 31, 2011

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|---|---------------------|--------------|
| Engineer's Estimate | \$308,696.00 | |
| S & S Builders, LLC., Gillette, WY | \$301,525.60 | -2.3% |
| Reiman Corp., Cheyenne, WY | \$344,013.50 | |

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **S & S Builders, LLC., Gillette, WY**, having prequalified in accordance

with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 7
Clair Anderson - Commissioner**

State project IRP-CN01061, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, water systems, removal of timber bridge, box culvert, cattle guards, fencing, and miscellaneous work on Six Mile Road (County Road 119), beginning at the Old Yellowstone Highway in Natrona County. Completion date – October 31, 2011

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|--|-----------------------|--------------|
| Engineer's Estimate | \$3,093,847.50 | |
| Knife River, Cheyenne, WY | \$2,829,999.00 | -8.5% |
| Hedquist Construction, Inc., Mills, WY | \$3,174,884.50 | |
| McMurry Ready-Mix Co., Casper, WY | \$3,745,352.65 | |
| 71 Construction, Casper, WY | \$3,977,596.70 | |

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Hladky, and carried that **Knife River, Cheyenne, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. Commissioner Dooley abstained.

Mr. Matt Carlson, State Highway Safety Engineer, entered the meeting.

6. Mr. Fredrick presented the following bid tabulation from a letting held by Fremont County on February 22, 2011.

State project IRP0.00 CN10094, realignment and reconstruction of 5.3 miles of Burma Road, between Paradise and Zuma Roads, in Fremont County.

| | | |
|--|-----------------------|---------------|
| Engineer's Estimate | \$6,300,000.00 | |
| High Country Construction, Inc., Lander, WY | \$4,470,524.22 | -24.3% |
| Western Wyoming Construction, Lander, WY | \$4,551,982.20 | |
| Wilson Brothers Construction, Cowley, WY | \$4,985,057.60 | |
| 71 Construction, Casper, WY | \$5,128,571.00 | |
| Knife River, Casper, WY | \$5,257,099.00 | |
| C & S Construction, Billings, MT | \$5,387,182.05 | |
| Oftedal Construction, Inc., Casper, WY | \$5,644,993.29 | |
| Excel Construction, Sheridan, WY | \$5,734,118.00 | |
| Kilroy, LLC, Afton, WY | \$6,791,207.00 | |

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to concur in the project award to **High Country Construction, Inc., of Lander, Wyoming**, as low bidder.

7. It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve the following project authorizations:

COMMISSION DISTRICT 2

Rural Major Collector

STP 47.00 1903021; Sweetwater County; Hiawatha, Colorado State Line Section; RM 47.00 to 55.10; mill, level and overlay; request to move from FY 2014 to FY 2011; request federal construction engineering and construction funds of \$1,952,455

Urban Interstate

IM 88.86 I802195; Sweetwater County; Green River to Rock Springs, Green River tunnels; RM 88.86 to 110.36; Intelligent Transportation System-Rural Weather Information System; signs, cameras and speed sensors; FY 2012 construction; request federal preliminary engineering funds of \$ 35,000

COMMISSION DISTRICT 3

Rural Principal Arterial

NH 127.30 N103106; Lincoln County; Alpine Junction to Hoback Junction, Blue Trail Slide; RM 127.30 to 127.50; slide repair; request to move from FY 2013 to FY 2011; request federal construction engineering and construction funds of \$1,980,000

NH 0.00 N121105; Lincoln County; Cokeville, Idaho, to Cokeville; RM 0.00 to 10.39; overlay; request to move from FY 2012 to FY 2011; request federal construction engineering and construction funds of \$8,800,000

COMMISSION DISTRICT 4

Rural Major Collector

STP 294.63 1006020; Johnson County; Buffalo South, WYO 196; RM 294.63 to 299.52; mill and overlay; FY 2012 construction; request federal preliminary engineering funds of \$20,000

Urban Interstate

IM 19.70 I901114; Sheridan County; I-90, Sheridan Marginal; RM 19.70 to 28.00; mill and overlay; FY 2012 construction; request federal preliminary engineering funds of \$20,000

COMMISSION DISTRICT 5

Rural Principal Arterial

NH 41.74 N361055; Washakie County; Ten Sleep to Buffalo, County Line West; RM 41.74 to 44.01; rock fall mitigation and reconstruction; request move from FY 2012 to FY 2011; request federal construction engineering and construction funds of \$9,599,095

Rural Major Collector

SCP 0.00 2200018; Hot Springs and Washakie Counties; WYO 431, Gooseberry Creek Road; RM 0.00-30.199; land surveying along right-of-way areas, appraisal and acquisition; FY 2011; request state preliminary engineering funds of \$50,000, and state right-of-way funds of \$100,000

COMMISSION DISTRICT 7

Urban Interstate

IM 188.34 I254153; Natrona County; I-25, Casper Marginal, Structure DKW; RM 188.34; reconstruct deck and slab support; FY 2011; request federal preliminary engineering funds of \$7,000, and federal construction engineering and construction funds of \$107,000

COMMISSION DISTRICT M

Rural Major Collector

STP-CR 0.00 CN10101; Fremont County; 17 Mile West, Coolidge Canal; RM 0.00 to 0.56; removal and replace structure, miscellaneous work; FY 2012 construction; request federal preliminary engineering funds of \$120,000, and federal right-of-way funds of \$30,000

8. Second-Quarter State Transportation Improvement Program (STIP) Addendum: Mr. Fredrick presented the second-quarter addendum to the 2011 STIP. It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve the second-quarter STIP addendum.

Mrs. Sylvia Steiger, a Cheyenne-area resident, entered the meeting, and Mr. Spear left the meeting.

9. Mr. Fredrick introduced Mrs. Sylvia Steiger, who attended the meeting to dispute the Access Review Committee's denial of her request for a new driveway access to her property that is located at the corner of State Highway 210 (Happy Jack Road) and Range Line Road in Laramie County.

WYDOT Rules and Regulations require that applicants must make requests for an access in writing to the WYDOT district engineer. If the district denies the petition, the requestor may appeal the decision to the access review committee, which is comprised of WYDOT's State Traffic Engineer, State Highway Safety Engineer, and Lands Management Administrator. The Access Review Committee has assessed the Steiger property, and it determined that the proposed access location did not meet the necessary spacing criteria for granting an access permit on Happy Jack Road. Furthermore, an access is already available on Range Line Road. Mrs. Steiger requested an exception to the rule because of her extenuating health circumstances.

Mrs. Steiger thanked the Commission for allowing her the opportunity to speak to them about an access appeal. She admitted that WYDOT had done its job in accordance with the WYDOT Rules and Regulations; however, she believes that some consideration should be given for her pulmonary emboli – an acute life-threatening medical condition that requires medical care. The Steigers currently live at another property in the area. They purchased the Happy Jack and Range Line Roads property about 10 years ago intending to build a home so that emergency medical services (EMS) would have easier access to Mrs. Steiger should an emergency arise. Range Line Road currently has an access to the Steiger property, but it is seldom plowed during snow events, and westbound off of Happy Jack Road does not have a street sign depicting its name, which may make it difficult for EMS to find the owner's address. Mrs. Steiger also noted that there are several other discontinuous segments of Range Line Road and feels that, even with the latest global positioning systems (GPS), EMS personnel would have difficulty finding the correct property location.

Chairman Covello asked Mrs. Steiger if she has attempted to contact "911" emergency services to confirm whether they can manually enter her property's location into their system. Mrs. Steiger admitted that she had not investigated this possibility, but she had done her own research through Google Maps without success.

Commissioner Ertman asked Mrs. Steiger whether she has approached Laramie County about changing the road name to create a more accurate address, making it easier to find. She admitted that she had not sought this possibility.

Mrs. Steiger indicated that their new home would be built after their existing home is sold, and noted that her children may also build a home on the property. She also noted that the access on Happy Jack Road would be used only when an emergency exists.

Commissioner Ertman voiced concern about a new access creating a bus stop on Happy Jack Road and potentially having children board a school bus there in the future.

Mr. Meena advised that WYO 210 (Happy Jack Road) is designated as a major collector and that the property is located about 12 miles west of Cheyenne. The reason for denying the permit is because of the lack of a minimum 660-foot spacing requirement between a residential and commercial access, and the fact that access is available through Range Line Road, which also serves other houses in the area. Rural sprawl is accredited for this situation and it is occurring more often lately. Mr. Meena indicated that issuing an access permit in this situation will adversely affect highway safety.

Mr. Carlson addressed the topic from a highway safety perspective. The speed limit on Happy Jack Road is 65 miles per hour, and the traffic count is 1,200 vehicles per day in the area, with the heaviest traffic occurring during the morning and evening worker commutes to and from Cheyenne. Mr. Carlson advised that the Access Review Committee will always look for an alternate property access other than on a primary, high speed highway to prevent crashes.

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, and seconded by Commissioner McCormack to deny the Steigers' request for an access permit, but the Department will install signage on Range Line Road to help the EMS team find the Steigers' property, if necessary. Further discussion ensued before Chairman Covello called for the vote.

Chairman Covello stated that, considering his personal experience as a long-time member of the Torrington Volunteer Fire Department, he would be very surprised if the EMS team couldn't program the Steigers' address into its GPS, if it isn't already available to them. Mrs. Steiger indicated that even her current address on Ventnor Road was not portrayed correctly in her GPS device. Chairman Covello reiterated that if she contacted EMS directly, he believed that they could accommodate such a request.

Commissioner Hladky reiterated that he felt the access request should be denied because of significant safety concerns.

Commissioner Ertman suggested postponing the decision until a determination could be made about whether EMS could program its system with the Steigers' address. Chairman Covello agreed with Commissioner Ertman's suggestion but deferred the ultimate decision to the Commission body. Director Cox offered to have WYDOT's staff help Mrs. Steiger research the matter.

It was moved by Commissioner Hladky and seconded by Commissioner McCormack to withdraw the motion to deny the Steigers' request for an access permit and have the Department install signage on Range Line Road to help the EMS team find the Steigers' property.

It was moved by Commissioner Ertman and seconded by Vice Chairman Latta to table Agenda Item 6.d – Steiger Happy Jack Access, until additional information could be provided about emergency medical services ability to adequately locate the property.

Mrs. Steiger thanked the Commission for its time and consideration.

Mrs. Steiger and Messrs. Carlson and Sherman left the meeting.

10. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through March 31, 2011, includes 20 fatal crashes involving 23 deaths. The fatalities include 13 rollover crashes, 8 multi-car crashes, 5 commercial vehicles, 1 pedestrian, and 1 fixed object.

There have been 5 crashes to date deemed alcohol related that resulted in 7 deaths. Of those deaths, 6 were attributed to not using occupant restraints.

Of the 23 deaths that have occurred to date in 2011, 14 can be attributed to the non-use of occupant restraints, with 12 involving rollover crashes and 2 involving multi-car collisions. Of the 14 deaths

that occurred from non-use of occupant restraints, 8 were Wyoming residents and 6 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through February 28, 2011. The summary depicts 1,104 crashes statewide, of which 834 involved non-commercial vehicles and 270 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of March 31, 2011, have been DUI related. There have been 325 field arrests made so far this year, including:

- DUI arrests from crashes – 37
- DUI arrests from traffic stops – 125
- DUI arrests from the REDDI Program – 33
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 9
- Wyoming warrants hits – 30
- Drug arrests – 36
- Other arrests – 52

Vice Chairman Latta asked Colonel Oyler if seatbelt-related citations were influencing passenger restraint usage. Colonel Oyler indicated that seatbelt usage has risen 78 percent this year, which has attributed to fewer fatalities.

Commissioner Ertman voiced concern about a number of calls that he's received from constituents about the lack of WYDOT workers in Newcastle. Colonel Oyler indicated that the former Newcastle Port-of-Entry was one of ten facilities that were closed two years ago because of budget cuts. Newcastle personnel were then moved to the Sundance Port-of-Entry because the building became uninhabitable.

11. Mr. Byrne presented the Aeronautics report, including the March 2011 Aeronautics Flight Operations Passenger Summary Report.

Mr. Brown left the meeting.

12. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve purchase for bid number 11-113 to furnish a wet-pipe sprinkler system in WYDOT Building No 6101 in Cheyenne. The bid was awarded to Rapid Fire Protection, Inc., of Rapid City, South Dakota, for the sum of \$186,275.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-128 to furnish two each, pole buildings to be constructed in Cokeville and Rock Springs. The bid was awarded to DC Construction, Inc., of Cheyenne, Wyoming, for the sum of \$159,720.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, and seconded by Commissioner McCormack to approve purchase for bid number 11-129 to furnish a roof replacement on the WYDOT Building No. 6309 in Basin. Big Horn Roofing, Inc., of Laramie, provided a bid of \$99,900 for the work, but it was the only bid received. Discussion ensued about there being only one bidder and the seemingly high cost for a roof replacement. Chairman Covello called for the vote. Commissioner Ertman favored the motion, but it failed by a 5-1 vote. (This bid was reconsidered by the Commission later in the meeting. See Item 19 below.)

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-130 to furnish basement renovations at the WYDOT Port of Entry building in Alpine. The bid was awarded to GE Johnson Construction, of Jackson, Wyoming, for the sum of \$94,110.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Vice Chairman Latta, and carried to approve purchase for bid number 11-138 to furnish a central control traffic signal system for use in Casper and Cheyenne. The bid was awarded to Northwest Signal Supply, Inc., of Tualatin, Oregon, for the sum of \$164,800.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to approve purchase for bid number 11-139 to furnish and set up two each, new modular homes for use at Elk Mountain. The bid was awarded to King Enterprises, of Casper, Wyoming, for the sum of \$193,498.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-145 to furnish 37 each ethernet over copper units for delivery in Cheyenne. The bid was awarded to Advanced Traffic Products, Inc., of Everett, Washington, for the sum of \$83,983.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Vice Chairman Latta, and carried to approve purchase for bid number 11-146 to furnish two each, new, current model 35-ton, full-tilt, low-load-angle trailers for delivery in Sundance and Cheyenne. The bid was awarded to Peterbilt of Wyoming, of Cheyenne, Wyoming, for the sum of \$131,074.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to approve purchase for Requisition No. 0000021363 to furnish Whelen lights for snow plows for use by the Equipment Program in Cheyenne. The contract was awarded to Whelen Engineering Co., Inc., of Chester, Connecticut, for the sum of \$97,809.60.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried to approve purchase for Requisition No. 0000021690 to furnish the annual Enterprise Research System (ERP) core Oracle database license support fee. The contract was awarded to Oracle America, Inc., of Rocklin, California, for the sum of \$59,931.02.

13. Operations Report Supplement:

In November 2010, the Transportation Commission awarded Bid No. 11-002, which would have provided 221 traffic signal controllers from Western Signal, Inc., of Denver, Colorado, at a total cost of \$407,524. WYDOT is buying and installing these controllers as a part of Project B109079, statewide urban signal upgrade. The contract completion date for this project is December 31, 2011, but the prime contractor's schedule indicates that they should complete this project on August 31, 2011.

Western Signal has delivered 95 controllers so far, for a total of \$175,180. On April 14, 2011, WYDOT received notice from Western Signal that they would not be able to fulfill their remaining obligation of 126 controllers because of financial constraints that are beyond their control. Western Signal has subsequently been removed from the bidder's list in accordance with WYDOT's rules. Intelight, Inc., the manufacturer of the controllers, severed its relationship with Western Signal on April 11, 2011, and has offered to supply the remainder of the traffic controllers directly to WYDOT, honoring the unit price and other contract terms.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve a single source purchase order with Intelight, Inc., of Tucson, Arizona, for the remaining 126 traffic signal controllers for the sum of \$232,344.

Mr. Moench advised that in light of the vendor's breach of contract and since there is no change in price from Intelight, he believes this is a good remedy to the situation. Mr. Moench also advised that if the Department contacted the second low bidder, it would be considered a re-bid. Delaying the order may not be in the best interest of the Department. Mr. Meena also advised that rebidding the contract would greatly complicate the process for the Traffic Program.

14. Mr. McOmie presented the Chief Engineer's report.

Mr. McOmie presented a revised rule for Chapter 6, Bidder Prequalification Procedures for Transportation Projects, from the *Wyoming Department of Transportation Rules and Regulations*, General Section.

No public comments were received during the statutory 45-day comment period. The most significant change to the rule is that it will require that the applicant sign an oath indicating that the company is financially able, the adequacy of its plant and equipment, and its organization and past experience. Applications for prequalification will also be processed by WYDOT within two weeks of receipt of the required information.

It was recommended by Mr. McOmie, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-108, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Chapter 6, Bidder Prequalification Procedures for Transportation Projects, to determine the qualifications and requirements of bidders; and

WHEREAS, a forty-five day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Chapter 6, Bidder Prequalification Procedures for Transportation Projects.

15. Beartooth Highway: Cooke City, Montana, officials have contacted WYDOT about attending a meeting to discuss winter road maintenance and snow removal on Wyoming Highway 212 (Beartooth Pass), from its junction with Wyoming Highway 296, north to Cooke City. The road is owned by the U.S. Forest Service. A meeting has been scheduled in Cooke City on May 20, 2011, to discuss the matter. District staff plans to attend the meeting. Park County has done some work on the roadway, but the remoteness of the highway will prohibit WYDOT from providing assistance without adequate compensation.

16. Mr. McOmie reported that the Department has implemented a plan to prohibit high-profile and light weight vehicles from passing on certain highways during high wind events. The Transportation Management Center uses a sophisticated electronic weather system to detect high wind areas. So far, the program has been very successful at eliminating overturned trucks and subsequent accidents.

Federal Funding Outlook: The Federal Highway Administration has advised that the Department could experience a 20 percent decrease in its federal highway funding in the new Federal Highway Bill. WYDOT anticipates the decrease could be as much as 25 to 33 percent, depending on how the future federal legislation is written.

17. Chairman Covello recessed the meeting at 11:45 a.m., on Thursday, April 21, 2011.

18. Chairman Covello reconvened the meeting at 1:48 p.m., on Thursday, April 21, 2011.

19. Mr. Shultz advised that he had some additional information to provide about Purchasing Bid No. 11-129, which was rejected earlier in the meeting (Item 12 above). Chairman Covello asked if the Commission would like to reconsider its decision to reject the bid from the only bidder, Big Horn Roofing, of Laramie, Wyoming. The Commission agreed to hear the additional information.

Mr. Shultz reported that bids were solicited from 14 vendors for the project. Only 3 attended the required pre-bid meeting to learn hands-on about the project. One of the three firms was from Pueblo, Colorado, and it did not submit a bid. Big Horn Roofing does have a business site in Cody. The building has 13,000 square feet of roofing to be removed and replaced. According to Mr. Shultz, the Procurement Services (formerly Purchasing) Program is confident that Big Horn's bid of \$99,900 is justified.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-129 to furnish a roof replacement on WYDOT Building No. 6309 in Basin. The bid was awarded to Big Horn Roofing, Inc., of Laramie, Wyoming, for the sum of \$99,990.

20. Kenneth L. Shultz Signatory: It was recommended by Secretary Scott, moved by Commissioner Hladky, seconded by Commissioner Dooley, and carried to approve Kenneth L. Shultz as a Department signatory, effective April 1, 2011.

21. General Matters: Commissioner McCormack prompted discussion about promoting vehicle headlight usage during the daytime on Wyoming highways. Headlight usage is already required on several Wyoming roadways, and Commissioner McCormack showed interest in monitoring accident rates with voluntary usage on two-lane roads.

Mr. McOmie advised that the Department has considered the idea before. Mr. Meena provided a hand-out showing signage that is already installed in areas where headlight usage is encouraged for safety reasons. The current program was implemented as a reactive approach, rather than being proactive, in areas where safety was a concern. Signs to implement such a program would cost about \$5,000 to \$10,000 per location. Mr. McOmie will explore the idea further and report back to the Commission about its feasibility.

22. It was moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 2:02 p.m. on Thursday, April 21, 2011.