

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Auditorium at WYDOT Headquarters, 5300 Bishop Blvd., in Cheyenne, on September 17, 2020. The Commission offered a video conference option for online participation. Chairman Newton convened the business meeting at 8:30 a.m. The following members were present constituting a quorum:

Rick Newton, Chairman, Buffalo  
Phil Schmidt, Vice Chairman, Casper  
Mike Larson, Commissioner, Lusk  
Jon Dolezal, Commissioner, Evanston  
Greg Venable, Commissioner, Worland  
K. Luke Reiner, Director  
Sandra J. Scott, Commission Secretary

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer; Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Tom DeHoff, Assistant Chief Engineer for Operations; Taylor Rossetti, Support Services Administrator; Brian Olsen, Aeronautics Administrator; Troy Babbitt, Chief Technology Officer; Colonel Kebin Haller, Wyoming Highway Patrol (WHP) Administrator; Mike Kahler, Senior Assistant Attorney General; Ryan Thompson, Assistant Attorney General; Rodney Freier, Budget Program Manager; Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA); Kevin Seely and Jeramy Jenkins of Knife River Corporation – Mountain West, of Boise, Idaho; and Garrett Foster and Jeff Kilroy of Avail Valley Construction – WY, LLC, of Afton, Wyoming.

Other meeting attendees: Erica Legerski, Senior Policy Advisor to Governor Gordon; Doug McGee, Public Affairs Program Manager; John Davis, Management Services Program Manager; Doug Jensen, State Contracts & Estimates Engineer; Rhonda Holt, Controller; Katie Legerski, Executive Director, Associated General Contractors (AGC) of Wyoming; Hank Rettinger, FHWA; and Devon Brubaker, Manager, Rock Springs Airport.

Commissioners Jim Espy, of Savery, and Lee Filer, of Cheyenne, were absent.

1. Pledge of Allegiance: Chairman Newton led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Vice Chairman Schmidt, seconded by Commissioner Larson, and carried to approve the minutes from the August 20, 2020, business meeting and education session.
3. Correspondence: Secretary Scott presented a letter from Knife River Corporation – Wyoming, LLC, regarding their bid on Project NHHP-N103103, Thayne to Alpine Junction (Etna North), in Lincoln County.
4. Director Reiner presented the Director's report.

Coronavirus (COVID-19) Update: WYDOT continues to operate in a COVID-19 environment, and about 20 percent of its workforce statewide is still teleworking. Director Reiner does not anticipate any dramatic changes to the current COVID-19-related strategy.

The Department is participating in the review of the state's telework policy. Telework may become a permanent concept for some state employees. WYDOT operations are running smoothly through remote work.

WYDOT Employee Fatalities: On August 24, 2020, Shirley Samuelson, a three-year Jackson maintenance employee, passed away while on the job. Ms. Samuelson was operating a motorized sweeper on Teton Pass, west of Coal Creek, and had stepped out of the street sweeper to speak with a co-worker. The machine rolled down the hill and over her. She was 62.

Another WYDOT employee, Myriah Stinson, passed away August 31, 2020 from injuries sustained in a tragic off-duty crash. While driving through a hailstorm on I-90 she lost control of her vehicle and ran off the road. The vehicle overturned and hit some trees. Ms. Stinson had worked as an officer for the Gillette Port-of-Entry for one year. She was 42 years old.

Federal Highway Reauthorization: The federal government continues to work on surface transportation funding issues. A continuing resolution and one-year extension of the Fixing America's Surface Transportation (FAST) Act is likely. Director Reiner advised that an extension is necessary to ensure the Department has adequate federal funds to pay contractors.

A new multi-year surface transportation bill is not expected until next year.

Rest Areas Update: Nine Wyoming rest areas remain closed, and WYDOT will winterize those facilities soon.

The Town of Chugwater and its partners continue to fund the Chugwater Rest Area so it can remain open through December 2020.

Legislative Update: WYDOT will testify before the Joint Transportation, Highways & Military Affairs Committee (JTC) on September 21 and 22, 2020. Discussion topics include the road usage charge (RUC), automated vehicle violation detection systems, autonomous vehicles, WYDOT-related statutory updates, and state employee moving expenses.

Commissioner Email: Director Reiner has received guidance from Governor Gordon's office to bring commissioners onto the State of Wyoming email system. Transportation Commission members will soon be assigned "@wyboards.gov" email addresses.

RUC Briefing: Director Reiner presented detailed information about the proposed RUC as an alternate long-term revenue source for WYDOT. The JTC will consider a draft RUC bill at its meeting next week. If the bill passes during the 2021 legislative session, the RUC will eventually replace Wyoming's fuel tax.

Vice Chairman Schmidt thanked Director Reiner for his presentation and advised that the presentation was a condensed version. As a member of the RUC Working Group, Vice Chairman Schmidt assured the Commission that the RUC concept is well thought out, and he believes the time spent gathering information and creating a process will eventually benefit Wyoming.

Commissioner Dolezal voiced concern about the time it will take to implement a RUC, if passed, given that Wyoming roads are deteriorating now. Director Reiner shared that, if the legislature passes a RUC, the soonest implementation could occur is July 2022 because it will take at least one year to develop a data and fee collection system.

5. Mr. Byrne presented the Chief Financial Officer's report.

Monthly Budget Report: Mr. Freier presented the monthly budget report. The August 2020 budget report revealed the Commission budget is 88 percent expended, and the Legislative budget is 85 percent expended, which is less than budget tolerances.

6. FY 2021 Operating Budget: Messrs. Byrne and Freier presented the FY 2021 Operating Budget in detail to the Commission on September 16, 2020. That meeting allowed the Commission to raise questions, receive answers, and discuss the proposed budget.

It was recommended by Mr. Byrne, moved by Vice Chairman Schmidt, and seconded by Commissioner Venable, to approve the FY 2021 Operating Budget, as presented at its September 16, 2020 meeting. Vice Chairman Schmidt amended the motion as follows.

The FY 2021 Operating Budget proposed only four in-person Transportation Commission meetings next year. Vice Chairman Schmidt shared a message from Commissioner Espy, who could not attend the meeting. The note read, "It is hereby noted that the Transportation Commission of Wyoming feels that its statutory duties cannot be effectively accomplished by having remote or virtual meetings and, therefore, moves that at least 10 meetings per year will be held in person, and that two meetings may be held remotely or virtually, and that the funds to hold these meetings will be transferred from the (FY 2021) professional services and equally allocated from the five engineering districts."

It was moved by Vice Chairman Schmidt to amend his original motion, and to include at least 10 in-person Transportation Commission meetings in the FY 2021 Operating Budget, and that two meetings may be held virtually or remotely. Commissioner Dolezal seconded the motion. The amendment unanimously passed.

Commissioner Larson believes the Commission can eliminate certain monthly activities and expenditures to compensate for most of the increased cost of meeting in person. Commissioner Dolezal agreed.

Chairman Newton called for the vote on the FY 2021 Operating Budget, as amended. The motion unanimously passed.

Vice Chairman commended the Budget Program and the executive staff for their work to prepare the FY 2021 Operating Budget, particularly with the massive cuts that were necessary to balance expenditures with revenues.

7. It was recommended by Mr. Byrne, moved by Vice Chairman Schmidt, seconded by Commissioner Venable, and carried to approve purchase for Bid No. 20-169AC to furnish 343,000 gallons of liquid organic accelerator, for use in Districts 2, 3, 4, and 5. The bid was awarded to Smith Fertilizer and Grain, of Knoxville, Iowa, for the sum of \$579,670.00.

8. Annual Single Audit: McGee, Hearn & Paiz, external auditors, have started the process for WYDOT's FY 2020 single audit. Audit results will be presented at the March 2021 Commission meeting.

9. FHWA August Redistribution: WYDOT submitted about \$43 million worth of projects for consideration in the FHWA's redistribution of funds. The redistribution is funding that goes beyond what is normally received in a given fiscal period, and it comes from unused obligation authority from other states nationwide. WYDOT received \$35.3 million in federal redistribution for FY 2020. Funds will be obligated to projects by the September 30, 2020, deadline.

10. Grants & Contracts Program Manager Position: Ms. Ali Ragan was selected to fill the Grants & Contracts Program Manager position vacated by Mr. Ken Ledet, who left WYDOT in July. Ms. Ragan has served as a Geographical Information Systems/Intelligent Transportation Systems (GIS/ITS) project manager for some time. Her new appointment is effective October 5, 2020.

11. Mr. Gillett presented the Chief Engineer's report.

Teton Pass Truck Arrestor Update: The emergency contract for building the concrete alignment barriers for the newly designed truck arrestor on Teton Pass was recently let to contract. Reiman Corporation bid about \$275,000 and was the low bidder for the project. Reiman Corporation anticipates completing its work by November 30, 2020, and the redesigned catch nets will be installed soon thereafter.

Transportation Needs Study: Dye Management Group is wrapping up its study of WYDOT's unfunded needs. The consultant has delivered an updated stakeholder summary report, which was accomplished through a survey. The survey revealed that most Wyomingites realize the need for additional funding, but there was no appetite to increase taxes right now.

Dye Management conducted reviews of unfunded needs in multiple areas within the agency. The consultant will develop a public outreach campaign, and the final needs analysis report is expected in time for the November Commission meeting.

12. Mr. Cawley presented an update on FHWA topics.

Highway Trust Fund (HTF) Update: HTF solvency currently remains uncertain. Revenue and expenditure forecasts now predict cash management measures may need to be applied by May

2021. The FHWA receives monthly revenue and expenditure updates from the U.S. Treasury Department.

Following up on Director Reiner's remarks, Mr. Cawley said that the FAST Act is set to expire September 30. The FHWA does not currently have a transportation authorization or a continued resolution to work past then.

The Notice of Funding Opportunity for the Commuter Rail Grade Crossing Safety grant program has been issued. The FHWA, in coordination with the Federal Railroad Administration (FRA) and Federal Transit Administration (FTA), will provide competitive grants to commuter rail authorities working to eliminate hazards at railway-highway crossings. Eligible projects include those that separate or protect grades at crossings, rebuild existing railroad grade crossing structures, relocate highways to eliminate grade crossings, and eliminate hazards posed by blocked grade crossings due to idling trains. By statute, an eligible commuter authority must have experienced at least one accident investigated by the National Transportation Safety Board (NTSB) between January 1, 2008 and December 31, 2018, and the NTSB must also have issued an accident report. The estimated total program funding is \$50 million. Applications are due October 26, 2020.

The FHWA also issued a Notice of Funding Opportunity for the 2021 Nationally Significant Federal Lands and Tribal Projects grant program. The FAST Act established the Grant Program to fund nationally significant projects to construct, reconstruct, or rehabilitate transportation facilities within, adjacent to, or accessing federal and tribal lands. All grants must be sponsored by an eligible federal land management agency or federally recognized Indian tribe. The estimated total program funding is \$70 million. Applications are due November 2, 2020. More details about applying can be found at [grants.gov](https://www.grants.gov).

On a local level, Mr. Cawley reported that, as mentioned previously, WYDOT received \$35,365,202 of the August federal redistribution of obligation limitation. WYDOT will obligate the redistribution and the remaining annual formula distributed obligation limitation.

The FHWA has signed the Finding of No Significant Impact (FONSI) for the I-80/I-25 Interchange environmental assessment. The Federal Register published this action on September 1, 2020.

The FHWA reviewed and approved WYDOT's 2021 Standard Specifications for Road and Bridge Construction and WYDOT's Consultant Services Agreements Procedures Manual.

13. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the September 9, 2020, letting held in Sheridan.

Federal project NHPPI-I802204, involving grading, draining, placing bases, bituminous pavement surfacing, concrete pavement, bridge rehabilitation and bridge replacement, and miscellaneous work on approximately 12.70 miles of I-80, beginning at reference marker (RM) 107.63, between Rock Springs and Rawlins, in Sweetwater County. Completion date: November 30, 2021

Engineer's Estimate	\$22,543,445.00	
Interstate Highway Construction, Inc., Englewood, CO	\$20,886,234.18	-7.4%
Geneva Rock Products, Inc., Murray, UT (Irregular Bid)	\$23,802,500.00	
Wadsworth Brothers Construction Company, Inc., Draper, UT	\$24,091,030.42	
Concrete Works of Colorado, Inc., Lafayette, CO	\$27,001,404.60	

It was recommended by Mr. Fulton, moved by Commissioner Larson, seconded by Commissioner Venable, and carried that Interstate Highway Construction, Inc., Englewood, Colorado, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project NHPP-N103103, involving grading, draining, placing crushed base and bituminous pavement surfacing, full-depth reclamation, and miscellaneous work on approximately 9.30 miles of US 89, beginning at RM 108.13, between Thayne and Alpine Junction, in Lincoln County. Completion date: June 30, 2022

Engineer's Estimate	\$20,270,264.00	
Knife River Corporation - Mountain West, Boise, ID	\$18,861,918.00	-6.9%
Avail Valley Construction-WY, LLC, Afton, WY	\$19,740,740.00	
H-K Contractors, Inc., Idaho Falls, ID	\$19,959,669.00	
Mountain Construction Company, Lovell, WY	\$20,331,257.50	
High Country Construction, Inc., Lander, WY	\$20,486,811.00	
Oftedal Construction, Inc., Casper, WY	\$20,733,320.10	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$22,334,571.00	

The low bid from Knife River Corporation – Mountain West did not contain information about which disadvantaged business enterprise (DBE) companies would be hired for this project.

Ms. Lisa Fresquez, Civil Rights Program Manager, briefed the Commission about the federal DBE program and its purpose. WYDOT's DBE program is race-neutral, which means individual goals are not set for each project; instead, WYDOT has an annual cumulative DBE participation goal of 4.87 percent. To meet the annual goal, contractors are required to solicit DBE subcontractor participation on all federally funded projects. The process is outlined in WYDOT's Supplemental Specification included with the bid documents. The specification states, "Failure to meet the previous requirement will be grounds for the determination of lack of documented bid solicitation, and the contract may be awarded to the next lowest responsive bidder that has exhibited the effort."

The contractor must record its DBE solicitation in the electronic bid system, list all DBE firms contacted, and provide a description of the solicited work with the bid price from each DBE firm. The prime contractor must also indicate whether they plan to use that particular DBE firm for the project being bid. WYDOT's Civil Rights Program reviews bids for compliance with 49 CFR Part 26 of the Code of Federal Regulations.

Unfortunately, Knife River Corporation – Mountain West omitted the required DBE details from its bid. All other contractors provided the necessary DBE information in accordance with the bid specifications. Mr. Fulton advised that Knife River Corporation – Mountain West's bid is considered non-responsive because of the missing DBE details.

It was recommended by Mr. Fulton, moved by Vice Chairman Schmidt, and seconded by Commissioner Dolezal, that Avail Valley Construction-WY, LLC, Afton, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as the responsive low bidder. The Federal Highway Administration concurred with this decision.

Mr. Kevin Seely, Contract Administrator for Knife River Corporation – Mountain West, addressed the issue with his bid. The Commission also received a letter from Mr. Jesse Rosin, Vice President of Knife River Corporation – Mountain West, disputing the recommendation to award this contract to the second low bidder, Avail Valley Construction. Mr. Seely cited the following reasons that he believes the Commission should award the project to Knife River Corporation – Mountain West:

- Section 103.1 of WYDOT's Standard Specifications for Road and Bridge Construction allows the Commission to waive any bid irregularities.
- Knife River complied with all requirements to solicit DBE quotes and proposals before the bid opening and maintained a correspondence log throughout the process.
- Knife River attempted in good faith to fill out the electronic bid correctly. Mr. Seely noted that when they selected the checkbox indicating they did not intend to use subcontractors, there was no other place on the electronic bid documents to submit non-DBE subcontractor details. The project itself has a zero percent DBE goal, so Knife River believed the check box pertained to only hiring DBE subcontractors.
- Knife River does not intend to change its proposal or bid price, so Mr. Seely does not believe his company would gain an unfair advantage by awarding the project to his company.
- Awarding to Knife River would save the state \$878,822.
- Awarding to Knife River does not violate federal regulations for DBE participation.
- Upon notification from WYDOT that Knife River did not provide details of its DBE solicitations, the contractor immediately provided the required information to WYDOT.

Mr. Garrett Foster, of Avail Valley Construction and the second low bidder, commented that policies and procedures are set forth for good reason, and that all other bidders on this project followed the requirements set forth in the bid specifications. Mr. Foster agreed with Mr. Fulton's recommendation to award to his company, Avail Valley Construction.

Chairman Newton called for the vote to award the project to the second low responsive bidder, Avail Valley Construction. The motion passed unanimously.

Federal project BUILD-I804271, involving grading, draining, bituminous pavement surfacing, concrete pavement, bridge rehabilitation, electrical work, and miscellaneous work at various locations on I-80 for approximately 4.00 miles, beginning at RM 221, between Laramie and Rawlins, in Albany and Carbon counties. Completion date: October 31, 2022

Engineer's Estimate	\$19,856,670.30	
Simon Contractors, Cheyenne, WY	\$19,861,281.38	0.0%
Oftedal Construction, Inc., Casper, WY	\$20,402,028.23	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$21,875,314.21	

It was recommended by Mr. Fulton, moved by Commissioner Larson, seconded by Commissioner Dolezal, and carried that Simon Contractors, 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.

State project PEG2051, involving crushing and stockpiling of crushed surfacing material and miscellaneous work at various locations in Transportation District 5, including Fremont County. Completion date: June 30, 2021

Engineer's Estimate	\$1,083,546.00	
Mountain Construction Company, Lovell, WY	\$1,003,187.50	-7.4%
Frost Rock Products Company, Lovell, WY	\$1,111,800.00	
Avail Valley Construction-ID, LLC, Victor, ID	\$1,060,600.00	
Plus 5% for Comparison	\$1,113,630.00	
Evans Construction Company, Jackson, WY	\$1,197,865.50	
McGarvin-Moberly Construction Co., Worland, WY	\$1,541,940.25	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Larson, and carried that Mountain Construction Company, Lovell, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project NHPP-I805183, involving grading, scaling, rock fall mesh, and miscellaneous work on the eastbound lane of I-80, at RM 319.6, between Cheyenne and Laramie, in Albany County. Completion date: August 31, 2021

Engineer's Estimate	\$645,975.00	
Oftedal Construction, Inc., Casper, WY	\$676,828.00	+4.8%

It was recommended by Mr. Fulton, moved by Vice Chairman Schmidt, seconded by Commissioner Venable, and carried that Oftedal Construction, Inc., Casper, Wyoming, having

prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project STP-PM-B202008, involving chip sealing and miscellaneous work on approximately 12.80 miles of WYO 159, beginning in Torrington, at RM 0.00, in Transportation District 2, including Goshen County. Completion date: August 31, 2021

Engineer's Estimate	\$603,370.00	
Northern Improvement Company, Fargo, ND	\$515,179.00	-14.6%
Simon Contractors, Cheyenne, WY	\$527,028.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$534,579.00	
71 Construction, Casper, WY	\$738,328.71	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried that Northern Improvement Company, Fargo, North 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.

State project DR16979, involving grading, slope paving repair, bridge repair, and miscellaneous work at RM 228.34, on I-80, at the Fort Steele Interchange, in Carbon County. Completion date: November 30, 2020

Engineer's Estimate	\$62,970.00	
S & L Industrial, Cowley, WY	\$77,055.00	+22.4%
Reiman Corp., Cheyenne, WY	\$81,843.00	
S & S Builders, LLC, Gillette, WY	\$99,999.99	

It was recommended by Mr. Fulton, moved by Commissioner Larson, seconded by Commissioner Venable, and carried that S & L Industrial, Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

14. Mr. Fulton presented the FY 2021 to the State Transportation Improvement Program (STIP).

Mr. Fulton introduced members of the Programming Section who played a role in compiling the STIP and thanked them for their tireless work. Chairman Newton thanked the participants for their extraordinary work.

WYDOT offered a virtual STIP meeting July 13 through September 10, 2020, to accommodate additional public input during the COVID-19 event. District staff also hosted in-person meetings at various locations in July and August. Overall, about 1,200 citizens attended the virtual and in-person meetings, which is far more attendees than previous years.

Mr. Fulton explained the various aspects of the proposed STIP and its approval process.

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Larson, and carried to approve the FY 2021 STIP.

15. Service Award Presentations: Director Reiner led the service award presentations for six WYDOT employees with 25 and 35 years of service.

16. Mr. DeHoff presented the Operations report.

District Personnel Update: Mr. DeHoff thanked Mr. Randy Merritt for filling in as the interim district engineer for District 3. Mr. Merritt has resumed his duties as district construction engineer in Basin.

Mr. Tory Thomas assumed the role as District 3's interim district engineer.

Mr. Ralph Tarango was selected as the new District 1 district engineer, effective September 15, 2020.

Maintenance Operations: Wyoming experienced an early winter storm September 7-8, 2020, resulting in numerous road closures, including I-80 and other secondary roads. Mr. DeHoff commended the maintenance crews for their work to keep roads passable through the storm.

A fire recently occurred along US 30 and Highway 72, necessitating Hanna residents to evacuate. The fire destroyed about 62,000 feet of right-of-way fence and 1,000 feet of snow fence. WYDOT crews are working diligently to replace the right-of-way fence to keep livestock off the highway.

Construction Operations: Contractors are busy wrapping up construction projects before winter. WYDOT has 79 active construction projects. Mr. DeHoff is not aware of any projects that will cause issues through the winter.

Mechanic Shop Operations: Mechanics are preparing snow removal equipment for winter operations.

Traffic Operations: Striping crews are finishing end-of-summer striping operations.

17. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2020, includes 71 fatal crashes that resulted in 82 deaths. The fatalities include 28 rollover crashes, 27 multi-car crashes, 7 fixed objects, 17 motorcycles, and 3 pedestrians. Of the 71 fatal crashes that have occurred in 2020, 16 involved commercial vehicles.

There were 23 fatal crashes deemed drug or alcohol related, resulting in 28 deaths, of which half are attributed to not using occupant restraints. Fourteen were rollover crashes, 4 were multi-car crashes, 9 involved motorcycles, and 1 involved a pedestrian. Of the 28 drug- or alcohol-related fatalities, 2 involved commercial vehicles.

The August 7-16, 2020, Sturgis Motorcycle Rally resulted in 8 fatal motorcycle crashes. Two of those crashes involved multiple vehicles.

Of the 82 deaths this year, 30 can be attributed to the non-use of occupant restraints, with 21 involving rollover crashes, 7 involving multi-car collisions, and 2 involving fixed objects. Twenty-one of those who died from the non-use of occupant restraints were Wyoming residents. Five of those who perished were under 21 years old, and 3 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 71 fatal crashes so far this year, it was deemed that 15 of those drivers had no distractions, none had distractions from outside the vehicle, but 8 drivers were distracted by an object from inside the vehicle. In 46 of the 71 fatal crashes, it was unknown whether a distraction caused the incident.

Of the 71 fatal crashes that have occurred this year, 39 occurred on primary/secondary highways, 16 occurred on interstate highways, and 16 occurred on city/county roads.

Of the multiple-fatality crashes occurring on Wyoming highways in 2020, 3 involved rollovers, 6 involved multiple vehicles, 2 involved commercial vehicles, and 4 were alcohol related.

In locations where rumble strips/stripes were present, 24 crashes occurred. There were 40 crashes where rumble strips/stripes were not present.

Inclement weather or road conditions contributed to 8 vehicle crashes in 2020, resulting in 8 deaths. Speed was considered a factor in 13 of the vehicle crashes, causing 13 deaths.

The days of the week for fatal crashes in 2020 were as follows:

Sunday	11 crashes
Monday	7 crashes
Tuesday	8 crashes
Wednesday	8 crashes
Thursday	9 crashes
Friday	15 crashes
Saturday	13 crashes

The times of day for fatal crashes in 2020 were as follows:

12:00 a.m. to 6:00 a.m.	7 crashes
6:00 a.m. to 12:00 p.m.	15 crashes
12:00 p.m. to 6:00 p.m.	32 crashes
6:00 p.m. to 12:00 a.m.	17 crashes

The Commission also heard the following statistics:

- 75 percent of those who died in rollover crashes were unbelted.
- 26 percent of those who died in multi-vehicle crashes were unbelted.
- 29 percent of those who died in fixed object crashes were unbelted.
- 76 percent of the fatalities in 2020 were drivers.
- 20 percent of the fatalities in 2020 were passengers.
- 62 percent of the Wyoming's resident fatalities were unrestrained.
- 19 percent of the non-resident fatalities were unbuckled.
- Alcohol and/or drug impairment was a factor in 34 percent of the fatalities.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 3,738 crashes statewide, of which 1,018 involved commercial vehicles.

WHP Academy Update: A trooper cadet recently tested COVID-19 positive, which has temporarily delayed WHP's basic training for 19 cadets. Laramie County Community College randomly tested its students for the virus, and WHP followed suit. The cadet who tested positive remains asymptomatic.

WHP is following Wyoming Department of Health's recommended requirements to work through the delay. Effective September 9, 2020, all 19 cadets were quarantined for 14 days. Some online training is ongoing, but the positive test result will delay the basic training completion date.

The state health officer approved a law enforcement exemption for WHP sworn troopers. The exemption limits the quarantine to 7 days for 15 troopers, who were also exposed, followed by 7 days of wearing facemasks when performing their duties or anytime they are away from their residence.

Requests for Informal Hearings Update: On August 17, 2020, All Around Towing & Recovery and Gibson's Towing & Recovery requested informal hearings regarding the WHP's one-year suspensions of their towing services in Wyoming.

Colonel Haller briefed the Commission about the circumstances behind the suspensions, and he advised that the matter has been resolved. The mediation resulted in the reversal of Gibson's Towing & Recovery's suspension from the WHP towers' rotation list, with certain stipulations. The parties also agreed that All-Around Towing and 307 Towing, of Casper, would remain suspended from the WHP towers' rotation list.

Director Reiner commended Colonel Haller and his staff for consistently enforcing high standards and for working through the matter with those towing companies.

18. Mr. Olsen presented the Aeronautics report beginning with the August 2020 Aeronautics Flight Operations Passenger Summary Report.

Federal Update: Mr. Olsen advised that a federal transportation funding bill has not been approved. Multiple proposed COVID-19 relief packages have surfaced, and some include aviation-related funding, but to no avail. Although most Wyoming airports received some CARES Act funding early during the pandemic, limited air travel has affected their operations.

The Federal Aviation Administration has been funneling international flight arrivals through 15 U.S. airports, with enhanced COVID-19 screenings. Of the 675,000 travelers tested for the virus, only about 20 cases were positive, so the FAA has discontinued COVID testing. International flights are now flying into any international airport in the U.S.

Wheatland Airport Update: On August 29, 2020, the Wheatland Airport hosted a grand re-opening, fly-in, and ribbon cutting ceremony to commemorate the completion of its new runway. Mr. Olsen attended the event, along with hundreds of others and planes from around the country.

Legislative Update: The Select Air Liaison Committee will meet September 23, 2020. Director Reiner, Mr. Olsen and representatives from major airlines will testify during the meeting.

Aeronautics Commission Meeting: The Aeronautics Commission met September 16, 2020, to allocate the remaining FY 2020 funding for the Airport Improvement Program. The Commission approved about 43 construction projects, 10 planning and design projects, 7 equipment projects, and 34 CARES Act maintenance and operations funding projects during FY 2020.

19. Mr. Rossetti presented the Support Services report.

WYDOT employed 1,942 personnel as of September 1, 2020, compared to 1,932 a month ago and 1,892 one year ago. WHP has decreased its trooper vacancies by 60 over the past year. Mr. Rossetti congratulated the WHP for their efforts to fill its sworn officer vacancies.

State employees above a certain pay grade are on furlough one day per month through January 31, 2021, WYDOT has 229 employees furloughed, resulting in \$73,475.66 in savings in August. Those funds remain with WYDOT's Commission budget and do not revert to the State General Fund.

Mr. Rossetti responded to Vice Chairman Schmidt's questions he raised during the September 16, 2020, FY 2021 Operating Budget presentation regarding the last time driver license and vehicle registration fees were increased. Mr. Rossetti advised that driver license fees increased in 2017 from \$20 to \$40, and vehicle registration fees for passenger cars increased from \$15 to \$30. These fees were last adjusted in 1993 and 1975, respectively.

20. Mr. Babbitt presented the Chief Technology Officer's report.

Legislative Update: WYDOT testified before the Broadband Task Force on September 16, 2020, regarding broadband placement in highway rights-of-way and opening the corridors for placing new broadband infrastructure. WYDOT's policy is to dig only once for new broadband placement and, if possible, to do so when building new roads. Mr. Babbitt anticipates at least two broadband infrastructure bills in the upcoming legislative session that will affect WYDOT.

Mr. Babbitt also advised that broadband service providers may use WyoLink towers in the future to boost internet connectivity in some areas.

The Select Committee on Blockchain, Financial Technology and Digital Innovation Technology meet September 23 and 24, 2020. Mr. Babbitt believes the Blockchain Committee's work could benefit RIS development because of block chain's ability to decentralize citizens' personal information. If approved by the legislature, Wyoming's future RIS could be one of the nation's first mechanisms to utilize the decentralizing of citizen information. Block chain technology may also elevate discussion about digital driver licenses.

MathTech is making good progress on mapping the RIS, and they are working with county governments to learn how RIS interacts with their systems. A draft request for proposals (RFP) for the RIS replacement is expected by early November 2020.

WYDOT's autonomous vehicles committee is also actively developing standards for autonomous vehicles. The committee and its sub-groups have been working on legal issues, licensing, technology, infrastructure, safety, and other issues, and what it all means for WYDOT when autonomous vehicles become more active.

WyoLink Tower Update: The Lusk WyoLink tower construction is underway. Equipment is on-site for the Jackson-Teton Pass tower, and its anticipated completion date is mid-to-late October. The Alva tower is almost complete, and it also has an October completion date. The Greybull tower is under construction. Zoning was approved for the Alcova tower in Natrona County.

WYDOT continues to work with Sublette County to create an interoperable radio system using the Inter-Subsystem Interface (ISSI) for interoperability between Motorola, WyoLink's radio system, and the county's system. Early testing indicates ISSI technology is working.

WYDOT performed a high frequency radio demonstration, which will act as a secondary back up to WyoLink. The demonstration was for a radio system that could be used in case of a complete power loss.

Connected Vehicle Program: WYDOT is still waiting for the Federal Communications Commission's (FCC) final decision on the 5.9 GHz technology and whether connected vehicles can continue sole access to that spectrum. WYDOT is installing connected vehicle onboard devices for so companies can participate in the connect vehicles pilot project.

WYDOT Travel Approval Program (WYTAP): The new WYTAP is being modified in preparation for winter.

WYDOT is working on a new telework policy, pending the outcome of the State of Wyoming's telework policy. About 20 percent of the Department's workers may qualify to work remotely on a permanent basis.

21. It was moved by Vice Chairman Schmidt, seconded by Commissioner Larson, and carried to recess the business meeting and move into an executive session to receive information about a personnel matter, in accordance with Wyoming Statute 16-4-405(a)(ii). The Commission, Director Reiner, Colonel Haller, Messrs. Rossetti, Kahler, Thompson, and Secretary Scott met in the WYDOT executive staff conference room for the executive session. The Commission went into executive session at 12:15 p.m., on Thursday, September 17, 2020.

22. It was moved by Vice Chairman Schmidt, seconded by Commissioner Larson, and carried to come out of executive session. The Commission took no action during the executive session. The Commission came out of executive session at 12:44 p.m.

23. It was moved by Vice Chairman Schmidt, seconded by Commissioner Larson, and carried to adjourn the meeting. Chairman Newton adjourned the meeting at 12:45 p.m., on Thursday, September 17, 2020.