

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on November 21, 2013. The meeting was convened at 8:30 a.m. by Vice Chairman McCormack. The following members were present constituting a quorum:

Bruce McCormack, Vice Chairman, Cody
Milt Coulter, Commissioner, Gillette
Clair Anderson, Commissioner, Riverton
K. John Dooley, Commissioner, Laramie
Bob Ruwart, Commissioner, Wheatland
Todd Seeton, Commissioner, Jackson
John 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 John Butler, Highway Patrol 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: Dan Kline, Systems Railroad Supervisor; Nathan Beauheim, Assistant City Engineer, City of Cheyenne; and Joe Stephenson, Granite Peak Development Corp.

Chairman Ted Ertman, of Newcastle; and Dennis Byrne, Aeronautics Administrator; were absent.

1. Pledge of Allegiance: Vice Chairman McCormack led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to approve the minutes from the October 17, 2013, breakfast meeting, regular business meeting, and education session.
3. Director Cox presented the Director's report.

Annual American Association of State Highway and Transportation Officials (AASHTO) Meeting: Director Cox and other executive staff members attended the 2013 AASHTO meeting in Denver, Colorado, October 17-21, 2013. At the meeting, the AASHTO Reauthorization Steering Committee proposed nine new policies at the meeting that pertain to MAP-21, the latest federal highway funding bill. The new policies were adopted. Director Cox believes that the new policies are reasonable, and generally avoid pitfalls to rural states and Wyoming during reauthorization.

Efficiencies Report: A copy of the updated WYDOT Efficiencies, Saved Resources and Reduced Expenditures report was provided to the Commission. The report documents areas within the Department and processes that are being refined in a continued effort to be good stewards of state resources.

Joint Transportation, Highways and Military Affairs Committee (JTC) Meeting: The JTC met November 11, 2013, in Casper. The committee considered two draft bills at the meeting, 14LSO-0191.C1, Registration Fees – House Trailers, and 14LSO-0118.C1, Vehicle Towing – Fee Arbitration. The bill regarding the registration of house trailers would have little or no impact on the Department. The proposed vehicle towing fee regulation bill, if passed, could have a significant impact on the Wyoming Highway Patrol. The intent of the bill is to regulate and eliminate price gouging by towing companies. A third-party arbitration process and the generation of price caps were initially part of the bill, but those elements were eliminated from the final version. The final draft bill provides for rulemaking authority to validate the existing Highway Patrol towing rotation list, and disciplinary action and/or removal from the list for wrongdoing. The bill will be sponsored by the JTC during the 2014 legislative session.

In accordance with Wyoming statutes, WYDOT's fiscal year 2014 Commission budget was also presented to the JTC for its information.

Joint Appropriations Committee (JAC) Meeting: The JAC met November 19, 2013, in Cheyenne. The Department's FY 2014 Commission budget was also presented at that meeting, in considerably more detail. In accordance with Wyoming statutes, the Commission budget will be presented annually to the JAC. Director Cox welcomed the opportunity to share the Commission budget in a continued effort to provide complete transparency to the legislature. The committee was very receptive to hear the budget presentation, and Director Cox noted that he was proud of the executive staff for their exemplary efforts in presenting the budget and answering every question very completely and with utmost accuracy.

Vice Chairman McCormack congratulated Director Cox and the executive staff members for their efforts in preparing for and presenting WYDOT's FY 2014 Commission budget to the legislative committees.

Vice Chairman McCormack also stated that the Efficiencies Report was quite impressive and asked that the Department continue to look for ways to eliminate redundancies and to improve efficiencies in every way possible. Director Cox added that the Efficiencies Report will be updated regularly, and it will be used as a tool to monitor efficiencies Department-wide.

Mr. Moench entered the meeting.

4. Mr. Hibbard presented the monthly Budget report.

Impacts of Fuel Tax Increase: Mr. Hibbard provided a handout that showed the price of motor fuel in Wyoming and in the surrounding states since the recent motor fuel tax increase. WYDOT began collecting fuel price statistics about six years ago when asphalt prices began to significantly impact asphalt bid prices on highway projects. Similar data is used today to determine the variances in fuel prices at the pump since the fuel tax increase of July 1, 2013.

The handout revealed that consumers have paid on average only \$0.01 more per gallon for gasoline and \$0.04 more per gallon for diesel at the pump since the fuel tax increase was implemented on July 1, 2013. The statistics came directly from the Oil Price Information Service (OPIS). OPIS is the entity that provides virtually all of the motor fuel impact information that is found on the Internet, including web sites like GasBuddy.com and the AAA.com (American Automobile Association).

Monthly Budget Report: The October 2013 budget report revealed that the Commission budget is 11 percent expended, and the Legislative budget is 9 percent expended, for an overall budget expenditure of 10 percent for FY 2014. The report includes FY 2013 purchase orders that were encumbered but not yet expended.

The Department is making payments on the \$0.10 fuel tax projects. The H02 account has a current balance of \$3,840,428.85, which will be expended solely on contractor payments for projects that have been let with dedicated fuel tax funding.

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

Wadsworth Construction and Hoback Junction Bridge Project Update: Work continues on the Hoback Junction project. Deck pours are expected to be complete by the end of December 2013. The two pending claims were negotiated and subsequent change orders have been executed. Further claims have since arisen at the district level. One of the claims pertains to bridge steel materials that were to be used on the project and that had become rusty so that the contractor was required to use new materials on the project. The contractor claimed that the ongoing negotiation of the previous claims caused a delay in the installation of the materials, causing the materials to rust, so the contractor has requested compensation for the purchase of new materials. The Department believes that additional compensation is not warranted, as it was the contractor's responsibility to keep the materials from exposure until they were used.

The contractor also requested additional compensation for removing the old bridge because of additional mobilization. WYDOT's bid specifications require that the old bridge be removed as part of the project, and the district is hard-pressed to offer additional compensation for removing the bridge. The contractor is requesting about \$1 million in additional compensation for this work.

Change Order No. 2 removed the cost of the planned retaining wall from Wadsworth Construction's contract. The Department will let a new contract to build a wall and finish the work that was planned in the original contract.

The project is progressing, and traffic is expected to resume on the bridge this winter.

17 Mile Road Ribbon Cutting: Mr. McOmie and Commissioner Anderson attended the October 22, 2013, ribbon cutting ceremony for the 17 Mile Road project in Washakie County. The project took many years and many entities to come to fruition. About 8 of the 17 miles are currently on WYDOT's highway system, and the remaining 9 miles are on the county road system. The responsibility of maintaining the road will eventually be turned over to the Wind River Reservation (WRR). The project was built using a Transportation Investment Generating Economic Recovery (TIGER) 2013 discretionary grant, Wind River Reservation funds, Wyoming Travel and Tourism funds, and other federal highway, state, and county funds. The project was designed by a consultant that was hired through WYDOT, and the contract was administered by the Central Federal Lands Highway Division. Other tribal entities from around the nation have inquired about the project because of its unique and complex coordination and partnership efforts that were necessary to complete the work.

Commissioner Anderson added that those who attended the ribbon cutting ceremony were extraordinarily appreciative of the efforts that were made to accomplish the project. Fatalities on the 17 Mile Road have been extraordinarily high in the past, and residents are hopeful that the new road design will avoid future deaths. The new road design also included the installation of new water lines and irrigation work. Other projects are anticipated on tribal-owned land in the future, and the 17 Mile Road project will be used as a model because of its success.

Chevron Energy Efficiency Project Update: WYDOT continues to implement the results of Phase 1 of the Chevron energy audit. Bonds are being used to complete the project, and the energy savings will pay for the bond over the next few years. Phase 2 of the project will begin soon, including lighting upgrades on all WYDOT buildings statewide. Chevron Energy has begun its preliminary investigation for Phase 2 for possible implementation in 2014, which will focus on upgrading lighting fixtures in WYDOT buildings statewide.

Cheyenne Light, Fuel & Power Company has contacted the Department about the possibility of providing some publicity on the energy incentive program, to encourage others to participate. WYDOT is the first state agency to participate in such a program.

Future efforts may include investigating WYDOT's current roadway lighting and interchange roadway lighting systems for energy savings.

6. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held November 14, 2013, in Cheyenne.

Messrs. Shaun Heaton, Owner of Bonneville Asphalt & Repair, in Orem, Utah; and Alan Lord, Risk Advisor, and Michael Wade, Bond Manager, for The Presidio Group; joined the meeting via telephone.

The Disadvantaged Business Enterprise requirements were fulfilled on all projects in this letting.

Mr. Fredrick explained the purpose of providing two bids on the bid tabulations, one with construction costs and another to include lane rental in the price, for the next two highway jobs. A daily lane rental charge is included with each bid, and is calculated by the number of days and miles a lane is closed at each location. The premise of applying lane rental is to award a bonus to the contractor for early completion and penalize the contractor for delays. The award is based on the bid price including lane rental.

COMMISSION DISTRICT 1, 2, 4, and 7

Bob Ruwart - Commissioner
K. John Dooley - Commissioner
Milt Coulter - Commissioner
Clair Anderson - Commissioner

Federal project STP-PM-B142002, involving crack sealing and miscellaneous work on 55.7 miles at various locations in Transportation District 2, including Carbon, Converse, Goshen, Johnson, Natrona, and Sweetwater counties.

	<u>Construction Cost</u>	<u>w/ Lane Rental</u>	
Engineer's Estimate	\$1,615,201.00	\$1,630,301.00	
Bonneville Asphalt & Repair LLC, Orem, UT	\$ 972,775.00	\$ 975,775.00	-40.1%
Highway Improvement, Inc., Harrisburg, SD	\$1,531,901.00	\$1,548,301.00	
B. Jackson Construction Group, West Jordan, UT	\$2,034,150.00	\$2,103,950.00	

The bid that was provided by Bonneville Asphalt & Repair was deemed non-responsive because its bid bond stated that the company's power of attorney was limited to \$750,000. In accordance with WYDOT Standard Specifications for Road and Bridge Construction, bid bonds must be made for 10 percent of the bid price.

The quoted bid price from Bonneville Asphalt for crack surfacing was bid at \$3.25 per cubic foot, and the engineer's estimate was \$120 per cubic foot. Mr. Heaton admitted that his bid price of \$3.25 was a per-pound unit price and that it grossly understated an accurate cost for that bid item. Mr. Fredrick advised that the bid from Bonneville was also not responsible as it would not cover the costs to purchase the material.

Mr. Lord concurred with Messrs. Fredrick and Heaton's comments, and stated that he also believed that the bid from Bonneville Asphalt should be considered non-responsive.

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried that **Highway Improvement, Inc., Harrisburg, South Dakota**, 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. Heaton, Lord, and Wade left the meeting.

COMMISSION DISTRICT 2
K. John Dooley - Commissioner

Federal project NHPPI-I804248, involving grading, milling plant mix, bituminous pavement surfacing, plant mix wearing course, bridge deck repair, guardrail, and miscellaneous work on 5.06 miles of I-80, beginning at reference marker (RM) 216.20, between Rawlins and Sinclair, in Carbon County.

	<u>Construction Cost</u>	<u>w/ Lane Rental</u>	
Engineer's Estimate	\$5,917,866.20	\$6,105,366.20	
Simon Contractors and its Subsidiaries,			
Cheyenne, WY	\$6,132,005.20	\$6,694,505.25	+9.6%
Knife River, Casper, WY	\$6,493,104.44	\$7,045,604.43	
McMurry Ready-Mix Co., Casper, WY	\$7,043,802.35	\$7,046,302.35	
A & S Construction Co. and Affiliated Companies, Canon City, CO	\$6,602,748.50	\$7,127,748.50	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried that **Simon Contractors and its Subsidiaries, Cheyenne, 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.

Federal project NHPPI-I805162, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, structure rehabilitation, guardrail and miscellaneous work on 10.38 miles of I-80, beginning at RM 299.55, between Walcott Junction and Laramie, in Albany County.

Engineer's Estimate	\$6,368,582.50	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$5,513,320.00	-13.4%
Knife River, Casper, WY	\$5,672,037.20	
McGarvin-Moberly Construction Company, Worland, WY	\$5,816,593.72	
McMurry Ready-Mix Co., Casper, WY	\$6,410,905.03	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Coulter, and carried that **Simon Contractors and its Subsidiaries, Cheyenne, 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 3
Todd Seeton - Commissioner

Federal projects NHPPI-I801180 and NHPPI-I801183 combined, involving grading, draining, milling plant mix, placing crushed and blended base, bituminous pavement surfacing, plant mix wearing course, bridge rehabilitations, guardrail, signing, and miscellaneous work on 11.18 miles of I-80, beginning at RM 39.21, between Evanston and Green River (Lyman Junction West Section), in Uinta County.

Engineer's Estimate	\$15,106,948.20	
LeGrand Johnson Construction Co., Logan, UT	\$12,527,338.10	-17.1%
HK Contractors, Inc., Idaho Falls, ID	\$13,565,634.75	
W.W. Clyde & Co., Springville, UT	\$13,975,123.90	
Mountain Construction Company, Lovell, WY	\$17,630,564.12	
McMurry Ready-Mix Co., Casper, WY	\$18,437,341.35	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Anderson, 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 4
Milt Coulter - Commissioner

Federal project CMAQ-0302068, involving grading, draining, placing crushed base and bituminous pavement surfacing, fencing, signs, and miscellaneous work on 9.20 miles of US 14/16, beginning at RM 60.17, between Ucross and Gillette, in Campbell County.

Engineer's Estimate	\$11,747,783.55	
Riverside Contracting, Inc., Missoula, MT	\$11,888,458.65	+1.2%
High Country Construction, Inc., Lander, WY	\$11,945,906.83	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$12,290,447.11	
Oftedal Construction, Inc., Casper, WY	\$12,333,536.40	
Border States Paving, Inc., Fargo, ND	\$13,316,472.75	
Foothills Contracting, Inc., Webster, SD	\$13,592,738.60	
Intermountain Construction & Materials, Gillette, WY	\$13,785,137.80	

McMurry Ready-Mix Co., Casper, WY

\$16,520,467.65

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that **Riverside Contracting, Inc., Missoula, Montana**, 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.

Federal project NHPPI-RF-I255111, involving right-of-way fence replacement and miscellaneous work on 6.71 miles of I-25, beginning at RM 293.83, between Kaycee and Buffalo, in Johnson County.

Engineer's Estimate	\$280,600.00	
Young Brothers Fence Services, LLC, Buffalo, WY	\$246,657.29	-12.1%
Quarter Circle R Fencing, Three Forks, MT	\$301,885.31	
Irregular Check Digit		
4M Construction, Inc., Carpenter, WY	\$319,691.00	
Wishbone Fencing Company, Aladdin, WY	\$334,551.00	
King Enterprises, Mills, WY	\$341,546.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried that **Young Brothers Fence Services, LLC, Buffalo, 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 5
Bruce McCormack - Vice Chairman

State project SCP-TC-N345100, involving milling plant mix bituminous pavement surfacing, chip seal, and miscellaneous work on 8.00 miles of US 16/20 and WYO 789, between Worland and Manderson, in Big Horn and Washakie counties.

Engineer's Estimate	\$3,189,605.00	
McGarvin-Moberly Construction Company, Worland, WY	\$2,809,469.74	-11.9%
Mountain Construction Company, Lovell, WY	\$2,958,000.00	
Century Companies, Inc. and Affiliates, Lewistown, MT	\$3,214,100.00	
Plus 5% for Comparison	\$3,374,805.00	
Intermountain Construction & Materials, Gillette, WY	\$4,065,427.80	

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

Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State project SCP-TC-0200025, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, and miscellaneous work on 5.72 miles of WYO 30, beginning at RM 101.31, between Basin and Burlington, in Big Horn County.

Engineer's Estimate	\$1,545,430.25	
McGarvin-Moberly Construction Company, Worland, WY	\$1,489,994.55	-3.6%
Mountain Construction Company, Lovell, WY	\$1,492,668.07	
Century Companies, Inc. and Affiliates, Lewistown, MT	\$1,682,639.60	
Plus 5% for Comparison	\$1,766,771.58	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **McGarvin-Moberly Construction Company, Worland, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 6
Ted Ertman - Chairman

Federal project STP-2300041, involving micro-surfacing and miscellaneous work on 13.49 miles of WYO 450, beginning at RM 32.11, between Newcastle and Reno Junction, in Weston County.

Engineer's Estimate	\$1,137,420.00	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$ 920,029.00	-19.1%
Geneva Rock Products, Inc., Murray, UT	\$ 936,931.59	
Martin Resource Management Corp. and Subsidiaries, Omaha, NE	\$1,151,156.58	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried that **Intermountain Slurry Seal, Inc., Watsonville, California**, 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 projects NH-N203049, STPE-N203068, ARSCT-N203A01, and ARSCT-N203A02 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, milling plant mix, removal of concrete, concrete pavement, curb and gutter, sidewalk, water and sewer system replacements, electrical systems, signing, and miscellaneous work at Monroe Avenue and Federal Boulevard, in the city of Riverton, in Fremont County.

Engineer's Estimate	\$4,486,175.30	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$5,072,324.50	+13.1%
HK Contractors, Inc., Idaho Falls, ID	\$5,291,288.88	
71 Construction, Casper, WY	\$5,304,142.19	
Wilson Bros. Construction, Inc., Cowley, WY	\$5,306,022.50	
Patrick Construction, Inc., Lander, WY	\$5,619,347.23	
S & S Builders, LLC, Gillette, WY	\$5,664,493.68	
Concrete Works of Colorado, Inc., Lafayette, CO	\$6,715,068.25	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried that **Reiman Corp. and Subsidiary, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder, contingent upon receipt of written concurrence from the City of Riverton, and that WYDOT executive staff be permitted to remove the contingency when the proper concurrence is received. The Federal Highway Administration concurred with this decision.

State project SCP-TC-P142047, involving grading, milling plant mix, bituminous pavement surfacing, chip seal, and miscellaneous work on 15.27 miles of WYO 28, beginning at RM 34.12, between Farson and Lander, in Fremont County.

Engineer's Estimate	\$3,543,065.00	
McGarvin-Moberly Construction Company, Worland, WY	\$3,382,078.19	-4.5%
HK Contractors, Inc., Idaho Falls, ID	\$3,259,888.88	
Plus 5% for Comparison	\$3,422,883.32	
Mountain Construction Company, Lovell, WY	\$3,431,706.00	
McMurry Ready-Mix Co., Casper, WY	\$4,502,973.51	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried that **McGarvin-Moberly Construction Company, Worland, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

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

COMMISSION DISTRICT 1

Urban Local

ARSCT 0.00 B149A02; Laramie County; Cheyenne Streets; epoxy striping; FY 2014; request preliminary engineering funds of \$4,451; request construction engineering and construction funds of \$48,960; to be reimbursed by the City of Cheyenne

COMMISSION DISTRICT 3

Rural Principal Arterial

NHPP 140.66 N104091; Teton County; Hoback Junction, north and south; RM 140.66; retaining wall; FY 2014; request federal preliminary engineering funds of \$650,019; request federal construction engineering and construction funds of \$7,150,211

Rural Minor Arterial

STP 0.15 2112001; Uinta County; Wasatch Road/I-80 Service Road; RM 0.15 to 1.55; resurfacing; FY 2014; request federal preliminary engineering funds of \$22,226; request federal construction engineering and construction funds of \$1,247,996

Rural Major Collector

STP-PO 3.12 2101012; Uinta County; WYO 410, Mountain View; RM 3.12 to 3.86; overlay; FY 2015; request federal preliminary engineering funds of \$15,325; estimated construction engineering and construction cost is \$565,657

STP 77.20 DR33142; Lincoln County; US 189, south of LaBarge; RM 77.20 to 80.83; flood damage and shoulder erosion; FY 2014; request federal preliminary engineering funds of \$32,910; request federal construction engineering and construction funds of \$691,080

Rural Local

SCP 0.68 DR32921; Lincoln County; US 30 Service Road; RM 0.68; replace bridge stringers and decking; FY 2014; request state construction engineering and construction funds of \$38,000

COMMISSION DISTRICT 5

Urban Principal Arterial

NHPP 23.88 N291064; Park County; Powell Streets, Coulter Avenue; RM 23.88 and 25.03; overlay; FY 2015; request federal preliminary engineering funds of \$62,000; estimated construction engineering and construction cost of \$656,802

8. Mr. Fredrick presented the following Resolution for Abandonment for a piece of right-of-way located along West Lincolnway in Cheyenne. The property has no value and, if approved, will be relinquished to the adjacent property owner. It is the adjacent property owner's responsibility to go through proper legal channels to document legal ownership of the newly acquired property.

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Anderson, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

RESOLUTION FOR ABANDONMENT

WHEREAS, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of state highways upon reconstruction or relocation of an existing state highway; and

WHEREAS, a portion of Wyoming Department of Transportation's right-of-way for West Lincolnway, Laramie County, Wyoming, established under Project Number FAP-46(6) is no longer needed for state highway or public use purposes. Said portion being described as follows:

A tract of land being a portion of Section 1, Township 13 North, Range 67 West, 6th P.M., Laramie County Wyoming, more particularly described as follows:

Beginning at the southeast corner of Tyrrell Addition, City of Cheyenne, Laramie County Wyoming, from which USMR #1 bears N.73°22'42"E., a distance of 578.91 feet;

thence along the southern line of the highway abandonment as recorded in Book 1146, Page 774, Laramie County Clerk's Office, 423.19 feet along a curve concave southerly, through an angle of 04°09'33", a radius of 5829.58 feet, and whose long chord bears N.69°06'58"E., a distance of 423.09 feet;

thence N.71°16'30"E., along said southern line, a distance 46.84 feet;
thence S.10°09'44"E., a distance of 16.18 feet;
thence S.72°06'25"W., a distance of 273.68 feet;
thence S.67°13'42"W., a distance of 193.36 feet;
thence N.22°46'18"W., a distance of 9.76 feet to the Point of Beginning.

Containing 5,219 square feet, more or less and subject to easements, covenants, and restrictions of record.

NOW, THEREFORE BE IT RESOLVED, the Transportation Commission of Wyoming hereby abandons the above-described land as provided for under provisions and authority of W.S. 24-3-126.

9. Petition for the Establishment of Six Public At-Grade Railroad Crossings, Swan Ranch Development, Laramie County: Mr. Fredrick presented a petition for the establishment of six public at-grade railroad crossings at the Swan Ranch industrial development, located south of Cheyenne in Laramie County. The crossings serve the BNSF Railway Company and the Union Pacific Railroad, but the short line carrier, Swan Ranch Railroad, operates all switching movements within the complex. Two crossings were approved by the Transportation Commission at its March 2012 business meeting. The industrial development has expanded considerably since then, and the City of Cheyenne submitted the petition for the additional

crossings. Two of the proposed new crossings are needed for immediate development and the remaining four crossings will be necessary in the future.

WYDOT's current hazard rating formula revealed that, with reasonable train and traffic projections, these crossings will rank below the 50th percentile for hazardous ratings compared to other public crossings in Wyoming. The rankings would not warrant highway warning devices under current conditions. With adequate site distance present and low train speeds at these crossings, WYDOT does not recommend active warning devices. The proposed railroad crossings will require that the developer install concrete surfacing, utilize all required standard Manual on Uniform Traffic Control Devices (MUTCD)-compliant signage and pavement markings, and emergency notification signs for the motoring public. WYDOT's railroad coordinator will ensure compliance as construction progresses if the crossings are approved.

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried to approve the establishment of six public at-grade rail crossings at the Swan Ranch Development in southern Laramie County.

Messrs. Stephenson, Beauheim, and Kline left the meeting.

10. Colonel Butler presented the Highway Patrol report.

Monthly Highway Patrol Report: The Fatal Crash Summary through October 31, 2013, includes 64 fatal crashes involving 73 deaths. The fatalities include 37 rollover crashes, 22 multi-car crashes, 2 fixed objects, 10 motorcycles and all-terrain vehicles, and 2 pedestrians. Of the 64 crashes that occurred so far this year, 18¹ involved commercial vehicles.

There have been 15² crashes to date deemed alcohol related, resulting in 17² deaths. Of those deaths, 14 were attributed to not using occupant restraints.

Of the 73 deaths that have occurred to date this year, 36 can be attributed to the non-use of occupant restraints, with 30 involving rollover crashes, and 6 involving multi-car collisions. Of the 36 deaths that occurred from non-use of occupant restraints, 28 were Wyoming residents, and 8 were non-residents. Sixteen of those who perished were under 20 years of age, and 9 of those fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through September 30, 2013. The summary depicts 4,251 crashes statewide, of which 3,518 involved non-commercial vehicles, and 733 involved commercial vehicles.

¹Not included in total deaths (sub-crash data)

²Not all chemical test results were available at the time of the report.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of October 31, 2013, have been DUI related. There have been 984 field arrests made so far this year, including:

- DUI arrests from crashes – 63
- DUI arrests from traffic stops – 342
- DUI arrests from the REDDI Program – 105
- DUI arrests from ports-of-entry – 5
- NCIC hits (person) – 36
- Wyoming warrants hits – 156
- Drug arrests – 158
- Other arrests – 119

2013 Criminal Patrol Deployment Recap: Colonel Butler provided a copy of the 2013 Criminal Patrol Deployment Recap report. Each district held at least one criminal interdiction deployment in FY 2013. The deployments involved high-volume, lawful traffic stops made by troopers for law enforcement purposes. Wyoming has been significantly impacted by the recent legalization of marijuana use in Colorado, and the Wyoming Highway Patrol is taking the necessary steps to keep its highways drug-free and safe for the traveling public.

Following are the results of the deployments statewide.

Traffic:

- Total traffic stops – 3,860
- Speed citations – 1,485
- Crash citations – 8
- Impaired drivers – 20
- Seatbelt citations – 94
- Child restraint citations – 6
- Warnings – 2,436
- Commercial vehicle inspections – 59
- Crash investigations – 32
- Motorist assists – 196

Criminal:

- Misdemeanor drug charges – 40
- Felony drug charges – 20
- Non-drug misdemeanor – 12
- Non-drug felony – 1
- Non-moving citations – 207
- Moving citations – 119

Personnel/K-9 Deployments:

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- Number of Troopers – 113
- Number of K-9 handlers – 38
- K-9 deployments – 55

Vehicle Searches: 54

Contraband Seized:

- Marijuana – 59,848.91 grams
- Kief, spice – 41 grams
- Synthetic-K2/bath salts – 181 grams
- Oxy/derivatives/prescription drugs – 2.2 grams
- Currency – \$439,514.00
- Weapons – 2

Colonel Butler expressed his appreciation of Wyoming's troopers for performing good police work, sometimes under challenging circumstances, and for their dedication to keeping Wyoming safe.

Summary of 2013 High Intensity Drug Trafficking Area (HIDTA) Activities: The Wyoming Highway Patrol reported 90 felony arrests/seizures to HIDTA so far this year. Each reported case involved, at a minimum, weight/quantity, intent to deliver, and/or manufacture or transport of an illegal substance. Troopers used drug detection dogs in 38 of the 90 cases reported, including 30 Wyoming Highway Patrol K-9s and 8 others. Out of the 90 cases, troopers transferred 38 of them to the Wyoming Division of Criminal Investigation.

The Highway Patrol seized drugs and other paraphernalia with a street value of \$2,303,807.17, and \$603,563.45 in U.S. currency from January 1 through September 30, 2013. Colonel Butler hopes to acquire additional K-9s with some of the cash that was seized.

11. Mr. Byrne provided the Commission with the monthly Aeronautics report, via the Commission mailing.

12. Mr. Loftin presented the Support Services report.

Registration Fees for House Trailers: The Joint Transportation Committee met November 11, 2013, in Casper. The committee voted to sponsor a bill, 14LSO-0191.C1, Registration Fees – House Trailers, in the upcoming legislative session. If it passes, the bill will discontinue the issuance of house trailer license plates, and the fee for registering a house trailer will be based on its weight.

Licensing Plate Numbering: The Department continues to prepare for the 2017 license plate issuance. The license plate numbering system used in Wyoming allows for duplicate numbers to be issued for passenger cars, pickup trucks, and for other types of plates, such as the University

of Wyoming plates. The use of duplicate numbers has created problems for Wyoming drivers when visiting other states. If law enforcement in other states isn't aware that Wyoming issues duplicate plate numbers, they do not know to specify the type of vehicle that possesses the plate when verifying a plate number.

Mr. Moench advised that Wyoming's statute is very specific about the license plate numbering format, and that the statute will need to be changed to remedy the situation. Mr. Loftin will suggest the issue as a 2014 Legislative interim topic.

REAL ID Update: Mr. Loftin reported that Wyoming has approximately 520,000 active drivers' licenses, of which about 391,000 have been issued that are compliant with the REAL ID Act of 2005. About 23,000 REAL ID-compliant identification cards have also been issued.

Commercial Drivers' License (CDL) Medical Examination Compliance: Changes were recently made to the federal CDL requirements, and verification of medical examinations must now be submitted every two years for CDL licenses. A driver who has a medical condition may be required to submit more frequent proof of medical examination. Failure to submit the required proof of medical exams will result in the cancellation of commercial driver's license. WYDOT is working with the Wyoming Trucking Association to spread the word about the change.

Wyoming County Treasurers' Meeting: Mr. Loftin briefed the Commission about a meeting he has scheduled with Wyoming's County Treasurers regarding veterans' vehicle registration and property tax exemptions. Some veterans are claiming exemptions from property taxes on their license plates and their property taxes, regardless of their residency status. Mr. Loftin believes that county governments will seek legislation to correct the misinterpretation and to clarify the language that is in the statute.

13. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried to approve, by consent, the following bids:

- Bid number 14-002 to furnish 337,375 gallons of fast drying acrylic traffic line paint, for use statewide. The bid was awarded to Vogel Paint & Wax Co., of Orange City, Iowa, for the sum of \$2,987,006.00.
- Bid number 14-003 to furnish 2,567,200 pounds of reflective glass spheres (Type 1) in 50-pound sacks, for delivery at WYDOT locations statewide. The bid was awarded to Potters Industries, LLC, of Valley Forge, Pennsylvania, for the sum of \$636,665.60.
- Bid number 14-006 to furnish three each, new, current model 3/4-ton, two-wheel-drive, extended cab and chassis for utility body, trucks, for delivery in Cheyenne and Buffalo. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$64,689.00.

- Bid number 14-007 to furnish five each, new, current model, 35 Series, two-wheel-drive, crew cab and chassis for flatbed trucks, for delivery in Douglas, Casper, Torrington, Cody, and Basin. The bid was awarded to Greiner Motor Company – Casper, of Casper, Wyoming for the sum of \$112,150.00.
- Bid number 14-009 to furnish eight each, new, current model 35 Series, four-wheel-drive extended cab and chassis for utility body, for delivery in Cheyenne and Basin. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$200,240.00.
- Bid number 14-012 to furnish one each, new, current model, 26,000 pound gross vehicle weight, regular cab and chassis for stake-bed, for delivery in Casper. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$52,081.00.
- Bid number 14-015 to furnish 11 each, new, current model, eight-foot, standard utility body, including installation, for delivery to the dealership. The bid was awarded to Ameri-Tech Equipment Company, of Evansville, Wyoming, for the sum of \$61,776.00.
- Bid number 14-019 to furnish three each, new, current model, Class 7, four-yard, single axle cab and chassis for dump body, for delivery in Cheyenne. The bid was awarded to Jack's Heavy Equipment, Inc., dba Jack's Truck and Equipment, of Gillette, Wyoming, for the sum of \$231,522.00.
- Bid number 14-020 to furnish 21 each, new, current model, Class 8, eight-yard, tandem axle, cab and chassis for dump body, for delivery in Cheyenne. The bid was awarded to Jack's Heavy Equipment, Inc., dba Jack's Truck and Equipment, of Gillette, Wyoming, for the sum of \$1,981,266.00.
- Bid number 14-022 to furnish 26 each, new, current model, self-unloading, abrasive spreaders, for delivery in Cheyenne. The bid was awarded to Casper Manufacturing, Inc., dba CMI-TECO, of Casper, Wyoming, for the sum of \$289,656.00.
- Bid number 14-030 to furnish 12,550 each aluminum backing angles, for delivery in Cheyenne, Wyoming. The bid was awarded to Wyoming Fabrication & Machine, of Evanston, Wyoming, for the sum of \$93,900.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-004 to furnish five each, new, current model, 15 Series, four-wheel-drive, crew cab, short box pickup trucks, for delivery in Cheyenne, Casper, and Afton. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$137,995.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 14-005 to furnish two each, new, current model, 15 Series, four-wheel-drive, crew cab, long box pickup trucks, for delivery in Cheyenne. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$55,710.00.

It was recommended by Mr. Shultz, moved by Commissioner Ruwart, seconded by Commissioner Dooley, and carried to approve purchase for bid number 14-011 to furnish eight each, new, current model, 35 Series, four-wheel-drive, extended cab and chassis, for utility bodies, for delivery in Cheyenne and Lander. The bid was awarded to Fremont Motor Company, of Lander, Wyoming, for the sum of \$61,680.60.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000031994 to furnish annual maintenance for the Digital Mapping Camera System, for use by the Photogrammetry & Surveys Program. The contract was awarded to Leica Geosystems, Inc., of Norcross, Georgia, for the sum of \$112,073.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000032212 to furnish the Wyoming Department of Transportation's share of operating costs for the Transportation Learning Network (TLN) video conferencing system, for the period of April 1, 2013 through June 30, 2013, for use by the Training Services Program. The contract was awarded to the North Dakota Department of Transportation for the sum of \$53,423.10.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000032445 to furnish annual support and maintenance for the Tradas Software, including the High Desert Traffic Jackalope Analysis Engine, for use by the Planning Program. The contract was awarded to High Desert Traffic, LLC, of Santa Fe, New Mexico, for the sum of \$55,000.00.

14. It was moved by Commissioner Seeton, seconded by Commissioner Anderson, and carried to move into executive session to discuss legal matters. The Commission went into executive session at 11:40 a.m., on Thursday, November 21, 2013.

15. It was moved by Commissioner Coulter, seconded by Commissioner Ruwart, and carried to come out of executive session. The Commission came out of executive session at 11:56 a.m., on Thursday, November 21, 2013.

16. It was moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried to adjourn the meeting. Vice Chairman McCormack adjourned the meeting at 11:56 a.m., on Thursday, November 21, 2013.