

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Conference Room at the Torrington Volunteer Fire Department, 2001 West C Street, on September 15, 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  
Ted Ertman, Commissioner, Newcastle  
Jim Hladky, Commissioner, Gillette  
Clair Anderson, Commissioner, Riverton  
K. John Dooley, Commissioner, Laramie  
Bruce McCormack, Commissioner, Cody (via telephone)  
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 Oylar, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Dave Cough, Assistant Division Administrator, Federal Highway Administration.

Others present: Al Hultgren, of Payne Financial Group, Billings, Montana; Arlene Zerbst Rapp, Transportation Enhancement Activities - Local (TEAL) Committee Member and Niobrara County Commissioner, Lusk; Dan Dietzler, Patrick Engineering and Dietzler Construction Company, Torrington; Jonathan Downing, Executive Director, Wyoming Contractors Association, Cheyenne; Lowell Fleenor, WYDOT District Engineer, Casper; Calvin Goddard, District Maintenance Engineer, Casper; Jeff Goetz, Public Involvement Specialist, Casper; CJ Brown, Senior Planner, Local Government Coordination Office, Cheyenne; Karen Obermeier, Executive Assistant to Executive Staff, Cheyenne; Kim Lamb, Federal-Aid Supervisor, Financial Services Program, Cheyenne; and Caryn Erickson, Budget Program, Cheyenne.

1. In accordance with tradition at the Torrington Volunteer Fire Department, Chairman Covello led the attendees in the Pledge of Allegiance.

2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Vice Chairman Latta, and carried to approve the minutes from the August 18, 2011, breakfast meeting, regular business meeting, and executive session and the August 26, 2011, special teleconference meeting.

3. Correspondence: Secretary Scott presented a letter that the Commission received from Martha L. Hipp, Ph.D., of Lakewood, Colorado. Dr. Hipp requested permission to use the official Wyoming Highway Map as an illustration in her book, which is near completion, regarding the history and current circumstances of the Fremont County Wyoming Indian Schools. Secretary Scott advised that

Mr. McGee would provide further information about the map request under Agenda Item 5.c.1 later in the meeting.

Secretary Scott also presented a September 12, 2011, letter from Employers Mutual Casualty (EMC) Insurance Companies regarding WYDOT's State Project PEG1141. Mountain Construction Company was the apparent low bidder on the project, but its bid was deemed irregular because of an improper bid bond. Mr. Rocky Pofahl, the EMC Denver Regional Bond Manager, indicated in his letter that his company would "send a replacement bid bond and honor the bid bond at 10%, as well as the Payment and Performance bonds at 100% of the contract value." Ms. Scott advised that Mr. Fredrick would address the issue under Agenda Item 6.a later in the meeting.

4. Director Cox presented the Director's report.

Federal Highway Reauthorization: The U.S. House of Representatives recently passed a six-month extension of the federal highway bill for surface transportation and a four-month extension for airports. The Senate is expected to take action on the House version of the bill by September 16, 2011. Director Cox advised that passage of a new federal highway bill before the next presidential election is very unlikely.

Director Cox thanked Chairman Covello and the Torrington Volunteer Fire Department members for their extraordinary efforts in planning and providing for the Commission events in Torrington on September 14 and 15, 2011.

5. Mr. Hibbard presented the Budget report.

Monthly Budget Report: Mr. Hibbard noted that although the monthly budget report shows a higher balance at the end of August, the H01 account—State Highway Fund balance as of September 13, 2011, was only about \$11 million, which is a very tight threshold when considering a \$610 million annual budget. Mr. Hibbard advised that September and December are traditionally low cash balance months for the Department because of the timing of federal mineral royalty and state severance tax distributions. WYDOT will receive its first distribution of these funds in early October and in January, which will bring its cash balance back to normal as we move into the 2012 construction season.

Fiscal Year (FY) 2012 Operating Budget: Mr. Hibbard presented details of the FY 2012 Operating Budget at an open meeting held at the Torrington Volunteer Fire Department on Wednesday, September 14, 2011, at 2:00 p.m.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried to approve the FY 2012 Operating Budget. Chairman Covello thanked and commended Mr. Hibbard and his staff for their exceptional hard work that was exerted in developing the budget.

6. Mr. McGee presented details of the map use request from Dr. Martha Hipp, of Lakewood, Colorado.

In her letter, Dr. Hipp indicated that she is writing a book about Fremont County Indian Schools which will be of interest to the general public, high school reading and history classes, and college-level Native American study classes. According to Dr. Hipp, the book is needed to fill in the Native American late 19<sup>th</sup> century to the mid-20<sup>th</sup> century experience in our region. The unique part of the Fremont County story took part in the mid-20<sup>th</sup> century when the struggle to control school tax base resources took place, for the most part on the reservation. Dr. Hipp plans to use the map to explain this story. The book will be not-for-profit and will be a historical piece. All proceeds from its sale will go to the Fremont County Indian School District.

Mr. McGee conveyed to Dr. Hipp before the meeting that the boundary lines on the map are for general information only and do not represent the true boundaries of the reservation.

It was recommended by Mr. McGee, moved by Commissioner Dooley, seconded by Commissioner Hladky, and carried to approve the map request for the specific use that is detailed in the September 3, 2011, letter from Dr. Martha L. Hipp.

7. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 8, 2011, in Sheridan.

**COMMISSION DISTRICT 2**  
**K. John Dooley - Commissioner**

State project PEG1111, involving crushing and stockpiling of crushed surfacing material and salt mixing of designated stockpiles and miscellaneous work at various locations in Transportation District 1, in Carbon and Sweetwater counties. Completion date – February 28, 2012

Engineer's Estimate	\$468,915.00
<b>McMurry Ready-Mix Co., Casper, WY</b>	<b>\$598,268.75 +27.6%</b>
Kilroy, LLC, Afton, WY	\$857,810.00

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Hladky, and carried that **McMurry Ready-Mix Co., Casper, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICTS 2 and 3****K. John Dooley - Commissioner****Jim Latta - Vice Chairman**

State projects PEG1131 and ARSCT-PEG3A08 combined, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 3 in Lincoln, Sweetwater and Uinta counties. Completion date – March 31, 2012

Engineer's Estimate	\$1,796,849.66	
<b>Kilroy, LLC, Afton, WY</b>	<b>\$1,498,653.00</b>	<b>-16.6%</b>
Lewis & Lewis, Inc., Rock Springs, WY	\$1,780,616.50	
Evans Construction Company, Jackson, WY	\$2,132,522.20	
McGarvin-Moberly Construction Company, Worland, WY	\$2,447,874.03	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried that **Kilroy, LLC, Afton, 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 3****Jim Latta - Vice Chairman**

Federal project NH-N121105, involving grading, milling plant mix, bituminous pavement surfacing, concrete pavement, and miscellaneous work on 9.01 miles of U.S. Highway 30, beginning at reference marker (RM) 0.82, ending at the northern town limits of Cokeville, in Lincoln County. Completion date – November 30, 2012

Engineer's Estimate	\$9,172,422.75	
<b>Concrete Works of Colorado, Inc., Lafayette, CO</b>	<b>\$7,812,063.00</b>	<b>-14.8%</b>
Wadsworth Brothers Construction Company, Inc., Draper, UT	\$8,017,452.70	
Acme Concrete Paving, Inc., Spokane, WA	\$8,128,694.50	
Geneva Rock Products, Inc., Murray, UT	\$8,480,832.95	
Concrete Placing Co., Inc. & Knife River Corporation – Northwest dba JV, Boise, ID	\$8,928,782.00	
Interstate Highway Construction, Inc., Englewood, CO	\$9,309,052.79	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried that **Concrete Works of Colorado, Inc., Lafayette, CO**, 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**

State project PEG1141, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 4, in Campbell, Crook and Weston counties. Completion date – June 15, 2012

Engineer's Estimate	\$ 750,610.50
<b>Mountain Construction Company, Lovell, WY</b>	<b>\$ 836,575.00 +11.5%</b>
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$ 933,678.00
Plus 5% for Comparison	\$ 980,361.90
Evans Construction Company, Jackson, WY	\$1,006,670.78
McMurry Ready-Mix Co., Casper, WY	\$1,119,864.30

Mr. Fredrick explained that the apparent low bidder, Mountain Construction Company, did not submit a responsive bid because it provided a 5 percent bid bond for this project. The WYDOT *Standard Specifications for Road and Bridge Construction* require that contractors provide a 10 percent bid bond. Consequently, Mountain Construction's bid was deemed irregular. Mr. Fredrick stated that irregular bids will be read publicly but may be rejected due to an improper electronic bid bond or lack of a cashier's check payable to the Transportation Commission and in the amount of 10 percent of the bid. The bid bond is to ensure that the contractor will execute the contract in a timely fashion and to discourage the submission of frivolous bids. The bond is returned when the contract is signed and the performance bond is issued to the Department.

Mr. Al Hultgren, of Payne Financial Group, thanked the Commission for the opportunity to address the insufficient bond that was provided on behalf of their client, Mountain Construction Company. Mr. Hultgren admitted that the error was the sole responsibility of his company and apologized for the mistake. He further explained that bonding requirements vary from state to state and that it was merely a clerical error. Payne Financial Group and its parent company, EMC Insurance Companies of Denver, Colorado, provided verbal and written statements that they would honor Wyoming's 10 percent bonding requirement. Payne Financial Group has provided bid bonds for Mountain Construction Company for 15 years. Mr. Hultgren asked that the Commission offer some grace for the sake of Mountain Construction Company since it wasn't the company's mistake.

Mr. Moench advised that, as Mr. Fredrick pointed out, the bid is indeed irregular because of the insufficient bid bond, but the Commission has the discretion to make its decision based upon the facts that are presented, on a case-by-case basis.

Vice Chairman Latta asked Mr. Fredrick if awarding the contract to Mountain Construction would affect future bids if the Commission decided to award the project to the low bidder. Mr. Fredrick indicated that the Commission has traditionally rejected bids that contained an incorrect bid bond percentage or that were made payable to the wrong entity, and awarding to Mountain Construction

could potentially breach the integrity of the Department's bidding process. When bids are submitted on letting day, they are inspected for completeness and conformance with the specifications. However, bid bonds are submitted electronically, and they are checked when Contracts and Estimates staff members return to their office. Mr. Fredrick could not verify whether the contractor actually saw the bond before submitting the bid package. A representative from Mountain Construction was not at the meeting to advise whether or not the company knew about the deficiency when the bid was submitted. Mr. Fredrick agreed that the error was indeed the bonding company's but advised that it is the contractor's responsibility to ensure that the bid is complete and correct.

Mr. Hultgren advised that he wasn't sure what contractors see when they provide the bid package since it is submitted electronically; therefore, he wasn't sure whether or not Mountain Construction would have known about the mistake beforehand. Mr. Hultgren reiterated that the error was not made by the contractor, and he claimed full responsibility for the mistake.

Vice Chairman Latta stated that the Department would spend approximately \$97,000 more if the project was awarded to the second low bidder. Mr. Fredrick advised that little would be gained by rebidding the project as the bids are now public and indicated that Mountain Construction has done commendable work for WYDOT in the past. However, in accordance with the WYDOT specifications and to avoid compromising the integrity of the bid process and setting a precedent, Mr. Fredrick recommended awarding the project to the second low bidder, Fisher Sand and Gravel Co. of Dickinson, North Dakota, as the responsible low bidder.

After due consideration of Mr. Fredrick's recommendation, it was moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried that **Mountain Construction Company, Lovell, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. Commissioner Ertman voted no.

Mr. Fredrick offered to review the methods used to ensure contractors confirm their bond amount in the future before bids are submitted, and he will investigate the possibility of including a check box in the WYDOT bidding software for contractors to use to acknowledge that the bonding information is correct.

Mr. Hultgren left the meeting.

**COMMISSION DISTRICT 5**  
**Bruce McCormack - Commissioner**

State project PEG1151, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 5, in Washakie County. Completion date – April 30, 2012

Engineer's Estimate	\$ 771,128.00	
<b>McGarvin-Moberly Construction Company, Worland, WY</b>	<b>\$1,023,443.08</b>	<b>+32.7%</b>
Mountain Construction Company, Lovell, WY	\$1,024,098.00	
Oftedal Construction, Inc., Miles City, MT	\$1,124,412.00	
Evans Construction Company, Jackson, WY	\$1,289,277.40	
McMurry Ready-Mix Co., Casper, WY	\$1,759,872.50	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried that **McGarvin-Moberly Construction Company, Worland, 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**

Federal project IM-I254153, involving bridge deck repair, including removal and replacement of expansion joints, and miscellaneous work on Structure DKW, in the southbound lane of I-25 at RM 188.34, in Natrona County. Completion date – November 15, 2011

Engineer's Estimate	\$ 76,987.50	
<b>S &amp; S Builders, LLC., Gillette, WY</b>	<b>\$ 81,826.50</b>	<b>+6.3%</b>
Reiman Corp., Cheyenne, WY	\$121,022.00	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Anderson, 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. The Federal Highway Administration concurred with this decision.

8. Soil Nail Launch for I-90 Emergency Slide Repair: Mr. Fredrick presented information about a proposed sole source contract for the emergency installation of soil nails at three landslide locations along Interstate 90 in Sheridan County. The proposed work is on the I-90 westbound lane on-ramp at Milepost 16.3, westbound lane Milepost 7.8, and at eastbound lane Milepost 4.8. Mr. Fredrick noted that the landslides extend under the interstate, and because they continue to move, there is a possibility that I-90 traffic will need to be restricted if the repairs are not done this fall. Cost comparison summaries, repair strategies, informal quotes from soil launching companies, and standard drilled-in soil nail installers were presented. This particular bid is the first phase in stabilizing these slides. The failed material will be removed and replaced under a construction contract to be let in October after this work is complete.

It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried that Geo Stabilization, Inc. (GSI), of Grand Junction, Colorado, be awarded the sole source contract. The Federal Highway Administration concurred with this decision.

9. It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to approve the following project authorizations:

**COMMISSION DISTRICT 1**

Rural Major Collector

ACSTP 12.15 DR21765; Goshen County; Lingle south; reference marker (RM) 12.15; riprap for bridge abutment; FY 2012; request construction funds of \$44,000; request federal preliminary engineering funds of \$10,000

**COMMISSION DISTRICT 2**

Rural Interstate

IM 173.41 1803144; Sweetwater County; Rock Springs to Rawlins, Tipton Section, truck parking; RM 173.41; construct truck parking; FY 2011; request federal construction funds of \$893,476

Rural Major Collector

CSTP 55.80 DR12328; Carbon County; Laramie to Saratoga, Snowy Range Road; RM 55.80; repair washed out roadway and culvert; FY 2012; request construction funds of \$770,000; request federal preliminary engineering funds of \$70,000

Urban Principal Arterial

STP 0.18 P261032; Albany County; Laramie Streets, Clark Street Viaduct; RM 0.18; bridge curb and rail; FY 2012; request construction funds of \$167,000; request federal preliminary engineering funds of \$8,000

**COMMISSION DISTRICT 3**

Rural Major Collector

ACSTP 9.88 DR32441; Lincoln County; Auburn to Afton, WYO 238, bridge over Salt River, Phase 1; RM 9.88; scour damage and miscellaneous work; FY 2012; request construction funds of \$32,229; request federal preliminary engineering funds of \$578

ACSTP 9.88 DR32442; Lincoln County; Auburn to Afton, WYO 238, bridge over Salt River, Phase 2; RM 9.88; extend scour damage and miscellaneous work; FY 2012; request construction funds of \$94,042; request federal preliminary engineering funds of \$1,687

ACSTP 3.26 DR32445; Uinta County; Milburn Road, WYO 411; RM 3.26; repair wire enclosed riprap; FY 2012; request construction funds of \$84,509; request federal preliminary engineering funds of \$7,317

ACSTP 105.17 DR32453; Uinta County; WYO 414, Little Dry Creek; RM 105.17; bank repair and stabilization; FY 2012; request construction funds of \$49,609; request federal preliminary engineering funds of \$4,295

Rural Minor Arterial

ACSTP 7.89 DR32452; Uinta County; WYO 89, Bear River; RM 7.89; bank repair and stabilization; FY-2012; request construction funds of \$143,637; request federal preliminary engineering funds of \$12,436

**COMMISSION DISTRICT 4**

Rural Principal Arterial

ACNH 65.30 DR41302; Johnson County; Buffalo west, US 16; RM 65.3; install drain system; FY 2012; request construction funds of \$320,000; request federal preliminary engineering funds of \$30,000

Rural Local

ACSTP 13.70 DR41299; Sheridan County; WYO 345; RM 13.7; repair slide and improve drainage; FY 2012; request construction funds of \$320,000; request federal preliminary engineering funds of \$30,000

**COMMISSION DISTRICT 5**

Rural Principal Arterial

ACNH 9.55 DR50931; Park County; Yellowstone Park to Cody; RM 9.55 to 9.65; erosion and scour repair; FY 2012; request construction funds of \$227,000; request federal preliminary engineering funds of \$12,000

**COMMISSION DISTRICT 6**

Rural Major Collector

ACSTP 5.00 DR41321; Crook County; Devils Tower west, Campstool Hill, southbound lane; RM 5.00; repair sink holes; FY 2012; request construction funds of \$109,000; request federal preliminary engineering funds of \$29,000

ACSTP 5.50 DR41322; Crook County; Devils Tower west, Campstool Hill, east ditch; repair sink holes; FY 2012; request construction funds of \$11,000; request federal preliminary engineering funds of \$1,000

ACSTP 184.86 0607037; Crook County; Devils Tower Junction to Sundance, Oudin Hill; slide repair; move from FY 2012 to FY 2011; request federal construction engineering and construction funds of \$811,732

**COMMISSION DISTRICT M (Miscellaneous)**

Various

STP 0.00 TRNG011; Fremont and Hot Springs counties; Shoshone and Arapaho Joint Business Council; on-the-job training and supportive services program; FY 2011; request construction funds of \$25,000

10. FY 2012 State Transportation Improvement Program (STIP): Mr. Fredrick presented the FY 2012 STIP and provided some details about how the STIP is developed and organized. Additional handouts were provided to the Commission about the new projects that are in the FY 2012 STIP and the comparison of budget and the STIP.

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve the FY 2012 STIP, including the corrections noted on the September 15, 2011, STIP errata sheet.

11. FY 2012 Transportation Enhancement Activities - Local (TEAL) Projects: Mr. Fredrick presented the FY 2012 TEAL projects for Commission consideration.

The TEAL Committee considered 16 grant requests totaling \$3,705,727 for FY 2012. The committee recommended eight applications for full funding and two applications for partial funding, totaling \$2 million, to the Commission for consideration.

Mr. Fredrick thanked Mr. Brown of the Local Government Coordination Office, TEAL Committee member and Niobrara County Commissioner Zerbst Rapp, and the other TEAL Committee members for their part in preparing the recommendations.

Ms. Lisa Johnson spoke on behalf of the Goshen County Economic Development Corporation, requesting that the Commission give consideration to their TEAL application for the Cold Springs Business Park and Historic Marker Projects. The project is located south of Torrington along U.S. Highway 85 in the vicinity of the former Cold Springs Stage Station and would provide trees and picnic benches in the area. The Goshen County Economic Development Corporation had requested \$145,786 in TEAL funding for the project. Chairman Covello abstained from voicing his opinion of the Goshen County project because of his role as president of the Goshen County Economic Development Board. The application was not recommended for funding.

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried to approve the 10 FY 2012 TEAL projects as recommended by the TEAL Committee.

County Commissioner Zerbst Rapp, Ms. Johnson, and Messrs. Dietzler and Brown left the meeting.

12. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2011, includes 78 fatal crashes involving 90 deaths. The fatalities include 35 rollover crashes, 28 multi-car crashes, 15 commercial vehicles, 17 motorcycles and all-terrain vehicles, 3 pedestrians, and 7 fixed objects.

There have been 22 crashes to date deemed alcohol related that resulted in 26 deaths. Of those deaths, 17 were attributed to not using occupant restraints.

Of the 90 deaths that have occurred to date this year, 39 can be attributed to the non-use of occupant restraints and involved 30 rollover crashes, 8 multi-car collisions, and 1 fixed object. Of the 39 deaths that occurred from non-use of occupant restraints, 27 were Wyoming residents and 12 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through July 31, 2011. The summary depicts 3,330 crashes statewide, of which 2,728 involved non-commercial vehicles and 602 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of August 31, 2011, have been DUI related. There have been 941 field arrests made so far this year, including:

- DUI arrests from crashes – 69
- DUI arrests from traffic stops – 412
- DUI arrests from the REDDI Program – 98
- DUI arrests from ports-of-entry – 10
- NCIC hits (person) – 32
- Wyoming warrants hits – 96
- Drug arrests – 97
- Other arrests – 127

13. Mr. Byrne presented the Aeronautics report, including the August 2011 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report. There were seven aircraft accidents during August; one of them involved two fatalities.

14. Mr. Loftin presented the Support Services report.

Joint Transportation, Highways and Military Affairs Committee (JTC) Meeting: The JTC met August 30-31, 2011, in Guernsey, Wyoming, and several draft bills were discussed that would increase highway funding on a long-term basis. One of the bills, Constitutional Assignment of General Fines and Penalties, would amend the Wyoming Constitution to divert revenues from fines and penalties, which currently go to schools, to the General Highway Fund. Concerns were raised about the bill's passage giving the Highway Patrol incentive to write more traffic tickets. The Committee decided that a final draft bill will be prepared and voted upon by the Committee at its October 25-26, 2011, meeting in Cheyenne.

Another draft bill, Allocation of Sales Tax Paid on Diesel to Highways, would allocate diesel fuel sales tax revenue to the Highway Fund. A third bill was considered, State Vehicle Registration Fees, that would increase the current state motor vehicle registration fee. The amount of the proposed increase is unknown at this time but will be determined at the October JTC meeting. A fourth draft bill was distributed at the meeting that would have proposed amending the state vehicle registration

fees based on the vehicle manufacturer's suggested retail price. That bill was not discussed or acted upon.

In addition to the bills that were addressed at its last meeting, a bill is anticipated at the October JTC meeting to increase ignition interlock fees. A bill was passed by the 2011 Legislature that significantly increased the number of ignition interlock users, but no fees were considered for processing those applications.

Chairman Covello shared his appreciation of the JTC in working toward realizing a more consistent highway funding stream.

15. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-247 to build one 40' x 60' metal salt/sand storage building in Basin, Wyoming. The contract was awarded to A. W. Hunt Construction, Inc., of Greybull, Wyoming, for the sum of \$182,813.

Mr. Shultz presented information about Bid No. 11-248 to furnish one 40' x 60' metal salt/sand storage building to be built in Riverton, Wyoming. The low bid on this building was \$242,928, which is \$60,115 more than the low bid received for a similar building as bid number 11-247 above. Mr. Shultz advised that the Greybull building requires a specialized foundation because of the extreme cold and potential frost heaving that occurs in the area. Vice Chairman Latta suggested rebidding the Riverton building (Bid No. 11-248) to perhaps get lower bids for the work.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to reject the purchase for bid number 11-248 to build one 40' x 60' metal salt/sand storage building in Riverton, Wyoming. WYDOT will explore redesigning the project to include a foundation similar to that designed for Bid No. 11-247 and will rebid at a later date.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Dooley, and carried to approve purchase for bid number 11-283 to furnish 51 each, new, current model, rear-wheel-drive, four-door sedan patrol cars with police package for delivery in Evans, Colorado, where additional law enforcement equipment will be installed on the vehicles. The bid was awarded to Cowboy Dodge, of Cheyenne, Wyoming, for the sum of \$1,146,888.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-285 to furnish 10 each, new, current model, two-wheel-drive, Chevrolet Tahoe patrol special service vehicles for delivery in Evans, Colorado, where additional law enforcement equipment will be installed on the vehicles. The bid was awarded to Teton Motors, of Jackson, Wyoming, for the sum of \$273,560.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-286 to furnish rural road signs and posts for use by 10 Wyoming counties. The bid was awarded to S&L Industrial, of Cowley, Wyoming, for the sum of \$345,686.

16. Enterprise Resource Project (ERP) Update: Mr. Shultz briefed the Commission at its August 18, 2011, meeting about a request for proposal (RFP) process where CedarCreststone of Alpharetta, Georgia, was selected to provide hosting services and an upgrade for WYDOT's ERP systems. Since then, WYDOT and CedarCreststone have mutually agreed to cease negotiations due to the lack of progress in a unified direction. The Department is considering its options, including dividing the scope of work for the upgrade into smaller portions in an effort to obtain better competition. The existing ERP hosting contract with Cyber, Inc., will remain in effect through May 2012.

17. Mr. McOmie presented a revised rule for Chapter 29, Emergency Lighting for Snow Removal Equipment, from the *Wyoming Department of Transportation Rules and Regulations*, General Section. No public comments were received during the statutory 45-day comment period. The rule describes the emergency lighting to be used on WYDOT snow removal equipment.

It was recommended by Mr. McOmie, moved by Commissioner Dooley, seconded by Vice Chairman Latta, 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. 31-5-928, 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 General Section Chapter 29, Emergency Lighting for Snow Removal Equipment, to describe the emergency lighting to be used on department snow removal equipment consistent with state and federal law; 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 General Section Chapter 29, Emergency Lighting for Snow Removal Equipment.

18. Mr. McOmie presented a new rule for Chapter 30, Procedures for Locally Establishing Speed Limits, from the *Wyoming Department of Transportation Rules and Regulations*, General Section. No public comments were received during the statutory 45-day comment period. The rule was established to administer the process for local authorities to develop minimum and maximum speed limits as described in W.S. 31-5-303 and W.S. 31-5-304.

It was recommended by Mr. McOmie, moved by Commissioner Hladky, seconded by Commissioner Ertman, 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. 31-5-303 and W.S. 31-5-304, 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 General Section Chapter 30, Procedures for Locally Establishing Speed Limits, to administer the process for local authorities to establish minimum and maximum speed limits consistent with state and federal law; 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; and

**WHEREAS**, the Wyoming Department of Transportation recognizes Part 2B.13 of the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)*, developed by the Federal Highway Administration (FHWA), as the standard to establish speed limits on paved roads; and

**WHEREAS**, the Wyoming Department of Transportation recognizes *Standards and Procedures for Establishing Speed Limits on Wyoming Unpaved Roads*, developed by the Wyoming Technology Transfer Center, as the standard to establish speed limits on unpaved roads;

**NOW, THEREFORE, BE IT RESOLVED**, that the Transportation Commission of Wyoming officially adopts General Section Chapter 30, Procedures for Locally Establishing Speed Limits, officially adopts Part 2B.13 of the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)* as the standard to establish speed limits on paved roads and officially adopts *Standards and Procedures for Establishing Speed Limits on Wyoming Unpaved Roads* as the standard to establish speed limits on unpaved roads.

19. Annual August Redistribution of Federal Funds: WYDOT recently received its portion of the August redistribution of funds that were not used by other states for various reasons. Wyoming

received \$10,568,201 for highway use. The funds will be used for projects that were not accomplished last year. In addition to the redistribution funds, the Department has underrun its ARRA funding obligation by about \$550,000. Mr. McOmie credited the savings to WYDOT staff and its contractors' ability to work efficiently on highway projects.

WYDOT would like to put these funds to use immediately but is confined by federal regulations as to how much of the underrun can be used on future projects in a given year. In Mr. McOmie's opinion, the regulations go against instructions from President Obama and from Congress to interject the funding into the highway infrastructure as quickly as possible. It appears that it could take three to four years to use the redistributed funds if the current policy prevails. Mr. McOmie will continue to work with the FHWA in an attempt to expedite the use of the ARRA funds.

Mr. McOmie noted that the federal government may have some additional infrastructure money available in the future. The Department plans to accelerate a few of its larger projects if funding is received. A new stimulus bill would be well received with the onset of a potential 30 percent cut in Wyoming's federal funding if the federal highway bill passes in its current form.

20. Future Budget Items: The passage of the U.S. Energy Bill in late 2007 will ban the sale of most incandescent light bulbs that are used by the Department after 2012. Mr. McOmie reported that the mandate will cost the Department a great deal of money to upgrade lighting fixtures in many of its buildings. The Department has over a hundred buildings on its inventory and some of the major buildings will cost more than \$10,000 per building to upgrade. Some new facilities are already compliant with the new standards, but older buildings are not.

Another item worth noting is the future budgeting of salt/sand storage buildings and pads. Due to environmental requirements, the Department is working to prevent runoff from salt-sand sites and, as the Commission has seen in the past few months, building and pad work will be ongoing in the budget. Mr. McOmie estimated that about \$3 to \$4 million will need to be budgeted each year for the next few years to cover the expense of these site upgrades.

21. At-Will Employee Study: The Wyoming State Legislature passed a bill in 2011 that directed the Department of Administration and Information (A&I) to conduct a study of state positions that currently have an at-will status. A&I has completed the study, and WYDOT expects to see an additional 50 positions, down through the program manager level, to become at-will status. If it is approved, the change in status will be optional for existing employees but will be mandatory for any new employees.

22. Possible Change in State Retirement Plan: Mr. McOmie reported that a revision to the current state retirement plan is being discussed which would change the existing plan. The plan would be more "portable" for employees with a change in state matches and the required retirement age. The changes could entice employees to consider retiring earlier than expected. With 30 to 35 percent of WYDOT's workforce currently eligible for retirement, the Department could be significantly impacted by new retirement actions.

23. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to move into executive session. Commissioner McCormack, Ms. Obermeier, Colonel Oyler, and Messrs. Byrne, Cough, Hibbard, and McGee left the meeting. The Commission went into executive session at 11:24 a.m., on Thursday, September 15, 2011.

24. It was moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to come out of executive session. The Commission came out of executive session at 11:43 a.m., on Thursday, September 15, 2011.

25. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 11:43 a.m., on Thursday, September 15, 2011.