

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Wyoming Department of Transportation Auditorium at Headquarters in Cheyenne on March 15, 2012. The meeting was convened at 8:30 a.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington  
Jim Latta, Vice Chairman, Pinedale  
Ted Ertman, Commissioner, Newcastle  
Milt Coulter, Commissioner, Gillette  
Clair Anderson, Commissioner, Riverton  
Bruce McCormack, Commissioner, Cody  
John F. Cox, Director  
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Lieutenant Colonel John Butler, Interim Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Tim McDonald and John Gorski, of Bencor, Inc., Colorado Springs, Colorado; Bruce Perryman, AVI, p.c., of Cheyenne, Wyoming; Joe Henderson, Sustainable Traffic Solutions, Inc, of Westminster, Colorado; Neil McMurry and Ron McMurry, McMurry Ready-Mix Co., of Casper, Wyoming; Joel Meena, State Traffic Engineer; Matt Carlson, State Highway Safety Engineer; Randy Griesbach, District Traffic Engineer, Laramie; Dan Kline, Systems Planning and Railroads Supervisor; Sara Janes, Safe Routes to Schools Program Coordinator; Kristin Burkart, Internal Review Services Manager; David Stearns Financial Services Manager; and Ron Downey, Accounting Manager.

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

1. Pledge of Allegiance: Chairman Covello led the attendees in the Pledge of Allegiance.
2. Election of Officers: Chairman Covello asked for nominations from the floor for the election of a new Commission chairman. It was moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried to nominate Vice Chairman Latta as chairman. There were no other nominations. It was moved by Commissioner Ertman, seconded by Commissioner Anderson, and unanimously carried to elect Vice Chairman Latta as chairman.

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

by Commissioner Anderson, seconded by Commissioner McCormack, and unanimously carried to elect Commissioner Ertman as vice chairman.

Chairman Latta expressed gratitude toward former Chairman Covello for his dedication and commitment to excellence while he served as chairman.

3. Changes to the Agenda: Secretary Scott advised that Chris Forsyth, a scheduled delegation representing Family Dollar Stores, would not be attending the meeting and that Item 12.c(1) should be removed from the Commission agenda.

Secretary Scott also requested that Item 8.1(d), Two Public Highway-Rail Grade Crossings at the Swan Ranch Industrial Development in Cheyenne, and Item 12.c(2), the Laramie Grand Avenue access appeal, be moved up on the agenda following Old Business as a courtesy to the visitors in attendance.

It was recommended by Secretary Scott, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve the agenda changes.

4. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried to approve the minutes from the February 16, 2012, breakfast meeting, regular business meeting, and education session.

5. Swan Ranch Industrial Development Public Highway-Rail Grade Crossings: Mr. Fredrick presented a request for approval of the Swan Ranch Industrial Development Public Highway-Rail Grade Crossing, near the Speer Interchange, south of Cheyenne. The crossings are located at Trumpeter Drive and Tundra Drive and were installed without prior approval in accordance with Wyoming statutes and WYDOT Rules and Regulations. According to Mr. Fredrick, the crossings meet the criteria for approval.

A diagnostics review team reviewed the crossing location and considered train traffic counts, vehicle traffic counts, and site and stopping distances in the area. The hazard review rating was established, and the current hazard review ranking indicates that 61 percent of the at-grade crossings in the state have a higher hazard ranking. The developer intends to install railroad crossing signs (cross bucks), advanced warning signs (RXR), and pavement markings in accordance with the *Manual on Uniform Traffic Control Devices* (MUTCD).

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner McCormack, and carried to approve the two public highway-rail grade crossings at the Swan Ranch Industrial Development in Cheyenne. In accordance with the MUTCD specifications, railroad crossing signs, advanced warning signs, and pavement markings must be installed by Swan Ranch Industrial Development at the crossing.

Commissioner K. John Dooley, of Laramie, joined the meeting via the telephone.

6. Laramie Grand Avenue Access Appeal: Mr. Shultz introduced Mr. Meena to present information about an appeal for access to a proposed Walgreens store located at East Grand Avenue and 30<sup>th</sup> Street in Laramie. The access request was denied by the Access Review Committee, as it does not meet the minimum spacing requirement, as detailed in the WYDOT Rules and Regulations, Chapter 13, Section 13, and creates a safety concern along the highway. The average daily traffic at the intersection is about 25,000 vehicles per day, which, according to Mr. Meena, is a very busy highway by Wyoming standards.

The delegation has requested a right-in/right-out access to the property, but traffic counts are high, and they present safety concerns.

Mr. Gorski, of Bencor, Inc., addressed Walgreens' request and asked that the Commission approve a right-in/right-out access to the property as the intersection is the gateway into Laramie. Mr. Gorski indicated that the strict application WYDOT is imposing is not a good fit for this particular situation, and that Walgreens has exhausted all of its options for an alternate access to the property but to no avail. Walgreens went to the additional extent of hiring a consultant to perform a traffic study, and Mr. Gorski claimed that the traffic study supports their request. Walgreens also offered to install a median island on Grand Avenue, but the request was not a reasonable solution for WYDOT. Mr. Gorski also indicated that the City of Laramie supports the project and felt it would "clean up" the area.

Mr. Shultz stated that WYDOT had a lengthy discussion with the Appeals Committee members about the possibility of allowing a right-in-only access to the property. WYDOT offered to approve Walgreens original request for a right-in-only access on East Grand Avenue, which would allow somewhat limited access to the store but would prevent customers from backing onto Grand Avenue. The offer was made as a compromise to a difficult situation. However, according to Mr. McDonald, Walgreens has decided it will not build the store without a complete right-in/right-out access.

Mr. Meena explained the safety issues that are associated with a right-in/right-out access. Each of the scenarios described exhibited considerable safety concerns, particularly in light of a lot of younger drivers who are students at the University of Wyoming. Mr. Meena advised that a median island would not be considered at the subject location for about 20 years.

Mr. McOmie recommended that if the Commission voted to approve an access, the two parking spaces closest to the parking lot entrance should be designated as motorcycle parking or be eliminated in order to prevent vehicles from backing up into oncoming traffic. Messrs. Gorski and McDonald agreed.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve a right-in-only access at the proposed Walgreens site on East Grand Avenue in Laramie, Wyoming. Commissioner Dooley voted no and expressed his support of the right-in/right-out form of access.

Messrs. McDonald, Gorski, Henderson, Perryman, Carlson, and Griesbach left the meeting.

7. Director Cox presented the Director's report.

Federal Surface Transportation Bill: The U.S. Senate passed a two-year, \$109 billion Senate Transportation Bill on March 14, 2012. If it passes the House, Wyoming's federal funding will remain relatively flat. Director Cox voiced concern that the bill contains performance measures, but he wrote a letter to Wyoming delegations asking them to support it so that legislation can be enacted. The bill now goes to the House of Representatives for consideration.

The U.S. House of Representatives has drafted its own five-year surface transportation bill that purports to give considerable flexibility to state departments of transportation and streamline processes. That bill has stalled out, but Director Cox is cautiously optimistic that the House will make a compromise between its own five-year bill and the proposed two-year Senate bill.

Wyoming State Legislature Update: Director Cox reported that the Joint Transportation, Highways and Military Affairs Committee will work with the Joint Revenue Committee during the 2012 interim to address surface transportation funding. A joint meeting has been scheduled June 11-13, 2012, in Cheyenne. Fuel tax will be a primary discussion topic, but the committees will also investigate the history and evolution of WYDOT's funding formulas and its current funding model, tolling, imposing a ton-mile tax, a possible 1 percent sales tax, and review of the mineral royalty caps. Project selection will also be reviewed by the committees during the interim. WYDOT was advised that the Legislative Services Office will handle all information which is shared between the committees.

8. Mr. Hibbard presented the Budget report.

Legislative Update: Mr. Hibbard provided a brief summary of the FY 2013-2014 WYDOT-related funding that was approved by the Wyoming State Legislature.

Mr. Hibbard informed the Commission of a footnote that was added to the Department's approved legislative budget that reads, "The department shall not supplant any reduced general fund appropriation by the legislature in this section with any other department funds." If budget cuts are imposed next year, this clause will impact WYDOT's WyoLink, Air Service Enhancement, and surface transportation budgets.

Monthly Budget Report: The Department's overall monthly expenditures are equivalent to its budgeted amounts, and snow removal expenditures are under-running budget tolerances so far this fiscal year.

9. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held March 8, 2012, in Riverton.

**COMMISSION DISTRICT 1  
Cactus Covello - Chairman**

Federal projects STPU-CH-0007069 and ARSCT-7069A01 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, plant mix wearing course, concrete pavement, landscaping, sidewalk, curb and gutter, water systems, electrical and miscellaneous work on 0.59 mile of Pershing Boulevard in the city of Cheyenne, in Laramie County. Completion date – August 31, 2013

Engineer's Estimate	\$3,596,309.95	
<b>Simon Contractors and Subsidiaries, Cheyenne, WY</b>	<b>\$3,399,949.30</b>	<b>-5.5%</b>
S & S Builders, LLC, Gillette, WY	\$3,430,166.21	
Knife River, Cheyenne, WY	\$3,464,890.24	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$3,639,786.91	
Concrete Works of Colorado, Inc., Lafayette, CO	\$4,147,840.00	

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried that **Simon Contractors and 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 NH-N852001, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, signing, fencing, and miscellaneous work on 33.90 miles of US 85, beginning at reference marker (RM) 21.80, between Cheyenne and Torrington, in Laramie County. Completion date – October 31, 2012

Engineer's Estimate	\$3,137,928.00	
<b>Knife River, Cheyenne, WY</b>	<b>\$2,521,104.88</b>	<b>-19.7%</b>
Simon Contractors and Subsidiaries, Cheyenne, WY	\$2,587,892.00	
Connell Resources, Inc., Fort Collins, CO	\$2,999,722.25	
McMurry Ready-Mix Co., Casper, WY	\$3,296,070.50	
Oftedal Construction, Inc., Miles City, MT	\$3,437,717.00	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Vice Chairman Ertman, and carried that **Knife River, 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 2**  
**K. John Dooley - Commissioner**

Federal project NH-SF-0804238, involving installation of snow fence and miscellaneous work along I-80, beginning at RM 256.00, between Walcott Junction and Cooper Cove, in Carbon County. Completion date – September 30, 2012

Engineer's Estimate	\$2,011,322.50	
<b>American Contracting, LLC., Cheyenne, WY</b>	<b>\$1,894,136.40</b>	<b>-5.8%</b>
Hout Fencing of Wyoming, Inc., Worland, WY	\$1,913,012.00	
Ralph L. Wadsworth Construction Company, LLC., Draper, UT	\$2,138,719.68	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried that **American Contracting, LLC., 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 projects IM-PM-B121007 and STP-PM-B121033 combined, involving contract patching and miscellaneous work at various locations in Transportation District 1, in Albany County. Completion date – September 30, 2012

Engineer's Estimate	\$1,194,722.00	
<b>Simon Contractors and Subsidiaries, Cheyenne, WY</b>	<b>\$1,194,658.00</b>	<b>0.0%</b>
Knife River, Cheyenne, WY	\$1,385,798.00	

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried that **Simon Contractors and 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.

State project DR12329, involving structure repair and miscellaneous work at RM 308.65, between Walcott Junction and Laramie, at the Two Rivers Road Separation, in Albany County. Completion date – April 20, 2012

Engineer's Estimate	\$85,360.00	
<b>S &amp; S Builders, LLC, Gillette, WY</b>	<b>\$55,002.00</b>	<b>-35.6%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$56,950.00	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried that **S & S Builders, LLC, Gillette, 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 5**  
**Bruce McCormack - Commissioner**

Federal projects NH-N371027 & STP-E-N371028 combined, involving grading, draining, placing crushed base, concrete pavement, sidewalk, curb and gutter, electrical, signing, and miscellaneous work at the intersection of Greybull Avenue and 6th Street in the town of Greybull, in Big Horn County. Completion date – August 31, 2012

Engineer's Estimate	\$1,085,796.25
<b>S &amp; S Builders, LLC, Gillette, WY</b>	<b>\$1,257,642.18 +15.8%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,294,287.90
EHC, L.L.C., Deaver, WY	\$1,375,005.00

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner McCormack, and carried that **S & S Builders, LLC, Gillette, 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 projects NH-DR50923 and NH-DR50963 combined, involving damage repair, including grading and miscellaneous work on US14 (Shell Creek) and US16 (Ten Sleep) in Transportation District 5, including Big Horn and Washakie counties. Completion date – May 31, 2012

Engineer's Estimate	\$260,970.00
<b>Dietzler Construction Corporation, Torrington, WY</b>	<b>\$218,987.50 -16.1%</b>
Rice-Kilroy Construction Company Inc., Dubois, WY	\$222,207.00
EHC, L.L.C., Deaver, WY	\$223,890.00
Wilson Bros. Construction, Inc., Cowley, WY	\$264,401.00
Oftedal Construction, Inc., Miles City, MT	\$293,242.79

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried that **Dietzler Construction Corporation, Torrington, 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. Commissioner Covello abstained because of a conflict of interest.

Federal project STP-DR50934, involving removal and replacement of culvert and miscellaneous work on County Road 10 and Lane 6 in Washakie County. Completion date – May 30, 2012

Engineer's Estimate	\$115,063.50	
<b>Lindstadt Construction, Pavillion, WY</b>	<b>\$109,477.39</b>	<b>-4.9%</b>
American Contracting, LLC., Cheyenne, WY	\$111,415.60	
Yellowstone Landscaping, Inc., Cowley, WY	\$115,137.50	
EHC, L.L.C., Deaver, WY	\$118,835.00	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$133,213.84	
Schneider Construction Inc., Worland, WY	\$140,830.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$141,115.00	
C C & G, Inc., Lander, WY	\$164,272.50	
Oftedal Construction, Inc., Miles City, MT	\$171,727.00	
Hout Fencing of Wyoming, Inc., Worland, WY	\$199,317.00	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that **Lindstadt Construction, Pavillion, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 7**  
**Clair Anderson - Commissioner**

Federal projects NH-HP-N212084 and ARSCT-N212A01 combined, involving milling plant mix, grading, draining, placing crushed base and bituminous pavement surfacing, structure and miscellaneous work on 7.07 miles of WYO 220 (West Belt Loop Road), beginning at RM 0.02, south of Casper, in Natrona County. Completion date – November 30, 2013

Engineer's Estimate	\$18,884,366.96	
<b>Kelley Trucking, Inc., Golden, CO</b>	<b>\$19,176,136.95</b>	<b>+1.5%</b>
Hedquist Construction, Inc., Mills, WY	\$19,357,978.75	
Oftedal Construction, Inc., Miles City, MT	\$19,808,378.76	
High Country Construction, inc., Lander, WY	\$19,977,663.54	
Foothills Contracting, Inc., Webster, SD	\$21,385,218.66	
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$21,900,000.00	
Bemas Construction, Inc. and Affiliates, Englewood, CO	\$22,360,488.65	
Ames Construction, Inc., Burnsville, MN	\$22,822,375.00	
LaForge and Budd Construction Company, Inc., Parsons, KS	\$23,579,409.05	
Riverside Contracting, Inc., Missoula, MT	\$23,997,642.80	

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried that **Kelley Trucking, Inc., Golden, 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 projects STPU-CA-HP-4109011 and ARSCT-4109A02 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, concrete pavement, removal and replacement of sidewalk, curb and gutter, landscaping, water systems, electrical and miscellaneous work on 0.10 mile of West Yellowstone Highway, between Spruce Street and Walnut Street in the city of Casper, in Natrona County. Completion date – September 30, 2012

Engineer's Estimate	\$1,058,996.00	
<b>Hedquist Construction, Inc., Mills, WY</b>	<b>\$ 999,588.00</b>	<b>-5.6%</b>
Knife River, Cheyenne, WY	\$1,065,179.00	
71 Construction, Casper, WY	\$1,092,015.50	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,263,944.60	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman Ertman, and carried that **Hedquist Construction, Inc., Mills, 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 NH-RF-N341103, involving right-of-way fence replacement and miscellaneous work on 17.74 miles of US 20/26, beginning at RM 50.61 northwest of Casper in Natrona County. Completion date – October 31, 2012

Engineer's Estimate	\$415,692.50	
<b>King Enterprises, Casper, WY</b>	<b>\$347,356.01</b>	<b>-16.4%</b>
American Contracting, LLC., Cheyenne, WY	\$428,766.00	
Washburn Fencing, Inc., Cedar City, UT	\$434,608.30	
B & F Enterprises, LLC., Hudson, WY	\$439,958.01	
Hout Fencing of Wyoming, Inc., Worland, WY	\$446,494.00	
Fencetrak, Inc., Big Piney, WY	\$471,933.50	

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Vice Chairman Ertman, and carried that **King Enterprises, 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.

10. Hot Springs County Lane 3 Project, Urban Section, Phases 1 and 2: Mr. Fredrick presented an Industrial Road Program (IRP) bid for Commission concurrence. The project was let by Hot Springs County and involves the reconstruction of a portion of Lane 3 and extending it to intersect with Lane 7. The project alignment extends from the intersection of Lane 3 and US Highway 20 and extends west and southwest to intersect with the west end of Lane 7 at the south end of Thermopolis, Wyoming.

Engineer's Estimate	\$897,820.30
<b>Dave's Asphalt, Riverton, WY</b>	<b>\$777,936.00 -13.35%</b>
71 Construction, Casper, WY	\$836,971.00
Patrick Construction, Lander, WY	\$847,488.50
Wilson Bros. Construction, Cowley, WY	\$901,019.85

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried that the Commission concur in the award of the project to **Dave's Asphalt, Riverton, Wyoming**. The Federal Highway Administration concurred with this decision.

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

### **COMMISSION DISTRICT 2**

#### Rural Major Collector

AR SCT 0.00 12295A1; Carbon County; Medicine Bow to Routt National Forest, Quartzite Pit; purchase crushed material; FY 2012; request preliminary engineering funds of \$1,000; request construction engineering and construction funds of \$69,000; to be reimbursed by the National Forest Service

### **COMMISSION DISTRICT 3**

#### Urban Principal Arterial

STP-E 153.05 N104089; Teton County; Jackson Streets, US 89, Broadway; RM 153.05 to 153.98; on-system enhancement, multi-use pathway; FY 2014; total project cost is \$6,383,000; WYDOT participation is \$400,000

### **COMMISSION DISTRICT 4**

#### Rural Interstate

IM 74.30 I902121; Johnson County; Buffalo to Gillette, Crazy Woman, WBL: RM 74.30; emergency slide repair; FY 2012; request federal preliminary engineering funds of \$50,000; request federal construction engineering and construction funds of \$2,120,000

### **COMMISSION DISTRICT 5**

#### Rural Principal Arterial

NH 33.00 N371035; Big Horn County; Greybull to Burgess Junction; RM 33.00 to 33.20; slide repair; FY 2012; request federal preliminary engineering funds of \$82,900; request federal construction engineering and construction funds of \$760,100

### **COMMISSION DISTRICT 7**

#### Urban Principal Arterial

AR SCT 115.20 P212A01; Natrona County; Casper Streets, CY Avenue and Poplar Street; RM 115.20; water and sewer line upgrades; FY 2013; request construction engineering and construction funds of \$418,000; to be reimbursed by the City of Casper

Urban Collector

ARSCT 1.00 4131A01; Natrona County; Casper Streets, Robertson Road; RM 1.00 to 2.50; water line upgrades, sidewalks; FY 2014; request construction engineering and construction funds of \$644,000; to be reimbursed by City of Casper

Urban Local

HSIP 0.00 B122092; Natrona County; Casper Events Center; traveler information system to display road and travel information inside the Casper Events Center; FY 2012; request federal funds of \$20,000

12. It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve the following resolution. Vice Chairman Ertman abstained because of a conflict of interest. ***This Resolution for Abandonment was revised during the April 19, 2012, Commission meeting.***

**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 South Poplar Street, Casper, Natrona County, Wyoming, established under Project Number U-021-2(19) is no longer needed for state highway or public use purposes. Said portion being described as follows:

(1A) Legal Description

That portion of the South Poplar Street right-of-way located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T33N, R79W of the 6th P.M., Natrona County, Wyoming, described by metes and bounds as follows:

Commencing at the southwesterly corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ , said corner being monumented by a Brass Cap, from which the northwesterly corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  bears N 00°42'58.0" E a distance of 1,254.83 feet, and from which the southwesterly boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 5 of said T33N, R79W bears S 89°07'00.0" W a distance of 1,313.85 feet;

thence N 24°01'33.6" E a distance of 813.85 feet to a point on the southwesterly boundary of South Poplar Street, said point also lying on the southerly boundary of True Road as defined in the subdivision plat of Wyoming Industrial Park (Book 204 of Deeds, Page 500 of the records of Natrona County), being monumented by a  $\frac{3}{4}$ -inch rod, said point being the TRUE POINT OF BEGINNING:

thence N51°00'58.0" E along said southwesterly boundary of South Poplar Street a distance of 36.69 feet to the northerly boundary of True Road;

thence N 89°04'55.6" W along said northerly boundary of True Road a distance of 28.18 feet;  
thence leaving said northerly boundary of True Road S58°09'32.0" W a distance of 43.49 feet  
to a point on said southerly boundary of True Road;  
thence S 89°04'55.6" E along said southerly boundary of True Road a distance of 36.61 feet  
to the point of beginning.

The above described parcel of land contains 762 square feet, more or less.

The basis of bearing for the above described parcel of land is geodetic based on GPS.

**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.

13. FY 2012 Safe Routes to Schools (SRTS) Projects: Mr. Fredrick introduced Ms. Sara Janes to explain the FY 2012 proposed SRTS projects for Commission consideration. The SRTS Advisory Committee received 15 applications totaling \$2,150,383.76 for funding consideration. The following projects were recommended for approval by the SRTS Advisory Committee:

Cheyenne - Afflerbach Elementary Avenue B2 Pathway	\$200,000.00
Sinclair - School Safety Zone Safety Upgrade	\$ 5,000.00
Thayne - SRTS Plan for the Town of Thayne	\$ 11,000.00
Kemmerer - City of Kemmerer SRTS Plan	\$ 35,000.00
Sheridan - SRTS City of Sheridan	\$200,000.00
Ranchester - Betty Street Sidewalk	\$138,000.00
Worland - Worland SRTS	\$199,464.80
Cody - 29 <sup>th</sup> Street Sidewalk	\$ 49,490.52
Meeteetse - Meeteetse SRTS	\$151,644.00
Thermopolis - 14 <sup>th</sup> Street Sidewalk Improvement Project - Phase 3	\$ 3,000.00
Lovell - Shoshone Avenue Sidewalk	<u>\$ 5,000.00</u>
Total	\$997,599.32

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve the 11 proposed FY 2012 SRTS projects.

Ms. Janes and Messrs. Kline and Meena left the meeting.

14. Lieutenant Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through February 29, 2012, includes 10 fatal crashes involving 10 deaths. The fatalities include 6 rollover crashes, 3 multi-car crashes, and 1 pedestrian. Of the 10 crashes that occurred so far this year, 3 involved commercial vehicles.

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There have been 3 crashes to date deemed alcohol related, that resulted in 3 deaths. All of the alcohol-related deaths can be attributed to not using occupant restraints.

Of the 10 deaths that have occurred to date this year, 5 can be attributed to the non-use of occupant restraints, all of them were rollover crashes, and 4 were Wyoming residents. All of those who perished were over 20 years old.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through January 31, 2012. The summary depicts 494 crashes statewide, of which 381 involved non-commercial vehicles and 113 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of February 29, 2012, have been DUI related. There have been 238 field arrests made so far this year, including:

- DUI arrests from crashes – 29
- DUI arrests from traffic stops – 100
- DUI arrests from the REDDI Program – 14
- DUI arrests from ports-of-entry – 1
- NCIC hits (person) – 7
- Wyoming warrants hits – 40
- Drug arrests – 21
- Other arrests – 26

Lieutenant Colonel Butler advised that there was one less fatality this month compared to February 2011. Alcohol-related crashes continue to rise, and the Highway Patrol will continue to pursue the problem to the best of its ability.

15. Mr. Byrne presented the Aeronautics report, including the February 2012 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

16. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Vice Chairman Ertman, and carried to approve the FY 2011 A-133 Audit that was presented in detail on March 14, 2012, by Clifton Larson Allen, LLP, of Greenwood Village, Colorado.

Mr. Stearns left the meeting.

17. It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-093 to furnish four each, fuel dispensers, alarm systems, and Veeder Root system to WYDOT facilities in Wamsutter, Patrick

Draw, Kemmerer, and LaBarge. The bid was awarded to Eaton Sales & Services, of Casper, Wyoming, for the sum of \$110,086.26.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-112 to furnish 18 each Edgelink Mini-Mux 2000 DS3 A/D multiplexers for use by the Telecommunications Program in Cheyenne. The bid was awarded to Phillips Communications, of Ruckersville, Virginia, for the sum of \$70,481.70.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-118 to furnish 14,040 tons of performance grade oil hot plant mix bituminous pavement material type E and tack oil for use by District 1 (Cheyenne and Laramie). The bid was awarded to Simon Contractors, of Cheyenne, Wyoming, for the sum of \$459,430.00 and Knife River, of Cheyenne, Wyoming, for the sum of \$373,580.00, for a total sum of \$833,010.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-119 to furnish 10,000 tons of performance grade asphalt binder hot plant mix bituminous pavement material for use in Casper. The bid was awarded to 71 Construction, of Casper, Wyoming, for the sum of \$655,520.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-120 to furnish 28,000 tons of performance grade asphalt binder hot plant mix bituminous pavement material. The bid was awarded to Intermountain Construction & Materials, of Gillette, Wyoming, for the sum of \$1,210,605.00 and Simon Contractors, Inc., of Gillette, Wyoming, for the sum of \$701,500.00, for the total sum of \$1,912,105.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-121 to furnish 24,386 tons of performance grade asphalt binder hot plant mix bituminous pavement material, commercial cold mix, and tack oil for use in Riverton, Cody, and Worland. The bid was awarded to Mountain Construction Co., of Lovell, Wyoming, for the sum of \$1,051,560.00 and 71 Construction, of Riverton, Wyoming, for the sum of \$418,760.00, for a total sum of \$1,470,320.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-123 to furnish two each, new, current model extended cab and chassis for platform lifts. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$73,644.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-124 to furnish one each,

new, current model platform lift for delivery at the dealer. The bid was awarded to Ameri-Tech Equipment Co., of Casper, Wyoming, for the sum of \$61,322.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-125 to furnish one each, new, current model crane with digger and winch for delivery at the dealer. The bid was awarded to Terex Utilities, Inc., of Watertown, South Dakota, for the sum of \$128,517.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-126 to furnish one each, new, current model cab and chassis for digger derrick for delivery in Rock Springs. The bid was awarded to Floyd's Truck Center, Inc., of Cheyenne, Wyoming, for the sum of \$68,291.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-128 to furnish two each, new, current model four-wheel street sweepers for delivery in Rawlins and Thermopolis. The bid was awarded to Ameri-Tech Equipment Co., of Casper, Wyoming, for the sum of \$384,000.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-129 to furnish one each, new, current model rotary snow blowers for delivery in Buffalo. The bid was awarded to Power Equipment Co., of Casper, Wyoming, for the sum of \$543,391.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-131 to furnish one each, new, current model spray injection patching machine for delivery in Casper. The bid was awarded to Normont Equipment Co., of Black Eagle, Montana, for the sum of \$54,945.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-136 to furnish 2,390 tons of emulsified asphalt for delivery in Districts 1, 2, 3, 4, and 5. The bid was awarded to Peak Asphalt, LLC, of Rawlins, Wyoming, for the sum of \$803,855.00 and Dark Water Asphalt, of Casper, Wyoming, for the sum of \$447,091.85, for the total sum of \$1,250,946.85.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-137 to furnish 2,150 tons of performance graded asphalt binder for delivery in Districts 1 and 2. The bid was awarded to Sinclair Oil Corp., of Salt Lake City, Utah, for the sum of \$1,225,500.00.

Mr. Shultz presented the results of Bid No. 12-140LW to furnish five portable traffic signals to the WYDOT facilities in Laramie, Casper, Rock Springs, Sheridan, and Basin. The first and third low bids were deemed irregular, as they did not meet the required specifications. The second low bid was also irregular because the bidder did not complete all of the necessary information on the bid form.

The fourth low bid was responsive, and it does meet the specification and the bid requirements, but concerns arose after the bids were opened about whether or not the specified traffic signals were best suited for the Department's need, particularly when considering the expense. The Department has rented portable traffic signals in the past and used such devices last year when landslides occurred. Availability is often a problem, though, when these devices are needed, particularly on short notice. The devices have proven to be very reliable in emergency applications, provide flexibility in their configuration, and are simple to operate. The bid specifications were geared toward these features, and no other products were evaluated that might fit the need, which excluded some other potential products that may offer even more flexibility at a lower cost. Consequently, Mr. Shultz advised that it would be in the best interest of the Department to rebid the devices using a request for proposal-type process.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to reject all bids on bid number 12-140 to furnish five sets of portable traffic signals and to engage in a request for proposal process for the signal devices.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried to approve purchase for Requisition No. 0000025530 to furnish emergency installation of slip pipe for failed canal culverts for use by the District 5 Maintenance Program. The bid was awarded to Bulldogger Services Inc., of Parkman, Wyoming, for the sum of \$71,780.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for Requisition No. 0000025572 to furnish Landesk Management Suite for use by the Information Technology Program. The bid was awarded to Network Consulting Services, Inc., of Bountiful, Utah, for the sum of \$116,822.50.

18. Mr. Shultz advised that Mr. Chris Forsyth of Family Dollar Stores had cancelled his delegation appointment with the Commission today. Mr. Forsyth met with Messrs. McOmie, Shultz, and Meena via telephone on March 13, 2012, to discuss the pending access request. WYDOT offered an option to resolve the Department's safety concerns with the access to the Family Dollar Store in Saratoga. Mr. Forsyth indicated that he would take the Department's proposal to the Family Dollar Store corporate staff for their consideration. If they do not agree with the Department's offer, they reserved the right to an appeal with the Commission in the future.

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

Vandalism Rewards: During the past two months, some vandalism has occurred on three bridges on I-80 near Rock Springs. District 3 staff has requested that the Department offer a reward of \$300 for information leading to an arrest of the vandals. The Department has paid \$500 to \$1,000 per structure to remove the graffiti. Newspaper advertisements were recently published asking for information leading to an arrest, but no monetary reward has been offered.

Commissioner Covello agreed that it is appropriate to offer such a reward and that similar requests in the future should not have to come before the Commission for approval. The commissioners unanimously agreed. Mr. McOmie advised that a \$300 reward would be offered in conjunction with the recent District 3 vandalism incident.

20. New Rule and Regulation, General Section, Chapter 30, Procedures for Locally Establishing Speed Limits: Mr. McOmie presented a new Rule and Regulation for Procedures for Locally Establishing Speed Limits. The rule was presented to the Commission for approval in September 2011 and was forwarded to the Legislative Services Office (LSO) for final review and for a signature by the Governor. The LSO Management Council raised a question about whether there were conflicts between the rule and the legislation that spurred the rule, and after receiving some input from legislators, Governor Mead opted to not sign the rule.

A meeting was held to work out the discrepancies, and the rule was sent out once again for public comment. Only one comment was received during the statutory comment period, which was from the Wyoming County Commissioners' Association (WCCA) supporting the collaborative effort WYDOT has put forth. The WCCA recommended adopting and implementing the rule.

It was recommended by Mr. McOmie, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve the following resolution.

### **RESOLUTION**

**WHEREAS**, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 31-5-303 and W.S. 31-5-304, is authorized to promulgate rules and regulations as described in the following; and

**WHEREAS**, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt General Section Chapter 30, Procedures for Locally Establishing Speed Limits, to administer the process for local authorities to establish minimum and maximum speed limits consistent with state and federal law; and

**WHEREAS**, a forty-five day public comment period was held to solicit written comments concerning these rules; and

**WHEREAS**, one public comment urging adoption as drafted was received during the comment period for consideration by the Transportation Commission of Wyoming; and

**WHEREAS**, the Wyoming Department of Transportation concurs with the received comment and recommends adoption of this rule;

**NOW, THEREFORE, BE IT RESOLVED** that the Transportation Commission of Wyoming officially adopts General Section Chapter 30, Procedures for Locally Establishing Speed Limits, as the standard to establish speed limits on paved roads and on unpaved roads.

21. Blue Star Memorial Highway Designation Request: The Department recently received a request to designate a portion of Highway 26 (Yellowstone Highway) in Douglas as a Blue Star Memorial Highway. Signage is present near the Douglas Fairgrounds, but the Douglas Garden Club would like to have the Commission officially designate the highway route as a memorial and have WYDOT install signs in its right-of-way.

Mr. Ron Halstead of the Douglas Garden Club is scheduled as a delegation at the April 19, 2012, Commission meeting to formally present the request, as he was not available to attend this meeting.

22. Chairman Latta recessed the meeting at 11:20 a.m., on Thursday, March 15, 2012.

23. Chairman Latta reconvened the meeting at 1:30 p.m., on Thursday, March 15, 2012.

24. It was moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to move into executive session. The Commission went into executive session at 1:30 p.m., on Thursday, March 15, 2012, to discuss a personnel matter.

25. It was moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried to move out of executive session. The Commission came out of executive session at 1:45 p.m., on Thursday, March 15, 2012.

26. It was moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to adjourn the meeting. Chairman Latta adjourned the meeting at 1:45 p.m. on Thursday, March 15, 2012.