

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on August 21, 2014. The teleconference meeting was convened at 8:30 a.m. by Chairman McCormack. The following members were present constituting a quorum:

Bruce McCormack, Chairman, Cody (via telephone)  
Clair Anderson, Vice Chairman, Riverton (via telephone)  
Ted Ertman, Commissioner, Newcastle (via telephone)  
Milt Coulter, Commissioner, Gillette (via telephone)  
K. John Dooley, Commissioner, Laramie (via telephone)  
Bob Ruwart, Commissioner, Wheatland (via telephone)  
Todd Seeton, Commissioner, Jackson (via telephone)  
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; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Assistant Attorney General; Rodney Freier, Acting Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Tom Giroux, Reliable Engineering, LLC, of Thornton, Colorado; Craig Alexander, Assistant Right-of-Way Administrator; Lee Burns, Property Management Agent, Right-of-Way Program; Katie Pfister, Aeronautics Commission Secretary; Bret Campos, FHWA, Delaware; and Katie Legerski, Executive Director, Wyoming Contractors Association.

Director John Cox was absent.

1. Pledge of Allegiance: Chairman McCormack 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 Anderson, and carried to approve the minutes from the July 24, 2014, regular business meeting and executive session.
3. Correspondence: Secretary Scott presented an August 11, 2014, letter from Jack's Truck & Equipment, of Casper, regarding the state's statutory 5% in-state bidders' preference on procurement services and equipment purchases. Mr. Shultz offered to discuss the matter in further detail during the Operations report.

Secretary Scott also presented an August 1, 2014, letter from Governor Matt Mead congratulating the Department and the Commission on the successful first phase of the statewide Chevron Energy project.

4. Old Business: Mr. McOmie updated the Commission about the status of Platte County's Commission Road Improvement Program (CRIP) funding request and its related road exchange. The Commission approved CRIP funding for the Glendo State Park Road at its July 24 business meeting, but the Commission sought interest in Platte County taking responsibility for some road maintenance in exchange for the funding.

Mr. McOmie recently discussed road maintenance issues with Platte County Commission Chairman Tim Millikin. The county has agreed to perform some snow maintenance on certain state highways in Platte County. Further discussion will take place at the Platte County Commission meeting in September. Mr. Lowell Fleenor, WYDOT's district engineer, will attend the meeting discuss a draft agreement for the project.

5. Mr. Freier presented the Budget report.

The July 2014 budget report revealed that the Commission budget is 78 percent expended, and the Legislative budget is 78 percent expended, for an overall budget expenditure of 78 percent for FY 2014.

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

Implementation of the 80 Mile-Per-Hour Speed Limit: Implementation of the 80-mile-per-hour speed limit is ongoing, with signage being installed. According to Mr. McOmie, traffic on I-80 seems to be moving at the posted speed limits, but I-25 traffic tends to be exceeding the posted speeds.

Colonel Butler agreed with Mr. McOmie's contention, and also noted that speeds are also increasing on the secondary roads. The Highway Patrol will continue to work diligently to maintain safety on Wyoming's highways.

Mr. Tom Giroux joined the meeting by telephone.

Snake River Canyon Landslides: On August 15, 2014, heavy rain caused severe flooding and mud slides in the Snake River Canyon. The road was closed to traffic at about 4:30 p.m. when the Afton and Jackson WYDOT crews responded to the event. The road was reopened to traffic around 8:00 p.m. One of the largest slides fell into the Snake River, which caused a considerable amount of debris flow. Additional clean up will be necessary to clean up culverts and drainage pipes, and rock mesh will need to be replaced in some areas. Mr. McOmie expressed his appreciation of the Afton and Jackson crews for their hard work in getting the roadway reopened so quickly.

7. Approval for Sale of East Lincolnway Frontage Property in Cheyenne: Mr. Fredrick presented the following properties that are no longer needed for highway purposes and are being proposed for sale. A map was provided to the Commission that showed the specific land parcel locations.

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Two properties have been sold to the adjacent landowners and the other two have not been sold. The Wyoming Transportation Commission initially purchased the property described below from the Burlington Northern Railroad through a quit-claim deed in 1980.

Parcel 4 is located in Block 445 of the Original City of Cheyenne which is located in Section 32, T4N, R66W of the 6th P.M., Laramie County, Wyoming, more particularly described by metes and bounds as follows:

A portion of Block 445, Original City of Cheyenne, Beginning at a point on the westerly boundary of said Block 445 which bears N26°25'49"W, a distance of 92.46 feet from the southwesterly corner of said Block No. 445, and also being the northwesterly corner of that parcel of land described in Sale Deed recorded in Book 1424, Page 1493 of the Laramie County Clerk's Office;

thence continuing along said westerly boundary of Block 445 on a bearing of N26°25'49"W, a distance of 38.00 feet to a point;

thence on a bearing of S78°27'44"E, a distance of 141.27 feet to a point on the westerly line of a 30 foot right of way easement granted by Ordinance of the City of Cheyenne to the Union Pacific Railway Company and recorded in Book 41, Page 437 of said Laramie County Clerk's Office;

thence on and along said westerly line of a 30 foot right of way easement on a bearing of S17°01'59"W a distance of 30.10 feet to a point being the northeasterly corner of said parcel of land described in Sale Deed recorded in Book 1424, Page 1493 of the Laramie County Clerk's Office;

thence on a bearing of N78°27'44"W, a distance of 115.01 feet to the point of beginning;

Said parcel containing 3,839 square feet more or less.

And,

Parcel 1 is located in Blocks 439 and 444 of the Original City of Cheyenne and within the platted right of way of East 14th Street and Duff Avenue which is located in Section 32, T14N, R66W of the 6th P.M., Laramie County, Wyoming, more particularly described by metes and bounds as follows:

Beginning at a point in Block No. 444, Original City of Cheyenne situate on a Bearing of N.32°05'52"W. a distance of 210.14 feet from the southeasterly corner of said Block No. 444, and being the northeasterly corner of that parcel of land described in Special Warranty Deed recorded in Book 1782, Page 966 of the Laramie County Clerk's Office;

thence on a Bearing of N.78°27'43"W. a distance of 341.13 feet to a point being the northwesterly corner of that parcel of land described in said Special Warranty Deed recorded in Book 1782, Page 966 of the Laramie County Clerk's Office;

thence on a Bearing of N.11°33'17"E. a distance of 40.99 feet to a point on the southerly line of a 90 foot right of way for East Lincolnway;

thence on and along said southerly line of a 90 foot right of way for East Lincolnway, on a Bearing of S.73°07'51"E. a distance of 241.37 feet to a point of curvature;

thence on and along said southerly line of a 90 foot right of way for East Lincolnway, on a curve to the left, having a central angle of 9°30'52", a radius of 609.00 feet, a length of 101.13 feet, and a long chord having a Bearing of S.77°53'03"E. a distance of 101.01 feet to a point;

thence on a Bearing of S.12°13'46"W. a distance of 17.55 feet to the point of beginning;

Said parcel containing 8,839 square feet, more or less.

In accordance with Wyoming statutes, the property was appraised and determined to have a marketable value, so it must be sold. One of the unsold properties is located in front of Cowboy Dodge and the other is in front of Suburban Propane in Cheyenne. WYDOT provided written offers to sell the properties at fair market value to Cowboy Dodge and Suburban Propane, but the offers have not been accepted. In accordance with Wyoming statutes and the WYDOT Rules and Regulations, the next step to dispose of the property is to sell it through public auction or sealed bids. The Department recommends selling the properties through sealed bids.

Mr. Tom Giroux, of Reliable Engineering, LLC, spoke as the owner's representative for Cowboy Dodge, and he explained the reasons that he believed the appraisal was high, noting that the property was not worth the asking price of \$8.00 per square foot, or \$70,712. Mr. Giroux asked the Commission if it would consider selling the property for a lower price. Mr. Fredrick advised that the Commission does have wide discretion in selling the land at a lower price, but statutorily it cannot be sold for less than 75 percent of its appraised value. Mr. Giroux offered the Commission 75 percent of the appraised value for the land, or \$53,034. Mr. Fredrick reminded the Commission that an offer less than fair market value cannot be accepted without first offering the property at a public sale.

Commissioner Ertman acknowledged Cowboy Dodge's belief that the property may not be useful to another entity, which would typically bring a lower valuation of the land, but the Department must follow Wyoming statute and WYDOT Rules and Regulations and sell the property.

Mr. Giroux conceded, since the Commission is obligated to follow Wyoming statutes and the Rules and Regulations, and Cowboy Dodge made an offer to pay fair market value for the property. Mr. Fredrick advised that if the Commission gives permission for the Department to sell the property, Cowboy Dodge retains the option of purchasing the property at full market value.

Mr. Fredrick reminded the Commission that the intent of bringing the East Lincolnway matter before the Commission is to obtain permission to sell two different parcels via a public sale through sealed bids, not just the parcel that is of interest to Cowboy Dodge.

It was recommended by Mr. Fredrick, moved by Commissioner Ertman and seconded by Commissioner Ruwart to permit the Department to sell Parcels Number 1 and 4, as described above, via sealed bids.

It was moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to amend the above motion to allow a 15-calendar-day period for Cowboy Dodge to work with the WYDOT Right-of-Way Program to accept the air market offer on Parcel 1. If Cowboy Dodge does not act upon their offer within 15 calendar days, the property will be sold via sealed bids. The amendment was unanimously approved.

Chairman McCormack called for the vote on the original motion. The original motion was unanimously approved.

Mr. Giroux (via telephone), and Mr. Alexander and Ms. Burns left the meeting.

Ms. Legerski entered the meeting via telephone.

8. Section 103, WYDOT Standard Specifications for Road and Bridge Construction: Mr. McOmie met with Commissioners Dooley and Seeton and other WYDOT staff on July 21, 2014, to address the Commission's concerns that were raised about the frequent lack of a sufficient bid bond from contractors bidding on highway projects. The consensus at the meeting was to amend Section 103.1, Consideration of Bids, of the Standard Specifications to include the following paragraph.

“The department reserves the right to recommend any of the following actions if it determines that it is in the best interest of the state to:

1. Award the contract
2. Reject any or all bids
3. Waive technicalities
4. Advertise for new bids

The Commission reserves the right to reject any or all bids to waive bid irregularities or to readvertise for new bids.”

This change would offer WYDOT's executive staff some flexibility in determining whether the circumstances behind a contractor's irregular bid bond are considered a fatal flaw when making a recommendation to the Commission. Under the proposed amendment, a contractor may also be given an opportunity to provide a corrected bid bond between the time that bids are opened and when the Commission considers the award.

At its July 24, 2014, meeting, the Commission discussed changing the specification as noted above, but Mr. McOmie subsequently met with the Wyoming Contractors' Association board of

directors to get input on how such changes would impact its members. The majority of the WCA board members have great concern about allowing any leeway in the interpretation the specifications. They felt that the proposed change would eliminate the even playing field that exists for all contractors' today, and that it could potentially create some inequity in the way the Commission currently awards its projects.

Mr. McOmie also recently met with the WCA co-op committee in Casper, which is made up of a larger group of contractors and the WCA board members. The consensus from that meeting was that the specification should not be changed, and members felt that it was the contractors' responsibility to ensure that their bid bonds are submitted correctly. They also felt that, if the specification were changed, some contractors may attempt to take advantage during the bidding process.

Ms. Legerski reiterated the information that Mr. McOmie provided, and advised that the new web-based bidding software to be implemented in January 2015 should eliminate some improper bid bonds in the future. The contractors felt that the current language is sufficient.

It was moved by Commissioner Ertman, seconded by Vice Chairman Anderson, and unanimously carried to make no changes to Section 103.1, Consideration of Bids, of the WYDOT Standard Specifications for Road and Bridge Construction.

Ms. Legerski left the meeting (via telephone).

Revised Letting Schedules: The Department has had to adjust its highway letting schedules to accommodate funding issues with the newly amended Highway Trust Fund (HTF). The U.S. Congress recently passed a bill to fund the HTF through May 31, 2015. In recent years, the Department has attempted to let 90 percent of its federal highway projects by May, but there is a risk in doing so under the HTF extension. Because of the uncertainty of future HTF allocations, the timing of letting federal highway projects will have to be carefully studied and carried out to avoid having to borrow an excessive amount of funding to cover contractor payments. Mr. McOmie offered to provide the Commission with the revised letting schedule, and will keep the Commission apprized of any further developments.

WYDOT Rules and Regulations, General Section, Chapter 26, Specific Service Signing: Mr. McOmie presented a resolution for the revised rule for General Section, Chapter 26, Specific Service Signing, of the WYDOT Rules and Regulations.

It was recommended by Mr. McOmie, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to approve the revised rule for the General Section, Chapter 26, Specific Service Signing, of the WYDOT Rules and Regulations.

## **RESOLUTION**

**WHEREAS**, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105 and W.S. 24-2-115, 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 26, Specific Service Signing, a revised rule and regulation of the Wyoming Department of Transportation. This revised rule has been updated and revised for consistency and clarity; and

**WHEREAS**, a 45 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 26, Specific Service Signing.

WYO 59 Public Meeting: Commissioner Coulter and Mr. McOmie received an email from Representative Eric Barlow of House District 3 in Campbell County, requesting a public meeting to discuss the increased traffic and safety issues on WYO 59 south of Gillette. The highway is used heavily by the mining companies and local area traffic, which is causing some significant safety concerns in the area. District Engineer Mark Gillett visited with Representative Barlow and has agreed to host some public meetings, but he advised that WYDOT does not currently have adequate funding to widen the roadway.

Commissioner Coulter advised that he contacted Representative Barlow to discuss hosting public meetings, but he did not want the meetings to turn into heated chaos with no possible solution to the problem, particularly with the recent fatal bus crash that occurred on that highway. Mr. McOmie advised that WYDOT submitted a supplemental budget request to Governor Matt Mead for various passing lanes to be constructed throughout the state. WYO 59 is one of the roads that will be addressed if the funding is approved.

Chairman McCormack felt that the Department should move forward with a public meeting to allow the public to air their concerns, and to make the issue and the answers known, including the lack of funding.

Mr. McOmie noted that the district held its annual State Transportation Improvement Program (STIP) meetings in Wright and other areas with good results. Passing lanes and some other work is being done along WYO 59, but additional work needs to be done.

Colonel Butler added that the Wyoming Highway Patrol is attempting to focus resources on WYO 59, and some improvement has been noticed. If public meetings occur, the Patrol should be invited to address safety concerns first-hand.

Mr. Freier left the meeting.

9. Mr. Fredrick presented the Engineering and Planning report, beginning with the monthly project authorizations.

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

## **COMMISSION DISTRICT 2**

### Rural Interstate

NHPPI-GM 89.60 I802202; Sweetwater County; Green River to Rock Springs; Green River Tunnels; Reference Markers 89.60 to 91.30; construction of crossover; FY 2015; request federal preliminary engineering funds of \$46,212; estimated construction engineering and construction cost is \$487,663

### Rural Local

RHC 0.03 CN05079; Albany County; Sand Creek Road; surfacing; FY 2014; request federal construction funds of \$80,000

## **COMMISSION DISTRICT 4**

### Urban Collector

ARSCT 1.11 U330A01; Sheridan County; Sheridan Streets, Soldier Creek Road to Kentucky Avenue; RM 1.11 to 2.61; enhancements; FY 2016; request preliminary engineering funds of \$61,876; estimated construction engineering and construction cost is \$680,631; to be reimbursed by the City of Sheridan

RHQ-SL14 0.00 B144105; Campbell County; Gillette Streets, Potter Avenue; railroad quiet zone construction; FY 2014; request state construction engineering and construction funds of \$670,000

## **COMMISSION DISTRICT M (Miscellaneous)**

### Various

HSIP-SEP 0.00 B161020; various counties and locations; Highway District 1; guardrail upgrade; FY 2016; request federal preliminary engineering funds of \$47,360; estimated construction engineering and construction cost is \$499,648

STP-BR 0.00 B164018; Highway District 4, various non-NHS locations; bridge rehabilitation; FY 2016; request federal preliminary engineering funds of \$100,000; estimated construction engineering and construction cost is \$1 million

HRRR 0.00 B159044; statewide; High Risk Rural Roads; various locations; signs; FY 2015; request federal preliminary engineering funds of \$5,000; estimated construction cost is \$300,000

HSIP-SEP 0.00 B159045; statewide; various locations; rumble strips; FY 2015; request federal preliminary engineering funds of \$47,372; estimated construction engineering and construction cost is \$499,769

10. Right-of-way Relinquishment, State Highway 332, Sheridan County: Mr. Fredrick presented the following resolution for relinquishment.

It was recommended by Mr. Fredrick, moved by Vice Chairman Anderson, seconded by Commissioner Ruwart, and carried to approve the following resolution for relinquishment.

### **RESOLUTION FOR RELINQUISHMENT**

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

**WHEREAS**, a portion of Wyoming Department of Transportation's right-of-way for State Highway No. 332, Loop Road, Sheridan County, Wyoming, established under Wyoming State Highway Federal Aid Project No. CN03031 is no longer needed for state highway or public use purposes. Said portion being described as follows:

All that portion of Wyoming Department of Transportation's right-of-way for Wyoming State Highway No. 332, Loop Road, Sheridan County, Wyoming, established under Wyoming State Highway Federal Aid Project No. S-69(1) and all of Parcel No. 3 described in that certain Correction Deed recorded April 16, 1996, in Book 379, Page 189 of the Sheridan County Records, located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 3 and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 10, T55N, R84W of the 6th P.M., Sheridan County, Wyoming, being described by metes and bounds as follows:

Commencing at a point on the north boundary of said Section 10 from which the northeast corner thereof bears N. 88°36'40.6" E. a distance of 1,867.94 feet, said corner being monumented by a 3 $\frac{1}{4}$  inch aluminum survey cap LS 2615 and from which a witness corner to the north quarter corner thereof bears S. 88°40'26.5" W. a distance of 759.25 feet, said witness corner being located in a fence line being monumented by a rebar with a 3 inch aluminum survey cap LS 2615 and bearing S. 89°33'27" W. a distance of 50.36 feet from said quarter corner;

thence S. 30°21'51.0" W. a distance of 870.64 feet;

thence S. 59°38'09" E. a distance of 60 feet to the southwest corner of said Parcel No. 3 and a point on the existing southeasterly right-of-way boundary of Wyoming State Highway No. 332, also being the TRUE POINT OF BEGINNING;

thence along said southeasterly right-of-way boundary N.  $30^{\circ}21'51.0''$  E. a distance of 128.65 feet to a point on the existing northerly right-of-way boundary of old Wyoming State Highway No. 332 as established under Federal Aid Project No. S-69 (1);

thence along said northerly right-of-way boundary N.  $89^{\circ}07'30.8''$  E. a distance of 529.39 feet to a jog in the right-of-way boundary of old Wyoming State Highway 332;

thence along said jog N.  $00^{\circ}50'06.5''$  W. a distance of 10.00 feet to the point of beginning of a circular curve concave northwesterly, the radius of which is 369.3 feet, and a line tangent to said curve bears N.  $89^{\circ}03'19.7''$  E.;

thence northeasterly along said right-of-way boundary and said curve through a central angle of  $89^{\circ}51'36.2''$  an arc distance of 579.19 feet to the point of ending of said curve, (long chord bearing of N.  $44^{\circ}07'31.6''$  E., with a distance of 521.63 feet), being on the existing westerly right-of-way boundary of said old Wyoming State Highway No. 332, said point being monumented by a highway right-of-way monument;

thence along said westerly right-of-way boundary N.  $00^{\circ}53'33.6''$  W. a distance of 1,001.47 feet to a highway right-of-way monument;

thence along said right-of-way boundary N.  $69^{\circ}50'43.8''$  W. a distance of 89.80 feet to a point on said existing southeasterly right-of-way boundary of Wyoming State Highway No. 332, being a point on a curve concave northwesterly, the radius of which is 2,934.79 feet, and a line tangent to said curve bears N.  $20^{\circ}09'13.9''$  E., said point being monumented by a highway right-of-way monument;

thence northeasterly along said southeasterly right-of-way boundary and said curve through a central angle of  $05^{\circ}10'08.3''$  an arc distance of 264.76 feet to the point of ending of said curve, (long chord bearing of N.  $17^{\circ}34'02.6''$  E., with a distance of 264.67 feet), to a point on the existing easterly right-of-way boundary of said old Wyoming State Highway 332, said point being monumented by a highway right-of-way monument;

thence leaving said existing southeasterly right-of-way boundary and traveling along said right-of-way boundary of old Wyoming State Highway 332, S.  $00^{\circ}53'34.7''$  E. a distance of 62.63 feet to a highway right-of-way monument;

thence along said right-of-way boundary of old Wyoming State Highway 332, S.  $73^{\circ}50'47.2''$  E. a distance of 83.78 feet to a point on the existing easterly right-of-way boundary of said old Wyoming State Highway No. 332, said point being monumented by a highway right-of-way monument;

thence along said easterly right-of-way boundary S.  $00^{\circ}52'53.0''$  E. a distance of 1,197.45 feet to a highway right-of-way monument;

thence continuing along said easterly right-of-way boundary S.  $00^{\circ}52'53.0''$  E. a distance of 439.32 feet to a point on the existing southerly right-of-way boundary of said old Wyoming State Highway No. 332;

thence along said southerly right-of-way boundary S.  $89^{\circ}09'53.5''$  W. a distance of 448.82 feet to a highway right-of-way monument;

thence continuing along said southerly right-of-way boundary S.  $89^{\circ}09'53.5''$  W. a distance of 317.84 feet to the northeast corner of said Parcel No. 3;

thence S.  $00^{\circ}41'26.0''$  E. a distance of 50.24 feet to the southeast corner of said Parcel No.3;

thence S. 89°07'50.8" W. along the south boundary of said Parcel 3 a distance of 278.06 feet to the point of beginning.

The above described parcel of land contains 5.61 acres, more or less.

The basis of bearing for the above described parcel of land is N. 88°36'40.6" E. along the north boundary of the NE¼ of said Section 10.

The above described parcel of land is shown on Exhibit "A" being attached hereto and made parts hereof.

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

11. Repeal of Rules and Regulations, General Section: Mr. Fredrick presented a proposed repeal of Chapter 5, Abandonment and Discontinuance of State Highways, and Chapter 12, Junkyard Control, of the WYDOT Rules and Regulations, General Section.

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried to approve the following resolution.

### **RESOLUTION**

**WHEREAS**, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105, W.S. 24-3-126, and W.S. 33-19-101 through W.S. 33-19-110, 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 repeal the following rules from the General Section:

*Chapter 5, Abandonment and Discontinuance of State Highways*  
*Chapter 12, Junkyard Control*

**WHEREAS**, this action follows Governor Matthew H. Mead's agency mandate to reduce rules and regulations. The Department proposes to rescind these rules as not required by statute, not needed to conduct agency business, or referenced elsewhere; and

**WHEREAS**, a 45-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 repeals General Section, Chapter 5, Abandonment and Discontinuance of State Highways, and Chapter 12, Junkyard Control.

12. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through July 31, 2014, includes 72 fatal crashes involving 82 deaths<sup>1</sup>. The fatalities include 34 rollover crashes, 31 multi-car crashes, 2 fixed objects, 11 motorcycles and all-terrain vehicles, and 4 pedestrians. Of the 72 crashes that occurred so far this year, 21<sup>2</sup> involved commercial vehicles.

There have been 23<sup>3</sup> crashes to date deemed alcohol related, resulting in 24<sup>3</sup> deaths. Of those deaths, 11 were attributed to not using occupant restraints.

Of the 82 deaths that have occurred to date this year, 41 can be attributed to the non-use of occupant restraints, with 23 involving rollover crashes, 16 involving multi-car collisions, and 2 involving fixed objects. Of the 41 deaths that occurred from non-use of occupant restraints, 29 were Wyoming residents, and 12 were non-residents. Twelve of those who perished were under 21 years of age, and 8 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 72 fatal crashes that have occurred to date this year, 35 (49 percent) of them occurred on primary/secondary highways, 18 (25 percent) occurred on interstate highways, and 18 (25 percent) occurred on city/county roads.

Nine multi-fatality crashes have occurred on Wyoming highways so far this year, of which 7 involved multiple vehicles, 5 involved commercial vehicles, and 1 was alcohol related.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 3,641<sup>4</sup> crashes statewide, of which 2,827 involved non-commercial vehicles, and 814 involved commercial vehicles.

Hell's Angels Run and Ham 'N Jam Briefing: The Wyoming Highway Patrol provided law enforcement for the 2014 Hell's Angels Motorcycle Run in Cody and for the Ham 'N Jam Rally in Hulett. Fortunately, very few problems were encountered during the events. Traffic counts

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<sup>1</sup>One of the fatal crashes reported in this month's totals actually occurred in May. It was not declared a traffic death until mid-June. There were 8 crashes that resulted in 12 deaths in June.

<sup>2</sup>Number not included in total deaths (sub-crash data).

<sup>3</sup>Not all chemical test results were available at the time of report.

<sup>4</sup>Does not contain all crashes worked in July. Some July reports are still pending.

were down about 15 percent at the Ham 'N Jam Rally. The Sturgis Motorcycle Rally will celebrate its 75<sup>th</sup> anniversary in 2015, so the Wyoming Highway Patrol is preparing for a banner celebration for the event.

13. Mr. Byrne presented the Aeronautics report, including the July 2014 Aeronautics Flight Operations Passenger Summary Report.

14. Mr. Shultz presented the Operations report.

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

- Bid number 14-278 to furnish 9,690 tons of bulk sodium chloride, for use at various statewide locations. The bid was awarded to Dustbusters Enterprises, Inc., of Evanston, Wyoming, for the sum of \$347,987.50, and Tri-State Commodities, Inc., of Greeley, Colorado, for the sum of \$293,255.00, for a total sum of \$641,242.50.
- Bid number 14-279 to furnish 176,000 gallons of liquid organic accelerator, for use at various statewide locations. The bid was awarded to SFG Road Maintenance, of Knoxville, Iowa, for the sum of \$170,470.00.
- Bid number 14-282 to furnish five fabric-covered salt/sand storage buildings, to be constructed at Baggs, Creston Junction, the Dailey Interchange, Terry Ranch Road, and Walcott Junction. The bid was awarded to A&B Construction, Ltd., of Harper, Iowa, for the sum of \$368,000.00.
- Bid number 14-284 to furnish a 30' x 40' salt/sand storage building, to be constructed at the Sweetwater Rest Area. The bid was awarded to LCI Trucking & Construction, LLC, of Pavillion, Wyoming, for the sum of \$73,298.00.
- Bid number 14-293 to furnish Specific service (logo) sign installation, repair, and associated work, on an on-call basis, for the period of September 1, 2014, through August 31, 2015. The bid was awarded to S&L Industrial, of Cowley, Wyoming, for the sum of \$76,190.00.
- Bid number 14-296 to furnish fell and/or removal of hazardous trees along WYO 70 in Carbon County. The bid was awarded to Platte Valley Forest Management, LLC, of Encampment, Wyoming, for the sum of \$50,625.00.

Mr. Shultz advised that the low bid to furnish 416,000 gallons of Category 1 liquid anti-icers/de-icers met the bid requirements. The low bid to furnish 8,650 tons of Category 2 solid anti-icers/de-icers was deemed irregular because the vendor did not acknowledge an addendum that was issued during the bid advertisement. Because of these circumstances, Mr. Shultz recommended that the Commission consider the Category 1 liquid anti-icers/de-icers and the Category 2 solid anti-icers/de-icers separately for Bid No. 14-277.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to approve purchase for bid number 14-277 to furnish 416,000

gallons of Category 1 liquid anti-icers/de-icers, for use at various statewide locations. The bid was awarded to Dustbusters Enterprises, Inc., of Evanston, Wyoming, for the sum of \$314,880.00.

Mr. Shultz recommended that the Commission reject the bid to furnish 8,650 tons of Category 2 solid anti-icers/de-icers because of the bid irregularity. The Commission discussed the bid irregularity and the short time frame available to purchase the Category 2 material, which will be needed very soon for snow maintenance operations.

It was moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-277 to furnish 8,650 tons of Category 2 solid anti-icers/de-icers, for use at various statewide locations. The bid was awarded to Desert Mountain Corp., of Riverton, Wyoming, for the sum of \$1,182,279.45.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Ertman, and carried to reject purchase for bid number 14-281 to construct five fabric-covered salt/sand storage buildings at Afton, Alpine, Granger, Jackson, and Rim. Only one bid was received, and it was about 36 percent over budget. The salt/sand storage buildings will be rebid in the future.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to reject purchase for bid number 14-285 to furnish fuel system renovations at the WYDOT facilities in Rawlins and Saratoga. Only one bid was received, and it was about 46 percent over budget and 21 percent over the consultant's estimate. The fuel system renovations will be rebid in the future.

It was recommended by Mr. Shultz, moved by Commissioner Seeton and seconded by Commissioner Ruwart to reject purchase for bid number 14-301 to furnish 142,500 square feet of high performance retro-reflective sheeting, for use by the WYDOT sign shop in Cheyenne. Mr. Shultz advised that he was recommending rejection because there were only two bids received, and both bidders neglected to acknowledge an addendum that stated that a warrantee must be provided with the product. Although the addendums were not signed, both vendors agreed to provide a warrantee with their products. Commissioner Seeton voted in favor of the motion. Vice Chairman Anderson, and Commissioners Coulter, Ertman, Dooley, and Ruwart voted no. The motion to reject the bids failed.

It was moved by Commissioner Ertman, seconded by Commissioner Dooley, and unanimously carried to approve purchase for bid number 14-301, as described above, and to waive the bid irregularity. The bid was awarded to 3M Co., of St. Paul, Minnesota, for the sum of \$166,975.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Anderson, seconded by Commissioner Dooley, and carried to approve purchase for Requisition Number 0000035092 to furnish Intelligent Transportation System (ITS) software deployment and development services,

for use by the GIS/ITS Program in Cheyenne. The contract was awarded to ITERIS, Inc., of Santa Ana, California, for the sum of \$100,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000035287 to furnish 12 each Microsoft Windows™ Server Data Center 2012 Release 2 user licenses, for use by the Information Technology Program in Cheyenne. The contract was awarded to CDW Government, Inc., of Vernon Hills, Illinois, for the sum of \$50,604.96.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Vice Chairman Anderson, and carried to approve purchase for Requisition Number 0000035347 to furnish one Oracle Database Enterprise Edition user license and annual maintenance fee, for use by the Information Technology Program in Cheyenne. The contract was awarded to Oracle America, Inc., of Rocklin, California, for the sum of \$51,197.45.

15. Five Percent In-State Bid Preference: Mr. Shultz explained the sequence of events that led to the Commission receiving the August 11, 2014, letter from Mr. Kevin Chafee, the president of Jack's Truck & Equipment.

During its 2012 legislative session, the Wyoming State Legislature voted to amend the Wyoming residency preference laws. The changes were effective July 1, 2014, and they clarify the application of in-state preference to apply only to public works, construction, major maintenance, renovation, and printing contracts. In-state preference does not apply to state procurement purchases or supplier contracts. The Commission awarded Bid Number 14-276 to Teton Motors, whose bid was in accordance with the recent statutory changes. Before the Commission considered the bid, Mr. Shultz sought advice from Mr. Doug Moench, WYDOT's former attorney general representative, to gain his opinion on the matter. According to Mr. Moench, the Commission acted in accordance with current Wyoming statutes when it awarded the bid at its July 24, 2014, business meeting.

Chairman McCormack asked Secretary Scott to draft a letter to Mr. Chafee to explain the changes in the law that became effective July 1, 2014.

16. It was moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to adjourn the meeting. Chairman McCormack adjourned the meeting at 11:10 a.m., on Thursday, August 21, 2014.