

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on March 17, 2011. The meeting was convened at 8:30 a.m. by Vice Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Vice Chairman, Torrington
Jim Latta, Commissioner, Pinedale (via telephone)
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
Clair Anderson, Commissioner, Riverton
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; Tim Hibbard, 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: Aeronautics Commissioners Jerry Dilts, Doyle Vaughan, and Charlie Wilkie; Tom McLaughlan, Lead Estimator, Don Kehn Construction, Inc., of Ft. Collins, Colorado; Colby Willett, Project Manager, Simon Contractors of Cheyenne; Ken Spear, WYDOT Contracts & Estimates Engineer; and Sara Janes, WYDOT Safe Routes to Schools Coordinator.

Commissioner K. John Dooley, from Laramie, was absent.

1. District Court Judge Thomas Campbell administered the oath of office to Transportation Commissioners Clair Anderson and Bruce McCormack and Aeronautics Commissioners Jerry Dilts, Charlie Wilkie, and Doyle Vaughan.

2. Agenda Changes: Secretary Scott advised the Commission of two late-scheduled delegations that needed to be added to the agenda. Messrs. Tom McLaughlan, of Don Kehn Construction, and Colby Willett, of Simon Contractors, requested appointments with the Commission to address their bids on Project PEB1712, WYDOT Headquarters Complex parking lot surfacing. The topic will be addressed under the Engineering and Planning report later in the meeting.

3. Election of Officers: Vice Chairman Covello asked for nominations from the floor for the election of a new Commission chairman. It was moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to nominate Vice Chairman Covello as chairman. There were no other nominations. It was moved by Commissioner Ertman, seconded by Commissioner Hladky, and unanimously carried to elect Vice Chairman Covello as chairman.

Chairman Covello asked for nominations from the floor for the election of a new vice chairman. It was moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to nominate Commissioner Latta as vice chairman. There were no other nominations. It was moved by Commissioner Hladky, seconded by Commissioner Anderson, and unanimously carried to elect Commissioner Latta as vice chairman.

4. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Commissioner Latta, and carried to approve the minutes from the February 16, 2011, audit presentation (education session) and the February 17, 2011, regular business meeting, executive session, and education session.

5. Correspondence: Secretary Scott presented thank you notes from former Commission Chairman Charlie Monk and Commissioners Susie Dziardziel and Sandi McCormick for the parting gifts and farewell luncheon that were provided by the Commission and WYDOT Executive Staff on February 17, 2011.

6. Secretary Scott also presented a letter that was received from Mr. Dave Long of Dave's Asphalt Company concerning his bid on Purchasing Bid No. 11-121. Mr. Long's bid was deemed irregular by the Department because the company did not acknowledge receiving an addendum that was faxed to him. Mr. Tim Hibbard will provide further explanation under the Operations Report later in the meeting.

7. Director Cox presented the Director's report.

American Association of State Highway and Transportation Officials (AASHTO) Briefing: Director Cox recently attended an AASHTO briefing in Washington, D.C., where the primary discussion topic was the pending federal highway bill. U.S. House Transportation and Infrastructure (T&I) Committee Chairman John Mica was a featured speaker at the meeting, and he is leading the effort to rewrite the former draft bill. The T&I Committee is taking a conservative position on the bill. Director Cox anticipates the outcome being less future funding for WYDOT; however, the new draft bill will likely contain fewer regulations and enhancement programs than in the past. Some ideas that are being considered in the new bill are to include only highway issues, to streamline the processes, and to identify funds that haven't been spent and direct them back to the Highway Trust Fund. Mr. Ray LaHood, U.S. Secretary of Transportation, also spoke at the meeting about President Obama's latest proposed budget, which doubles the appropriations that were defined in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). There is very little hope that such a bill could be funded.

Legislative Update: Wyoming Senator John Schiffer is the 2011 co-chairman of the Joint Transportation, Highways and Military Affairs Committee (JTC). Director Cox noted that Chairman Schiffer has repeatedly expressed his desire to find a more consistent funding source for Wyoming's infrastructure. Director Cox was asked by the Joint Appropriations Committee (JAC) to prepare a letter to the Committee about proposed ideas for alternate funding sources that would allow

WYDOT to plan projects into the future. An invitation to provide such information to the JAC is an unprecedented opportunity for the Department. Director Cox is cautiously optimistic that the measure may have favorable results for future surface transportation funding. The letter to the JAC was also shared with the chairmen of the JTC and the Joint Revenue Committee.

8. Mr. Kevin Hibbard presented the Budget report.

Monthly Budget Report: The February budget report revealed that the Commission budget is 37 percent expended and the Department's legislative budget is 35 percent expended. Both of these statistics are within the 5 percent budget tolerance.

2011 General Session Supplemental Appropriations: Mr. Hibbard provided a handout that detailed various appropriations that were approved by the 2011 Legislature. The Department received \$3.95 million for air service enhancements, \$40 million for surface transportation, and \$5 million for railroad quiet zones. Funding in the amount of \$5,000 was also approved for the Cody to Powell Highway to be designated as the "Wyoming Veteran's Memorial Highway." The appropriation requires a \$5,000 match from non-state resources for a total of \$10,000 that is to be used for signage.

WYDOT and the State Department of Administration and Information also received \$200,000 shared General Funds to retrofit or purchase compressed natural gas vehicles, in accordance with Enrolled Act 0067.

Six million dollars was also appropriated for State Land and Investment Board-managed funds for energy-impacted county roads, and \$610,000 was designated to evaluate the impacts and formulate mitigation strategies associated with mineral exploration and production in southeastern Wyoming. One additional at-will position was approved for the study, which will expire on June 30, 2012.

9. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held March 10, 2011, in Riverton.

COMMISSION DISTRICT 1
Cactus Covello - Chairman

State project PEB1712, involving grading, milling plant mix, placing crushed base, bituminous pavement surfacing, and miscellaneous work on the parking lot at the WYDOT Headquarters Complex in Cheyenne, in Laramie County. Completion date – August 31, 2011

Engineer's Estimate	\$277,183.00	
Don Kehn Construction, Inc., Fort Collins, CO	\$188,882.00	-31.9%
Plus 5 percent for comparison	\$198,326.10	
Irregular Draft Copy		
Simon Contractors and Subsidiaries, Cheyenne, WY	\$205,539.04	
CConnell Resources, Inc., Fort Collins, CO	\$202,593.00	
Plus 5 percent for comparison	\$212,722.65	
S & S Builders, LLC, Gillette, WY	\$216,254.75	
Knife River, Cheyenne, WY	\$285,030.50	

Mr. Fredrick noted that the bid received from Don Kehn Construction, Inc. was read as an irregular bid. The first page of the proposal was signed by the vice president and notarized. This page contained the creation date, time, and check digit number produced by the Department's electronic bid software. Mr. Fredrick pointed out that the word "DRAFT" follows the creation date and time, rather than the check digit number, at the bottom of pages 2 through 6 of the bid document. Because of this inconsistency, their bid was read as irregular at the letting.

Mr. Tom McLaughlan, Lead Estimator for Don Kehn Construction in Fort Collins, Colorado, explained that he printed a second copy of the bid that was intended to be for their company's file and somehow mixed the pages of the two originals. Mr. Laughlan presented pages 2 through 6 of their proposal to the Commission that contained the exact date, time, and check digit information as what was on Page 1 of the signed bid document that they submitted at the letting. Mr. Spear verified that the information on the pages that Mr. McLaughlan provided matched and were consistent with the bid documents and bid price submitted and read at the bid letting.

Mr. Fredrick asked Mr. McLaughlan whether his statements on Pages 4 through 6 regarding non-collusive bidding, registration with the Wyoming Secretary of State, certification of suspension or debarment, non-discrimination, and covenant and agreement certifications were all still true. Mr. McLaughlan stated that the certifications were accurate.

Mr. Colby Willett, Project Manager for Simon Contractors, had no comment on the discussion. He advised that the purpose of his attendance was simply to answer any questions that the Commission might have should they decide not to award the contract to Don Kehn Construction.

The WYDOT *Standard Specifications for Road and Bridge Construction* specify that "The Department will publically read at the bid opening, but *may* reject, bids with any of the following irregularities: . . . A nonmatching check digit on any page of the proposal (form E-91)." (Emphasis added). Mr. Fredrick stated that he did not believe Kehn's bid irregularity would effect the integrity of the bid process, noting that the purpose of the check digit being printed on each page of the proposal is to facilitate the bid creation and bid checking process and to verify the accuracy, consistency, and completeness of the bid. Contracts and Estimates staff can easily ascertain that the bid document is complete and correct if all of the check digits match on all pages. If they are not, it alerts the staff to check the proposal for possible inconsistencies and mathematical errors.

Mr. Moench advised that Kehn's mistake was a "non-material error" and indicated that the Commission may accept the bid if it saw fit to do so.

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried that **Don Kehn Construction, Inc., Fort Collins, Colorado**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Messrs. McLaughlan and Willett left the meeting.

Federal project IM-B111034, involving signing for the I-80 and I-25 interchange cloverleaf off-ramps, and the I-25 Missile Drive interchange south bound off ramp in Cheyenne, in Laramie County. Completion date – July 31, 2011

Engineer's Estimate	\$50,079.00	
S & L Industrial, Cowley, WY	\$32,699.00	-34.7%
Hout Fencing of Wyoming, Inc., Worland, WY	\$34,674.00	
Stonehouse, Inc., Laramie, WY	\$34,704.40	
Keyhole Technologies, LLC, Mills, WY	\$37,551.00	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried that **S & L Industrial, Cowley, 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 DISTRICTS 1, 2, 3, 4, 6 and 7

Cactus Covello - Chairman
K. John Dooley - Commissioner
Jim Latta - Vice Chairman
Jim Hladky - Commissioner
Ted Ertman - Commissioner
Clair Anderson - Commissioner

Federal project HSIP-SEP-B119018, involving epoxy striping on various roads statewide in Transportation Districts 1, 2, 3 and 4, including Albany, Carbon, Johnson, Laramie, Natrona, Sweetwater, Teton, Uinta and Weston counties. Completion date – August 31, 2011

Engineer's Estimate	\$1,056,610.00	
Kolbe Striping, Inc., Castle Rock, CO	\$ 930,913.00	-9.1%
Streamline Markings, Inc., Billings, MT	\$1,247,815.00	
Swanston Equipment Company and Subsidiaries, Fargo, ND	\$1,770,040.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried that **Kolbe Striping, Inc., Castle Rock, Colorado**, 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 2
K. John Dooley - Commissioner**

Federal projects STP-1904006 and ARSCT-1904A01 combined, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, reused surfacing, concrete, bridge deck repair, electrical, guardrail, and miscellaneous work on 4.50 miles of WYO 370, beginning at reference marker (RM) 0.07 near the I-80 Baxter Road Interchange, in Sweetwater County. Completion date – November 30, 2011

Engineer's Estimate	\$3,990,201.75	
LeGrand Johnson Construction Co., Logan, UT	\$3,729,346.25	-6.5%
Lewis & Lewis, Inc., Rock Springs, WY	\$3,769,865.02	
McMurry Ready-Mix Co., Casper, WY	\$4,057,452.60	
Skanska USA Civil Inc. and Subsidiaries, Cortez, CO	\$4,823,703.00	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried that **LeGrand Johnson Construction Co., Logan, Utah**, 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 2 and 3
K. John Dooley - Commissioner
Jim Latta - Vice Chairman**

Federal project HSIP-SEP-N131054, involving grading, draining, placing crushed base and bituminous pavement surfacing, construction of a scale house, weight scales, and miscellaneous work on 17.25 miles of US 191, beginning at RM 19.00 between Rock Springs and Pinedale, in Sublette and Sweetwater counties. Completion date –November 30, 2011

Engineer's Estimate	\$1,444,609.00	
LeGrand Johnson Construction Co., Logan, UT	\$1,279,547.00	-11.4%
Kilroy, LLC, Afton, WY	\$1,395,887.20	
JBG Flexible, LLC dba JB's Welding & Fabrication, Pinedale, WY	\$1,431,906.45	
Patrick Construction, Inc., Lander, WY	\$1,606,779.95	
Oftedal Construction, Inc., Miles City, MT	\$1,629,793.12	
Wilson Bros. Construction, Inc., Cowley, WY	\$1,641,520.50	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried that **LeGrand Johnson Construction Co., Logan, Utah**, 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 5
Bruce McCormack - Commissioner

Federal project HSIP-SEP-2200017, involving culvert replacement, including grading, draining, placing crushed base and bituminous pavement surfacing, and miscellaneous work on 0.20 mile of Gooseberry Road (WYO 431), beginning at RM 1.42 southwest of Worland, in Washakie County. Completion date – October 31, 2011

Engineer's Estimate	\$291,562.00	
Hout Fencing of Wyoming, Inc., Worland, WY	\$269,954.50	-7.4%
R.S. Bennett Construction Company, Inc., Big Piney, WY	\$272,049.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$276,525.50	
71 Construction, Casper, WY	\$279,971.00	
S & L Industrials, Cowley, WY	\$307,443.02	
Patrick Construction, Inc., Lander, WY	\$315,143.77	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Ertman, and carried that **Hout Fencing of Wyoming, Inc., Worland, 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 6
Ted Ertman - Commissioner

Federal project STP-0600016, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, removal and replacement of guard rail and cattle guards, fencing, and miscellaneous work on 5.91 miles of US 116, beginning at RM 22.51, between Sundance and Upton, in Weston County. Completion date - June 30, 2012

Engineer's Estimate	\$6,495,801.50	
McMurry Ready-Mix Co., Casper, WY	\$5,522,405.00	-15.0%
Knife River, Cheyenne, WY	\$5,595,972.95	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$5,736,804.61	
Northern Improvement Company, Fargo, ND	\$5,812,540.74	
Irregular project prefix		
Intermountain Construction and Materials, Inc., Gillette, WY	\$6,469,630.20	
Riverside Contracting, Inc., Missoula, MT	\$6,938,911.00	
Skanska USA Civil Inc. and Subsidiaries, Cortez, CO	\$7,226,400.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, 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 7
Clair Anderson - Commissioner

Federal project HSIP-SEP-W258020, involving installation of pavement markings and miscellaneous work on 0.44 mile of WYO 258, from 2nd Street to Yellowstone in Casper, in Natrona County. Completion date – September 30, 2011

Engineer's Estimate	\$154,120.00	
Kolbe Striping, Inc., Castle Rock, CO	\$118,899.84	-22.9%
Keyhole Technologies, LLC, Mills, WY	\$153,070.00	
Traffic Safety Service, Inc., Bismarck, ND	\$197,652.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **Kolbe Striping, Inc., Castle Rock, Colorado**, 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. Fredrick and Dailey briefly explained the Disadvantaged Business Enterprise (DBE) program and its requirements for the benefit of newly appointed Commissioners Anderson and McCormack.

Mr. Fredrick advised that WYDOT has let about \$150 million in surface transportation construction contracts so far this fiscal year. Bids have been coming in lower than expected, which will afford funding for future construction contracts.

10. It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Ertman, to approve the following project authorizations.

Commissioner Ertman voiced his concern about spending \$30.8 million on one project, the Muddy Gap to Casper, Casper South Section. Mr. McOmie explained that the Department will soon transition to a highway preservation plan rather than building new projects like the Casper South project. The intent of the plan is to wrap up new construction projects that are being built or have been planned in the State Transportation Improvement Program (STIP) for a long time. Mr. McOmie assured the Commission that the Casper South reconstruction is a much needed project. Chairman Covello called for the vote. The motion to approve the following project authorizations unanimously carried.

COMMISSION DISTRICT 1

Urban Principal Arterial

SSP-TO 9.40 P851039; Laramie County; Cheyenne Streets, Central Avenue and 21st Street; install a flashing beacon; fiscal year (FY) 2011; request state preliminary engineering funds of \$1,000; and state construction engineering and construction funds of \$19,000

Urban Collector

RHC 0.00 CN02091; Laramie County; Cheyenne Streets, various public railroad crossings; pavement markings; FY 2011; request federal preliminary engineering funds of \$1,000, and federal construction engineering and construction funds of \$201,000

COMMISSION DISTRICT 2

Rural Interstate

SSP-TO 180.20 I804253; Carbon and Sweetwater counties; I-80 corridor; RM 180.20 to 280.90; fabricate new signs; FY 2011; request state construction funds of \$220,000

HSIP 180.20 I804254; Carbon and Sweetwater counties; I-80 corridor; RM 180.20 to 280.90; install fabricated signs; FY 2011; request federal preliminary engineering funds of \$12,000; and federal construction engineering and construction funds of \$458,000

Rural Minor Arterial

NH 292.47 N232064; Albany County; Rock River to Bosler, westbound lane; RM 292.47 to 308.52; overlay; request move from FY 2020 to FY 2011; request federal construction engineering and construction funds of \$4,730,012

COMMISSION DISTRICT 3

Rural Principal Arterial

NH-PO 147.70 N132099; Sublette County; Pinedale to Hoback Junction; RM 147.70 to 160.00; mill and overlay; request move from FY 2012 to FY 2011; request federal construction engineering and construction funds of \$1,613,478

SSP-TO 99.53 N132103; Sublette County; Pinedale Streets, the intersections at Lake and Tyler on West Pine; RM 99.53 and 99.72; improve pedestrian crossing systems; FY 2011; request state preliminary engineering funds of \$500; and state construction engineering and construction funds of \$9,500

COMMISSION DISTRICT 4

Rural Interstate

IM-HP 279.71 0255098; Johnson County; Kaycee to Buffalo, Middle Fork Interchange Section; RM 279.71 to 289.50; widen and resurface; request move from FY 2012 to FY 2011; request federal construction engineering and construction funds of \$10,145,407

COMMISSION DISTRICT 5

Rural Principal Arterial

NH 191.19 N345097; Big Horn County; Worland to Basin; RM 191.19 to 195.00; level and chip seal; request move from FY 2017 to FY 2011; request federal construction engineering and construction funds of \$1,147,310

COMMISSION DISTRICT 7

Rural Principal Arterial

NH 102.90 N212086; Natrona County; Muddy Gap to Casper, Casper South Section; RM 102.90 to 108.30; reconstruction; request move from FY 2017 to FY 2011; request federal construction engineering and construction funds of \$30,801,724

Rural Major Collector

STP 0.00 0707007; Fremont County; WYO 134, Missouri Valley Road; RM 0.00 to 9.00; level, overlay, chip seal; request move from FY 2030 to FY 2011; request federal construction engineering and construction funds of \$3,937,031

COMMISSION DISTRICT M (Miscellaneous)

Various

SSP-TO 0.00 B114088; Campbell, Crook, Sheridan counties, in Highway District 4 at various locations; install solar powered flashing beacons; FY 2011; request state preliminary engineering funds of \$4,400, and state construction engineering and construction funds of \$49,000

SSP-TO 0.00 B115089; Big Horn, Fremont, Hot Springs, Park, Washakie counties, in Highway District 5 at various locations; sign lighting on overhead structures, flashing beacon; FY 2011; request state preliminary engineering funds of \$10,200, and state construction engineering and construction funds of \$107,200

ITS 0.00 B119090; statewide; various locations statewide; ITS, road weather information systems, web cameras, dynamic message signs, variable speed limit signs; FY 2011; request

federal preliminary engineering funds of \$120,000, and federal construction engineering and construction funds of \$1,229,283

11. Safe Routes to Schools (SRTS) Projects: Mr. Fredrick introduced Ms. Sara Janes to explain the SRTS Program. Ms. Janes explained the proposed FY 2011 projects for Commission consideration. The SRTS Advisory Committee received 14 applications totaling \$2,460,715 for funding consideration. The following projects were recommended for approval by the SRTS Advisory Committee:

Cheyenne - Arp Elementary Pathway	\$200,000
Chugwater - Chugwater SRTS, Phase 3	\$144,728
Evanston - Evanston SRTS Project	\$200,000
Sublette County Recreation Board - Pinedale Elementary School Pathway	\$ 10,000
Big Horn - Big Horn Schools SRTS	\$200,000
Burlington - Burlington SRTS	\$ 6,000
Cowley - Cowley Pathway Project	\$ 10,000
Lovell - Lovell SRTS, Phase 2 - Shoshone Avenue Sidewalk	\$ 5,000
Shoshoni - Shoshoni SRTS	<u>\$200,000</u>
Total	<u>\$975,728</u>

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried to approve the nine proposed FY 2011 SRTS projects.

12. It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to reappoint Mr. Mike Roy of Douglas as the Wyoming Association of Municipalities' SRTS Committee member through June 30, 2016.

Mr. Fredrick recognized Ms. Janes for her significant efforts in reaching out to Wyoming communities to make the SRTS Program go as far as possible. Other programs are being modeled after the SRTS initiative, primarily because of its success.

13. Legislative Update: The 2011 Wyoming State Legislature appropriated \$5 million for the implementation of railroad quiet zones. The funds will be used in the top 10 communities that are effected by train noise. A local agency match will be required in order to receive the funding.

14. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through February 28, 2011, includes 9 fatal crashes involving 11 deaths. The fatalities involved 7 rollover crashes, 2 multi-car crashes, 1 commercial vehicle, 1 pedestrian, and 1 fixed object.

There has been one crash to date deemed alcohol related, resulting in one death.

Of the 11 deaths that have occurred so far in 2011, seven can be attributed to the non-use of occupant restraints, of which six were rollover crashes and one was a multi-car crash. Of the seven deaths, three were Wyoming residents and four were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through January 31, 2011. The summary depicts 494 crashes statewide, of which 381 involved non-commercial vehicles and 113 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of February 28, 2011, have been DUI related. Field arrests total 92 to date, including the following:

- DUI arrests from crashes – 14
- DUI arrests from traffic stops – 30
- DUI arrests from the REDDI Program – 9
- DUI arrests from ports-of-entry – 1
- NCIC hits (person) – 3
- Wyoming warrants hits – 8
- Drug arrests – 15
- Miscellaneous arrests – 12

Colonel Oyler provided information about mega-loads as a followup to the question posed at the February 17, 2011, Commission meeting. There were 356 dump bodies moved across Wyoming highways in 2010. Colonel Oyler advised that these types of loads are becoming more common in Wyoming.

Legislative Update: Colonel Oyler recapped the Highway Patrol-related legislation that was considered during the 2011 Legislative session.

SF0047, Concealed weapons, authorizes the carrying of concealed weapons by persons without a concealed weapon permit and amends the restriction of where a concealed firearm may be carried. Under the new law, if a permit is obtained, the carrier will have reciprocity in other states.

HB0029, DUI-elimination of right to refuse test, eliminates the driver's right to refuse to undergo a test to determine the alcohol or controlled substance concentration in his body. The bill requires that there must be probable cause for administering the test, and the test will be given by a breath test or blood test. Blood tests must be administered by a medical professional.

Mr. Moench advised that, in the past, second and third offenders could choose to refuse a DUI test knowing that there would be little or no evidence of guilt. Many cases are dismissed because of inconclusive evidence. The premise of the law is to thwart this loophole in the future.

15. Mr. Byrne presented the Aeronautics report.

Legislative Update: Mr. Byrne recapped the Aeronautics-related legislation that was considered during the 2011 Legislative session.

HB0001/SF0001, General Government Appropriations, provides \$3.95 million for the Air Service Enhancement Program. The appropriation was based on a supplemental budget request made by the Aeronautics Division. The funding will fulfill a need for air service enhancements through FY 2012.

Mr. Byrne stressed the significance of the Air Service Enhancement Program for Wyoming citizens. The Aeronautics Commission has also taken the initial steps to provide reports to the Legislature to keep it apprised of future needs.

16. Mr. Loftin presented the Support Services report.

Legislative Update: Mr. Loftin recapped the Support Services-related legislation that was considered during the 2011 Legislative session.

HB0194, Next of Kin Driver's License Option, provides that a driver may opt to specify the identity of a next of kin on their driver's license for emergency notification purposes. A symbol will be printed on the license, and the emergency contact name will be stored in a WYDOT Driver Services database.

SF0018, Federal Motor Carrier Safety Act Compliance (FMCSA), regulates the issuance of commercial driver's licenses. It specifies prohibited acts, provides for and amends certain penalties, exempts provisions for deferred prosecution when commercial drivers are charged with certain violations involving motor vehicles, requires the disclosure of specified information, and requires compliance with federal, state, and local laws. The law stems from a recent FMCSA audit that revealed a number of non-compliant items in the former Wyoming statutes.

SF0137, Ignition Interlock Devices, specifies standards for the imposition of interlock device penalties related to driving while under the influence of alcohol. This bill revises discrepancies that were found in the bill passed by the 2010 Legislature.

SF0042, Choice License Plates for Disabled Veterans, expands the distinctive license plate options that are currently available at no cost to disabled veterans and specifies fees and the application procedures.

HB0154, Multiple Special Handicapped License Plates, allows for the issuance of multiple special handicapped license plates for each vehicle or motorcycle registered in the name of an eligible applicant, as well as allowing one handicapped placard.

17. In anticipation of Mr. Tim Hibbard's April 1, 2011, retirement, Chairman Covello thanked Mr. Hibbard for his 30 years of dedicated service to WYDOT.

Mr. Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-105 to furnish an above-ground fuel system for use in Casper. The bid was awarded to C Bar K Petroleum Services, LLC II, of Sheridan, Wyoming, for the sum of \$189,000.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-115 to furnish 2,335 tons of emulsified asphalt (road oils) for delivery at various statewide locations. The bid was awarded to Peak Asphalt, LLC, of Rawlins, Wyoming; Western Emulsions, of Billings, Montana; and Mountain States Materials, of Cheyenne, Wyoming, for the sum of \$990,265.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-116 to furnish 2,050 tons of performance graded asphalt binder/cut-back asphalt (road oils) for delivery in Highway Districts 1, 2, and 4. The bid was awarded to Sinclair Oil Corp., of Salt Lake City, Utah, for the sum of \$1,102,000.

It was recommended by Mr. Hibbard, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-117 to furnish 13,040 tons of performance-graded asphalt binder hot plant mix bituminous pavement material, Type E and tack oil, for delivery in Cheyenne and Laramie. The bid was awarded to JTL Group, Inc. dba Knife River, of Cheyenne, Wyoming, and Simon Contractors, of Cheyenne, Wyoming, for the sum of \$699,410.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-118 to furnish 13,500 tons of performance-graded asphalt binder hot plant mix bituminous pavement material for delivery in Casper and Douglas. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$535,630.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-119 to furnish 12,500 tons of performance-graded asphalt binder hot plant mix bituminous pavement material for delivery in Gillette, Sheridan, and Sundance. The bid was awarded to Intermountain Construction and Materials, of Gillette, Wyoming, for the sum of \$1,712,950.

Mr. Hibbard explained that the correspondence from Dave's Asphalt Company, as presented in item 6 above, pertained to the following Bid No. 11-121. This bid is to provide performance-graded asphalt binder hot plant mix bituminous pavement material for use by contractors on WYDOT projects, which would ultimately result in a cost savings to the Department. In his letter, Mr. Long indicated that he did not receive the faxed addendum from the WYDOT Purchasing Program and, therefore, couldn't acknowledge its receipt. Mr. Hibbard advised that not acknowledging an

addendum becomes highly problematic because bidders may not provide an accurate quote for the bid items.

It was recommended by Mr. Hibbard, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-121 to furnish 24,091 tons of performance-graded asphalt binder hot plant mix bituminous pavement material for delivery in Riverton, Cody, and Worland. The bid was awarded to Century Companies, Inc., of Lewistown, Montana, and 71 Construction, of Riverton, Wyoming, for the sum of \$1,617,695.73.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-125 to furnish two each, new, current model 5,000 gallon liquid tank trailers for delivery in Casper and Wheatland. The bid was awarded to West-Mark, of Ceres, California, for the sum of \$124,682.

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

Legislative Update: Mr. McOmie recapped the engineering-related legislation that was considered during the 2011 Legislative session.

HB0235, Natural Gas Vehicles, allows the Department of Administration and Information (A&I) and WYDOT to purchase or retrofit 20 WYDOT/A&I vehicles that will use compressed natural gas. The bill provides \$200,000 for purchasing and/or retrofitting the vehicles.

WYDOT will convert 10 vehicles and A&I will be responsible for the other 10 vehicles. A study will be done to determine the best method of retrofit installations and training mechanics and to assess other aspects of the pilot project. A report will be provided to the Legislature in the future.

In addition to the surface transportation, air service enhancement, and railroad quiet zone funding provided by HB0001/SF0001, General Government Appropriations, the bill also stripped 82 vacant positions from the Department's full-time employee pool. This loss, along with cuts made in the last legislative session, equates to a 5 percent decrease in the Department's overall workforce.

Mr. McOmie noted that the \$40 million designated for surface transportation in the budget bill will become available July 1 and is expected to be under contract by December 30, 2011. The appropriation will be spent on state highway projects and maintenance work.

HB0174, Designated transfer of state lands, would have authorized conveyance of property from the Wyoming Life Resources Center in the city of Lander to the Transportation Commission for use as a future WYDOT Lander shop site. The bill failed after considerable debate about whether or not the property should be sold at auction to the highest bidder.

HB0139, Wyoming Veterans Memorial Highway, declares that the Cody - Powell Highway will be named the Wyoming Veterans Memorial Highway. The bill provides \$5,000 in General Funds, with a required \$5,000 match from non-state resources, for a total of \$10,000 to be used for signage.

SF0152, Tolling Authority for I-80, and HB0022, Phased-in Fuel Tax Increase, would have provided a consistent funding stream for surface transportation. Both bills died early in the session.

2011 Rocky Mountain Tribal Bureau of Indian Affairs (BIA) Symposium: Mr. McOmie is scheduled to speak at the BIA symposium on April 5 and 6, 2011. Mr. McOmie was asked to address the relationship building between the tribes and state departments of transportation, as the WYDOT and Wind River Indian Reservation relationship is considered a national model.

New I-25 Information Center: The Wyoming Travel and Tourism Division is hosting a groundbreaking ceremony on March 30, 2011, for the new I-25 Information Center along I-25 south of Cheyenne. Governor Matt Mead will attend the ceremony. This event will also launch "Operation Orange" for Work Zone Awareness Week.

Other Upcoming Meetings: Mr. McOmie will attend the Wyoming County Commissioners' Association meeting in Saratoga on April 14, 2011. The Wyoming Association of Municipalities will also meet in Riverton on April 14. Messrs. Bernie Kushnir, State Equipment Engineer, and Hans Hehr, Purchasing Program Manager, will represent the Department at that meeting.

Snow Maintenance Budget Status: Wyoming's statewide snowfall is approximately 120 percent of average, which has caused the Department's snow maintenance budget to run high this year. March and April are typically the heaviest snowfall months, so there is a potential for a budget overrun. The Commission recently approved 40 new snow plow trucks that will utilize the new wet-sanding method for snow maintenance. The new trucks should begin arriving in the field this summer and are expected to reduce snow removal expenditures next year.

Inyan Kara Bridge Update: The Inyan Kara Bridge, located in Highway District 4, has been reopened to one-way traffic with a reduced permissible load limit. The district hopes to have a contract in place to repair the bridge in April that will involve removing half the bridge deck and replacement of girders. The bridge will remain open during construction as other routes involve crossing drainages that could potentially be flooded during spring snow melt. Crook County and the State Office of Homeland Security have been notified that the bridge is now open to single-lane traffic.

19. It was moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to move into executive session to address a land purchase litigation issue. The Commission went into executive session at 11:30 a.m., on Thursday, March 17, 2011.

Aeronautics Commissioners Vaughn, Wilkie, and Dilts; Messrs. McOmie, Tim Hibbard, Loftin, Oyler, Byrne, Kevin Hibbard, McGee, Dailey, and Spear; and Mrs. Janes left the meeting.

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20. It was moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to move out of executive session. The Commission came out of executive session at 11:50 a.m., on Thursday, March 17, 2011.

21. It was moved by Commissioner McCormack, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 11:50 a.m., on Thursday, March 17, 2011.