

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on July 18, 2013. The teleconference meeting was convened at 8:30 a.m. by Chairman Ertman. The following members were present constituting a quorum:

Ted Ertman, Chairman, Newcastle (via telephone)
Bruce McCormack, Vice Chairman, Cody (via telephone)
Milt Coulter, Commissioner, Gillette (via telephone)
Clair Anderson, Commissioner, Riverton (via telephone)
K. John Dooley, Commissioner, Laramie (via telephone)
Bob Ruwart, Commissioner, Wheatland (via telephone)
Todd Seeton, Commissioner, Jackson (via telephone)
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Lieutenant Colonel Shannon Ratliff, Operations Commander, Wyoming Highway Patrol; 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: Pat Allen, Vice President of Bonds, and Art and Deanne Hansen, owners of Wyoming Financial Insurance (WFI); Jason Gay, Wyoming Liberty Group; Ken Spear, Contracts & Estimates Engineer; and Evan Gerwig, Estimator, Contracts & Estimates.

Others present via telephone: Bob Moberly, Chief Executive Officer, WFI, of Casper; Ernie Skretteberg, Vice President, McGarvin-Moberly Construction Co., of Worland; Todd Gnose, Vice President, Arnie Lewis, President, and John Arnoldi, Vice President of Lewis & Lewis Inc., in Rock Springs.

Mr. Tom Loftin, Support Services Administrator, was absent.

1. Pledge of Allegiance: Chairman Ertman led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ruwart, seconded by Commissioner Anderson, and carried to approve the minutes from the June 20, 2013, breakfast meeting, regular business meeting, and executive session, and from the June 27, 2013, special teleconference meeting.
3. Correspondence: Secretary Scott presented a letter from Mr. Tim Young, Executive Director for Wyoming Pathways, thanking the Commission for the opportunity to present information about bicycling and walking modes of travel during its June 20, 2013, regular business meeting.

In his letter, Mr. Young also invited the commissioners to attend the Wyoming Trails Summit in Casper, June 27-29, 2013.

4. Director Cox presented the Director's report.

Director Cox advised that the September Joint Transportation, Highways & Military Affairs Interim Committee meeting has been moved to September 16 and 17, 2013, in Riverton. Director Cox invited the commissioners to attend the meeting.

5. Mr. Hibbard presented the Budget report.

Monthly Budget Report: The July 2013 budget report revealed that the Commission budget is 69 percent expended, and the Legislative budget is 74 percent expended, which is within budget tolerances.

Third-Quarter Budget Revision: Mr. Hibbard briefed the Commission about key adjustments that were made to the Department's budget during the third quarter of fiscal year (FY) 2013. Many changes were made to the budget during the third quarter, primarily because of legislative action.

It was recommended by Mr. Hibbard, moved by Commissioner Dooley, seconded by Vice Chairman McCormack, and carried to approve the FY 2013 Third-Quarter Budget Revision.

FY 2014 Budget Summaries: A copy of the FY 2014 Budget Summary was mailed to the Commission, which will be formally presented and voted upon at the September Commission meeting. Mr. Hibbard explained some of the many aspects of the budget, including zero-based budgeting, travel requests, exception requests, and the Chapter 17 report (Wyoming Department of Administration and Information report on how the budget is spent).

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

WYDOT Employee Injury Update: A WYDOT employee, Les French, was injured on the job on June 19, 2013, at a WYDOT hot plant in District 2 when hot asphalt sprayed on him. He was taken to a Wheatland hospital, and was transferred to a burn center in Colorado for treatment later that day. Mr. French experienced extensive second degree burns, but he has already received a doctor's release and has been back to work for about two weeks. The accident is being investigated by the WYDOT Employee Safety Program. The results of the investigation will be shared with the Commission when they become available.

17 Mile Road Project Update: Phase 2 of the 17 Mile Road reconstruction project, between Riverton and Fort Washakie, is currently ahead of schedule and under budget. The project is being built using a Transportation Investment Generating Economic Recovery (TIGER) grant, federal, and state funds, and it involves a unique mix of contracted work and contract administration processes. Part of the work is being done by Tribal forces, and Central Federal

Lands and WYDOT are providing construction administration. The project was originally scheduled to be complete in FY 2014, but it appears that the project (roadway) will be completed this fall. A ribbon cutting is scheduled for October 22, 2013. Mr. McOmie invited the commissioners to attend the ceremony.

Beam, Longest & Neff, LLC (BLN) Design Process Review: BLN has reviewed 9 sets of roadway plans, of the 24 that were targeted, and has also reviewed one set of bridge plans, performed a constructability review, and a post-construction review. BLN and WYDOT established a team on July 17, 2013, and the team started to review the findings. Teams were developed to work on a plan flow chart, design procedures, design documentation processes, and bridge design standardization. A couple of BLN findings include a lack of formal documentation of engineering decisions, and the need for better practices of design for side road approaches on projects.

Worland East Project Update: Hout Fencing has finished the mainline paving on the Worland East project. There may be a number of issues with the contractor's workmanship, including the paving. Some areas have been removed and replaced three times. There are two approaches that will require removal and replacement of the plant mix surface. Ride quality is not good and surface grinding is needed. The district is concerned about having adequate pavement thickness in some of the ground areas. Pit reclamation also remains to be completed, and the contractor is being assessed liquidated damages, as the project was supposed to be completed last year.

Hout Fencing is also the prime contractor on a Worland Streets project, which also has workmanship issues. An extensive section of curb and gutter will require sand blasting or removal and replacement. The chip seal placed last year has also failed and will need to be redone.

The local community has expressed concern about Hout Fencing's workmanship on these projects, which has impacted the public's perception about the way WYDOT administers its projects. Hout Fencing's workmanship and inability to meet completion dates will continue to be reflected in its prequalification rating.

Ten-Cent Fuel Tax Projects: About 18 projects will be accomplished in FY 2014 using the newly implemented \$0.10 per gallon fuel tax increase, which equates to approximately \$47 million. A map of the proposed project locations will be compiled and shared with the Commission when it becomes available. A five-year list of proposed projects will be compiled for inclusion in the State Transportation Improvement Program (STIP), and will also be shared with the Commission in the near future.

7. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held July 11, 2013, in Casper.

COMMISSION DISTRICTS 1, 2 and 6
Bob Ruwart - Commissioner
K. John Dooley - Commissioner
Ted Ertman - Chairman

State project ARS3816-S011, involving the installation of aquatic invasive species signs and miscellaneous work at various locations in transportation districts 1 and 2, including Albany, Carbon, Goshen, Laramie, and Niobrara counties.

Engineer's Estimate	\$44,210.00	
S & L Industrial, Cowley, WY	\$21,226.00	-52.0%
King Enterprises, Mills, WY	\$35,701.00	
Traffic Safety Service, Inc., Bismarck, ND	\$42,205.00	
Plus 5% for Comparison	\$44,315.25	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ruwart, 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. The Wyoming Game and Fish Department has concurred in the award, and will reimburse WYDOT for expense that is associated with this project.

COMMISSION DISTRICTS 3 and 7
Todd Seeton - Commissioner
Clair Anderson - Commissioner

Federal projects NH-N301027 and NH-DR50966 combined, involving landslide mitigation, to include grading and miscellaneous work at three locations on U.S. 26, between Moran Junction and Dubois, in Fremont and Teton counties.

Engineer's Estimate	\$3,580,627.50	
Oftedal Construction, Inc., Casper, WY	\$2,335,073.50	-34.8%
Wilson Bros. Construction, Inc., Cowley, WY	\$3,181,629.50	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Seeton, 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.

COMMISSION DISTRICT 4
Milt Coulter - Commissioner

Federal project STP-0302067, involving milling plant mix, placing crusher run subbase, bituminous pavement surfacing, leveling, and miscellaneous work on 6.74 miles of US 14/16, beginning at reference marker (RM) 89.26, between Spotted Horse and Gillette (Rawhide Section), in Campbell County.

Engineer's Estimate	\$1,931,201.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$1,582,157.86	-18.1%
Intermountain Construction & Materials, Gillette, WY	\$1,630,753.57	
McGarvin-Moberly Construction Company, Worland, WY	\$1,651,286.54	
Mountain Construction Company, Lovell, WY	\$1,788,281.65	
McMurry Ready-Mix Co., Casper, WY	\$1,824,101.26	

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Ruwart, and carried that Simon Contractors and its Subsidiaries, Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 5
Bruce McCormack - Vice Chairman

Federal projects NH-DR50924-CON2 and NH-DR50925 combined, involving slide repair and miscellaneous work on 0.19 mile of US 14 at RM 29.10 and 29.50, between Greybull and Burgess Junction (Bret and Upper Shell Creek slides), in Big Horn County.

Engineer's Estimate	\$3,892,728.75	
Wilson Bros. Construction, Inc., Cowley, WY	\$7,767,528.75	+99.5%
Oftedal Construction, Inc., Casper, WY	\$7,868,706.35	
Malcolm Drilling Company, Inc., San Francisco, CA	\$9,577,724.03	

Mr. Fredrick explained the work to be accomplished for the slide projects. There are two separate locations and two projects associated with each location. The cost for the Upper Shell slide appears to be reasonable, and the primary difference is associated with the specialty work on the Bret Slide. This work consists of six specialty items which accounts for a significant portion of the project costs. The consulting engineer responsible for the design prepared an estimate for the work, but that information was not available to the engineer when he completed the final estimate. Federal emergency funds will be used for the slide repairs.

Mr. Nick Wilson provided information about what was considered when preparing his bid. The drilling subcontractor made up about 40 percent of the total work on the project. Significant risk

and complexity also contributed to the bid amount. Mr. Wilson stated that he felt his company's bid is accurate, fair, and is representative of the work that needs to be accomplished.

Mr. Fredrick advised that the Department may have limited the number of bidders for the project because of the pre-bid time line. The mandatory pre-bid meeting was held only seven days after the project was advertised, and the project specifications required the subcontractors to attend the pre-bid meeting. Ultimately, contractors had only five days to review the plans, determine the appropriate subcontractors, and to arrange an on-site visit with the resident engineer. Mr. Fredrick indicated that several contractors noted that they would have liked to bid on the project but they did not have adequate time or they were unable to make the necessary arrangements to attend the pre-bid meeting.

Mr. Wilson asked if the Commission chooses to reject all bids and to advertise the project again, what changes will be made to the plans to decrease the level of complexity and the risk to bring the prices down? Mr. Fredrick stated that increasing the amount of time between the advertisement and the pre-bid meeting could increase the number of bidders on the job and make the bids more competitive.

Vice Chairman McCormack voiced concern about treating contractors fairly. The contractors that did bid met the tight time frame and have already "played their hand" by providing their bids within the specified time frame.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Ruwart, and unanimously carried to reject all bids and to re-advertise the project. The Federal Highway Administration concurred with this decision.

Mr. Wilson left the meeting.

Federal project STP-0202050, involving widening and isolated reconstruction, to include grading, drainage, placing crushed base and bituminous pavement, leveling and surfacing, and miscellaneous work on 3.00 miles of WYO 32, beginning at RM 0.00 just south of Lovell, in Big Horn County.

Engineer's Estimate	\$2,628,405.50	
Mountain Construction Company, Lovell, WY	\$2,858,250.24	+8.7%
T & T Contracting, Inc., Victor, MT	\$3,040,100.65	
Wilson Bros. Construction, Inc., Cowley, WY	\$3,096,742.25	
McMurry Ready-Mix Co., Casper, WY	\$3,518,412.95	
Intermountain Construction & Materials, Gillette, WY	\$4,193,887.25	

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

COMMISSION DISTRICT 7
Clair Anderson - Commissioner

State project SCP-TC-P142046, involving milling plant mix, placing pit run subbase, bituminous pavement surfacing, chip sealing, and miscellaneous work on 9.68 miles of WYO 28, beginning at RM 24.41, between Farson and Lander, in Fremont County.

Engineer's Estimate	\$4,307,145.00	
Lewis & Lewis Inc., Rock Springs, WY	\$3,700,000.00	
McGarvin-Moberly Construction Company, Worland, WY	\$3,846,589.51	-10.7%
Mountain Construction Company, Lovell, WY	\$3,939,232.78	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$4,022,442.00	
McMurry Ready-Mix Co., Casper, WY	\$4,115,437.43	
LeGrand Johnson Construction Co., Logan, UT	\$4,149,523.93	
Plus 5% for Comparison	\$4,357,000.13	
Intermountain Construction & Materials, Gillette, WY	\$4,949,110.84	

The apparent low bid from Lewis & Lewis, Inc., was irregular because of an incorrect project number on the bid bond. Mr. Fredrick provided an overview of the bonding purpose and requirements, the bid documents, and the bid processes associated with the bid bond.

Mr. Pat Allen presented the Commission with a letter from his company explaining the circumstances behind providing a bid bond to Lewis & Lewis that contained an erroneous project number. In his letter, Mr. Allen claimed full responsibility for the error and asked the Commission to not punish the contractor for his mistake. Mr. Allen also provided a corrected bid bond on July 16, 2013, and a letter from North American Specialty Insurance supporting Lewis & Lewis' plea to be awarded the contract.

Mr. Fredrick stated that when Lewis & Lewis submitted its bid, they verified that a correct bid bond was provided by filling in a required checkbox the bidding software. The checkbox was added to WYDOT's bidding software because similar situations have occurred in the past.

Mr. Gnose, of Lewis & Lewis, explained that he was driving to the bid letting in Casper when he received an electronic copy of the bid bond from WFI. The e-mail from Mr. Allen contained the bid bond number, which was entered into the bidding software when submitting the bid. Mr. Gnose stated that there was no way to verify the project number via that e-mail. According to Mr. Gnose, the project is critical to keeping Lewis & Lewis' employees employed. Mr. Arnoldi affirmed Mr. Gnose's comments, and asked the Commission to give the situation its favorable consideration.

Mr. Fredrick acknowledged that Lewis & Lewis has been a prequalified contractor for WYDOT for over 25 years, and that it has provided a good product for the Department. Its prequalification rating is categorized as "good," and overall the contractor has a good working relationship with WYDOT.

Mr. Skretteberg explained that his company, McGarvin-Moberly Construction, provided its bid in good faith and its bid followed the plans and specifications that were set forth by the Transportation Commission of Wyoming.

Mr. Moberly, CEO of WFI, advised that WFI processes over \$1 billion worth of bid bonds annually, and that this particular instance is a rare exception, not the norm, for his company. Mr. Moberly asked the Commission for leniency for the contractor's sake, and asked that Lewis & Lewis not be punished for WFI's mistake.

Ms. Deeanne Hansen, WFI co-owner, advised that her company is a strong supporter of the Wyoming Contractors' Association (WCA). She's a 19-year WCA member, a two-term board member, and past-president of the WCA Board of Directors. Ms. Hansen recalled the 2011 incident where a bonding agent's error resulted in an irregular bid. In that particular incident, the Commission chose to overlook the error and award the project to the contractor that submitted the irregular bid.

Commissioner Anderson reiterated that the change in the bid process and the addition of the check box in the bid software was a result of the 2011 instance that Ms. Hansen referred to.

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman McCormack, and carried that McGarvin-Moberly Construction Company, Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. A roll call vote was taken. Commissioners Coulter, Seeton, and Ruwart voted no. Chairman Ertman cast the tie-breaking vote to award the project to McGarvin-Moberly Construction Company.

Mr. and Mrs. Hansen, and Messrs. Allen, Moberly, Skretteberg, Gnose, Lewis, and Arnoldi left the meeting.

Federal projects STPU-RI-4501003 and ARSCT-4501A01 combined, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip sealing, removal of a structure, curb and gutter, water main replacement, sanitary sewer system, electrical, fencing, and miscellaneous work on 0.94 mile of Riverview Road, beginning at RM 2.16, in the town of Riverton, in Fremont County.

Engineer's Estimate	\$2,972,811.50	
Jerry Bornhoft Construction Inc., Riverton, WY	\$2,800,298.60	-5.8%
Patrick Construction, Inc., Lander, WY	\$2,959,670.40	
HK Contractors, Inc., Idaho Falls, ID	\$3,102,288.88	
High Country Construction, Inc., Lander, WY	\$3,293,297.70	
Habitat Construction, LLC, Rocky Ford, CO	\$4,030,293.41	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that Jerry Bornhoft Construction Inc., Riverton, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder, contingent upon concurrence from the City of Riverton. The Federal Highway Administration concurred with this decision.

Messrs. Spear and Gerwig left the meeting.

8. Industrial Road Program Project Concurrence: Mr. Fredrick presented the following Industrial Road Program (IRP) bid that was let by Laramie County on July 8, 2013.

Project IRP CN02093, Swan Ranch Road, was designed and let by a county-hired consultant. The project intent is to surface the Clear Creek Parkway, Trumpeter, Berwick and Tundra Drives, in Laramie County.

Engineer's Estimate	\$1,800,000.00	
Simon Contractors, Cheyenne WY	\$1,792,508.84	-0.004%
Knife River, Cheyenne, WY	\$1,798,002.00	

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Dooley, and carried that the Commission concur in the award of the project to Simon Contractors, of Cheyenne, Wyoming.

9. After considerable discussion of the purpose, intent, and funding of the congestion mitigation air quality (dust suppression) projects, it was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried to approve the following project authorizations:

COMMISSION DISTRICT 2

Rural Interstate

NH 258.60 I804259; Carbon County; Elk Mountain to Laramie; RM 258.60 to 275.60; slab replacement, high performance wearing course; FY 2015; request federal preliminary engineering funds of \$250,700; estimated construction engineering and construction cost is \$8,356,656

Rural Major Collector

STP-GM 50.63 0401036; Carbon County; Baggs to Encampment, Forest Boundary; RM 50.63; cattle guard; FY 2014; request federal preliminary engineering funds of \$4,725; estimated construction engineering and construction cost is \$157,500

STP-GM 14.00 0404013; Carbon County; Hanna to Elk Mountain; RM 14.00 to 15.50; replace culverts; FY 2014; request federal preliminary engineering funds of \$6,500; estimated construction engineering and construction cost is \$216,663

Rural Local

CM 0.00 CM13002; Carbon County; County Road 701; dust suppression; FY 2013; request federal funds of \$301,250

CM 0.00 CM13010; Sweetwater County; various county roads; dust suppression; FY 2013; request federal funds of \$312,500

CM 0.00 CM13011; Sweetwater County; Yellowstone Road, CR 4-58; dust suppression; FY 2013; request federal funds of \$187,500

COMMISSION DISTRICT 3

Rural Local

CM 0.00 CM13007; Lincoln County; various county roads; dust suppression; FY 2013; request federal funds of \$758,750

CM 0.00 CM13009; Sublette County; various county roads, dust suppression; FY 2013; request federal funds of \$312,500

CM 0.00 CM13012; Teton County; various county roads, dust suppression; FY 2013; request federal funds of \$62,500

CM 0.00 CM13013; Uinta County; various county roads, dust suppression; FY 2013; request federal funds of \$62,500

COMMISSION DISTRICT 4

Rural Local

CM 0.00 CM13001; Campbell County; various county roads, dust suppression; FY 2013; request federal funds of \$545,000

CM 0.00 CM13006; Johnson County; various county roads, dust suppression; FY 2013; request federal funds of \$750,000

CM 0.00 CM13008; Sheridan County; various county roads, dust suppression; FY 2013; request federal funds of \$420,000

Urban Interstate

NH 124.30 I903099; Campbell County; Gillette Marginal; RM 124.30 to 129.60; micro-surfacing; FY 2014; request federal preliminary engineering funds of \$20,000; estimated construction engineering and construction cost is \$700,000

Urban Local

CM 0.00 CM13003; Sheridan County; city of Sheridan alleyways; dust suppression; FY 2013; request federal funds of \$50,000

COMMISSION DISTRICT 5

Urban Principal Arterial

NH 0.00 N361065; Washakie County; Worland Streets; RM 0.00 to 0.09; concrete pavement rehabilitation; FY 2014; request federal preliminary engineering funds of \$5,000; estimated construction engineering and construction cost is \$252,500

COMMISSION DISTRICT 6

Rural Principal Arterial

NH 150.20 N854074; Niobrara County; Lusk to Hat Creek; RM 150.20 to 168.40; micro-surface; FY 2014; request federal preliminary engineering funds of \$87,447; estimated construction engineering and construction cost is \$2,914,912

Rural Local

CM 0.00 CM13005; Crook County; various county roads; dust suppression; FY 2013; request federal funds of \$350,000

CM 0.00 CM13014; Weston County; various county roads, dust suppression; FY 2013; request federal funds of \$200,000

COMMISSION DISTRICT 7

Rural Local

CM 0.00 CM13004; Converse County; various county roads; dust suppression; FY 2013; request federal funds of \$687,500

COMMISSION DISTRICT M (Miscellaneous)

Various

STP-GM 0.00 B144038; Campbell, Crook, Sheridan, and Weston counties; Highway District 4, various locations; upgrade service points; FY 2014; request federal preliminary engineering funds of \$5,000; estimated construction engineering and construction cost is \$95,000

STP 0.00 B145037; Big Horn, Fremont, Hot Springs, Park, and Washakie counties; Highway District 5, various locations; replace and repair expansion devices; FY 2014; request federal preliminary engineering funds of \$100,000; estimated construction engineering and construction cost is \$2,200,000

10. Third-Quarter Addendum to the State Transportation Improvement Program (STIP): Mr. Fredrick presented the third-quarter addendum to the 2013 STIP. It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Coulter, and carried to approve the third-quarter STIP addendum.

11. Mr. Fredrick presented the a proposed resolution for the exercise of eminent domain for the Casper Streets, CY Avenue and Poplar Street intersection, in Natrona County. The project was proposed years ago, and seven landowners remain to be negotiated with before the project can let to contract. The project is currently scheduled to be let in January 2014, and is expected to be completed within one year.

Mr. McOmie advised that the CY Avenue and Poplar Street intersection has become more congested, particularly with truck traffic. The project has been vetted with the City of Casper and, according to Mr. McOmie; the work needs to be done. WYDOT is responsible for the overall project, but the City of Casper has some monetary interest in the project.

Mr. Fredrick advised that approving the resolution authorizes the Department to enter into the legal condemnation process, but good faith negotiation efforts will continue with landowners regardless of whether the Commission passes the resolution.

The Commission asked to be kept apprised of any future actions regarding the legal process.

Mr. Moench advised that passage of the resolution does not mean that the Department immediately files suit against landowners who have not settled negotiations. This project does fall under the realm of the recently changed eminent domain law. The Commission could wait until its August meeting to consider this resolution, but Mr. Moench recommended that the Commission pass the resolution in order to have it in place in case an agreement can't be reached with the landowners.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift. Commissioner Coulter voted no. Commissioner Dooley abstained from voting, as he owns one of the parcels that are being considered for condemnation for the project.

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801 and 24-2-102, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project P212096, Casper Streets, CY Avenue and Poplar Street intersection in Natrona County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Lot 7 of Block 165, Lots 4 & 5 of Block 166, Lots 9-12 of Block 224 of the city of Casper; Lot 1 of Bencor West Addition; Lot 1 of Westridge Addition; Lots 1-5 & 32 of Block 1, Standard Oil Co. Subdivision; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 17; all of T33N, R79W of the 6th P.M., Natrona County, Wyoming, and constitute approximately 0.23 of an acre of property for additional right-of-way and approximately 0.25 of an acre of property for temporary construction easements.

NOW, THEREFORE BE IT RESOLVED, that the property sought to be acquired is necessary and appropriate for the proposed project and in the event successful negotiations cannot be effectuated with any owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary additional right-of-way and/or temporary construction easements.

12. Mr. Fredrick noted that, during the Commission meeting, he received concurrence from the City of Riverton for Federal projects STPU-RI-4501003 and ARSCT-4501A01 combined, on Riverview Road in the City of Riverton, which was presented and approved by the Commission under Item 7 above.

13. Lieutenant Colonel Ratliff presented the Highway Patrol report.

The Fatal Crash Summary through June 30, 2013, includes 40 fatal crashes involving 46 deaths. The fatalities include 25 rollover crashes, 13 multi-car crashes, 2 fixed objects, 5 motorcycles and all-terrain vehicles, and 2 pedestrians. Of the 40 crashes that occurred so far this year, 11 involved commercial vehicles.

There have been 8¹ crashes to date deemed alcohol related, resulting in 10¹ deaths. Of those deaths, 7 were attributed to not using occupant restraints. The number of fatalities so far is less than they were at this time last year.

Of the 46 deaths that have occurred to date this year, 24 can be attributed to the non-use of occupant restraints, with 19 involving rollover crashes, and 5 involving multi-car collisions. Of

¹Not all chemical test results were available at the time of the report.

the 24 deaths that occurred from non-use of occupant restraints, 16 were Wyoming residents, and 8 were non-residents. Twelve of those who perished were under 20 years of age, and 7 of those fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through May 31, 2013. The summary depicts 2,485 crashes statewide, of which 1,963 involved non-commercial vehicles, and 522 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of June 30, 2013, have been DUI related. There have been 608 field arrests made so far this year, including:

- DUI arrests from crashes – 41
- DUI arrests from traffic stops – 210
- DUI arrests from the REDDI Program – 57
- DUI arrests from ports-of-entry – 4
- NCIC hits (person) – 23
- Wyoming warrants hits – 100
- Drug arrests – 103
- Other arrests – 70

I-80 Challenge Highway Safety Initiative: The Wyoming Highway Patrol will participate in the I-80 Challenge Highway Safety Initiative on July 24-31, 2013. Wyoming will partner with 10 other states during the eight-day event to target driving under the influence of drugs or alcohol, speeding, distracted driving, and safety restraint violations. The goal of the program is to achieve a no-fatality rate during the eight-day period. The Wyoming Highway Patrol has engaged in many highway safety campaigns in the past, but Lieutenant Colonel Ratliff noted that this particular event is unique because of the impact that the joint venture can potentially have on public safety. Governor Mead has been invited to attend the kick-off of the event in Des Moines, Iowa.

14. Mr. Byrne presented the Aeronautics report, including the June 2013 Aeronautics Flight Operations Passenger Summary Report.

15. Mr. Shultz presented the Operations report.

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

- Bid number 13-255 to furnish remodeling of Building No. 6245, formerly the I-25 Information Center, which will be converted into the new WYDOT Drivers Services Program. The contract was awarded to Reiman Corporation, of Cheyenne, Wyoming, for the sum of \$382,300.00.

- Bid number 13-257 to furnish two each, 26' x 26' garages, for WYDOT facilities in Rock River and Arlington. The bid was awarded to Morrison Custom Builders, LLC, of Steamboat Springs, Colorado, for the sum of \$55,000.00.
- Bid number 13-259 to furnish two each, 20' x 60' pre-engineered metal cold storage buildings for the WYDOT facility in Cheyenne. The bid was awarded to Stadel Construction, Inc., of Cheyenne, Wyoming, for the sum of \$87,960.00.
- Bid number 13-262 to furnish roadway lighting inspection and repair for the WYDOT facility in District 2. The bid was awarded to Modern Electric Co., of Casper, Wyoming, for the sum of \$55,425.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000030731 to furnish Oracle Database Appliance X3-2, for use by the Information Technology Program in Cheyenne. The contract was awarded to Mythics, Inc., of Virginia Beach, Virginia, for the sum of \$61,960.25.

16. It was moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried to move into executive session. The Commission went into executive session at 11:33 a.m., on Thursday, July 18, 2013.

17. It was moved by Vice Chairman McCormack, seconded by Commissioner Seeton, and carried to come out of executive session. The Commission came out of executive session at 12:34 a.m., on Thursday, July 18, 2013.

18. It was moved by Commissioner Dooley, seconded by Vice Chairman McCormack, and carried to adjourn the meeting. Chairman Ertman adjourned the meeting at 12:35 a.m., on Thursday, July 18, 2013.