

## **TRANSPORTATION COMMISSION OF WYOMING**

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

Ted Ertman, Vice Chairman, Newcastle  
Milt Coulter, Commissioner, Gillette  
Clair Anderson, Commissioner, Riverton  
K. John Dooley, Commissioner, Laramie  
Bruce McCormack, Commissioner, Cody  
Bob Ruwart, Commissioner, Wheatland  
Todd Seeton, Commissioner, Jackson  
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; Colonel John Butler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Mss. Rhonda Ruwart, of Wheatland; Laura Seeton, of Jackson; and Sandy Dennis, of the Seed and Weed Garden Club of Cheyenne; and Mr. Dave Pendleton, Fremont County Transportation Department Superintendent.

Mr. Doug Moench, Senior Assistant Attorney General, was absent, but later entered the meeting.

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

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

3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve the minutes from the February 20, 2013, Department-wide A-133 audit results presentation, and the February 21, 2013, breakfast meeting and regular business meeting.

4. Correspondence: Secretary Scott presented a letter that she received on March 6, 2013, from Mrs. Sandy Dennis of the Seed and Weed Garden Club regarding a request for a Blue Star Memorial designation at the I-25 Travel and Information Center located at High Plains Road south of Cheyenne. Secretary Scott advised that further details of the request will be presented under the Chief Engineer's report.

Secretary Scott also presented a March 11, 2013, letter from the Cody Country Chamber of Commerce requesting permission to display the official Wyoming state highway map in its visitor center. Secretary Scott advised that the request will be presented in further detail by Mr. McGee under the Public Affairs report.

5. Old Business: Secretary Scott explained that, as a follow up to the Commission's approval of the 2012 Department-wide A-133 Audit at its February 21, 2013, meeting, a final copy of the 2012 audit report was provided in the commissioners' meeting packets this month.

6. Director Cox presented the Director's report.

Director Cox welcomed newly appointed Commissioners Ruwart and Seeton and thanked them for their willingness to serve on the Transportation Commission.

Legislative Update: The 2013 legislative session ended February 27, 2013. Director Cox brought to the commissioners' attention three bills that will have a significant impact on the Department.

HB0069 - Highway funding has passed and was signed by Governor Mead. The bill increases Wyoming's fuel tax by \$0.10 per gallon and will generate approximately \$71 million per year, of which approximately \$47 million will come to WYDOT for Wyoming's surface transportation needs. The bill provides just under one-half of what WYDOT predicts is needed annually to maintain Wyoming highways in their current condition, and Director Cox expressed gratefulness for the additional funding. The Department will sequester the funds in a separate account, which will be used solely for contractor payments, and which will be reported to the Legislature, as directed in the bill.

HB0078 - Budget review process also passed and requires that the Department present its entire budget annually for review by the Joint Appropriations Committee and the Joint Transportation, Highways and Military Affairs Committee, effective immediately. Director Cox welcomes the new requirement and sees it as an opportunity for complete transparency to the legislature.

SF0118 – Eminent domain-2, received approval from the legislative body. The bill could significantly impact the Department's ability to acquire right-of-way for its highway projects. Although WYDOT doesn't currently have adequate funding to construct all of the highways that are needed, it could still impact future projects. The intent of the bill is to prevent companies and governmental entities from making offers to landowners that are well below appraised market value in an eminent domain situation.

WYDOT will review its land acquisition process, but the impact that the bill will have on the Department's ability to build projects is unknown at this time.

Chairman Ertman asked Director Cox to brief the Commission about the issue of using professional licensed appraisers in the land acquisition process, as it related to the debate over the bill during its passage. Director Cox advised that it was WYDOT's position that using certified appraisers was preferred in the law when the court appoints appraisers to determine property values. The Department suggested this idea in its comments to the House Agriculture Committee that heard the bill. State agencies are precluded from lobbying for or against a bill or its content, and are allowed to testify only to the anticipated impacts of the legislation. The eminent domain bill does not require that certified appraisers be used to determine property values for the court, while WYDOT does use certified appraisals in land valuations. This difference could potentially create a significant discrepancy in what landowners are led to believe that their properties are worth versus what WYDOT is legally able to compensate landowners for their property. The Department will somehow have to adapt by reviewing its procedures that are used to acquire property for its projects.

Governor Mead's Cabinet Meeting: Director Cox participated in Governor Mead's March 20, 2013, cabinet meeting. Governor Mead would like to streamline state government to the fullest extent possible, making it easier to work with and more accessible to its customers. Streamlining the State's Rules and Regulations is a top priority. Agencies have been asked to develop a list of projects, initiatives, and efficiencies for the Governor's Office. The list will also be shared with the Commission when it becomes available.

State agencies are also compiling a list of impacts of the recent Federal Sequestration. Director Cox reported that WYDOT will face a shortage of approximately \$220,000 for surface transportation. There is also a possibility that Wyoming airports, particularly air traffic control towers, will be affected by the sequestration, but the degree of impact is unknown at this time. It appears that commercial carrier and highway safety funds have not been affected so far, but the Department will continue to monitor the issue.

The immediate past legislative session resulted in a General Fund standard budget cut of about 6 percent for all state agencies, which equates to about a \$2.6 million loss in funding for WYDOT. The 2013 legislature directed agencies to prepare for an additional 8 percent reduction, but Governor Mead vetoed that action because the effects of the 6 percent budget cuts already made are unknown at this time. In the meantime, Governor Mead has asked agencies to operate as

conservatively as possible in their budgeting for the next fiscal year, and to anticipate direction from the Governor's Office regarding whether to prepare further cuts. Director Cox relayed to the Commission that this is to be kept in mind during the Commission review and adoption of WYDOT's annual budget in September.

Wyoming currently has more than 17,000 promulgated rules and regulations. Governor Mead has set a goal of combining/condensing, simplifying and/or reducing the number of Wyoming rules by approximately one third by November 1, 2013.

Governor Mead is very committed to state agencies running as efficiently as possible. Director Cox advised that, during the recent legislative session, WYDOT's efficiency level was questioned from every possible angle. Although Director Cox believes that WYDOT is already running a very efficient operation, he believes that all aspects of the organization must be reviewed. The exercise will require some culture change, but Director Cox believes it is a healthy challenge.

Director Cox advised that he has heard from legislators and constituents who have expressed interest in attending future Commission meetings to learn more about the agency. Legislators and constituents are encouraged to attend Commission meetings.

7. Mr. Hibbard presented the monthly Budget report.

For the new commissioners' benefit, Mr. Hibbard briefed the Commission about WYDOT's budget process, including the legislatively appropriated budget and the Commission budget.

The Department's overall budget is 40 percent expended for the period ending February 28, 2013, which is on target for this time of year. The snow control budget continues to under-run for the year. If the trend continues, the savings will be applied to projects.

Highway Funding Bill: Mr. Hibbard indicated that with the passage of HB0069, WYDOT will receive revenues that are generated from a \$0.10 per gallon motor fuel tax increase. In accordance with the statute, funds collected from the fuel tax increase must be sequestered in a separate new fund/account, and only payments to contractors will be made from that fund/account.

Director Cox stated that the Department is required to set up a separate account for the funds. It was recommended by Director Cox, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried to set up a separate fund/account, which will be called H02, within the State of Wyoming On-Line Finance System (WOLFS) for the sequestration of the revenues that are generated by the \$0.10 motor fuel tax increase that is distributed to WYDOT. Contract expenditures for roads will be reflected within this same fund/account from the \$0.10 cent motor fuel tax revenues. Mr. Hibbard advised that the fund/account will be set up as soon as possible.

Chairman Ertman asked if the new H02 account will reflect how much funding cities and counties will receive from the additional fuel tax. Mr. Hibbard advised that, as prescribed in House Bill 0069, only the new \$0.10 motor fuel revenues received by WYDOT will flow into fund/account H02. However, the pay advice sent each month to the cities and counties will reflect the amount of revenue distributed from the existing \$0.13 and from the new \$0.10 motor fuel tax that will be distributed to counties, cities, and to Wyoming State Parks for off-road vehicle trails, snowmobile trails, and motor boat facilities.

Mrs. Ruwart left the meeting. Mr. Doug Moench entered the meeting.

8. Mr. McGee presented a request from the Cody Country Chamber of Commerce for permission to use the official Wyoming state highway map in its visitor center in a framed 36-inch by 36-inch display on one of the Visitor Center walls. The visitor center already distributes large quantities of the map, and would like to prominently display the map to its 50,000 visitors annually.

It was recommended by Mr. McGee, moved by Commissioner Dooley, seconded by Vice Chairman McCormack, and carried to approve the map request for the specific use that is detailed in the March 11, 2013, letter from the Cody Country Chamber of Commerce.

Mrs. Seeton left the meeting.

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

Blue Star Memorial Designation: Ms. Dennis, of the Seed and Weed Garden Club of Cheyenne, presented a request for a Blue Star Memorial to be placed at the new I-25 Travel and Information Center located at the High Plains Interchange south of Cheyenne.

The Seed and Weed Garden Club of Cheyenne is associated with the Wyoming Federation of Garden Clubs, which is also affiliated with the Nation Federation of Garden Clubs. Since 1945, the National Federation of Garden Clubs has sponsored the Blue Star Memorial program. There are currently eight memorial sites in Wyoming, with Douglas being the most recent designation.

Ms. Dennis has worked with Ms. Shannon Stanfill, visitor services manager for the Wyoming Office of Tourism, to determine several potential locations for installing the memorial sign. Mr. McOmie has also discussed the proposed Blue Star Memorial designation with Ms. Stanfill and with Mr. Ray Vigil, WYDOT's Facilities Maintenance Manager. WYDOT is responsible for handling the janitorial and snow maintenance at the visitor center. WYDOT has no opposition to the designation, with the caveat that the Seed and Weed Garden Club continue to work with Ms. Stanfill and Mr. Ray Vigil, WYDOT Facilities Maintenance Manager, to determine a prime location for the memorial to be installed.

It was recommended by Mr. McOmie, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve the Blue Star Memorial designation at the I-25 Travel and Information Center located at the High Plains Interchange south of Cheyenne.

Ms. Dennis left the meeting.

Hout Fencing Company Project Update: Mr. McOmie advised that Hout Fencing Company's prequalification to bid on highway work has been reinstated. Hout Fencing had significantly expanded the types of work it could bid on in recent years, but the company fell behind in paying its suppliers and subcontractors, and its prequalification status had lapsed. Past due payments have been caught up, but its new prequalification multiplier has been lowered, reducing the amount of work that it can bid on with the Department in the future.

WYDOT Energy Audit Results: Mr. McOmie provided the results of the investment-grade audit that were provided by Chevron Energy Solutions Company on March 6, 2013. The audit provides suggested energy conservation measures that could potentially be taken to save the Department millions of dollars over time.

Many options were reviewed by Chevron Energy Solutions, of which the Department has narrowed its choices to lighting, plumbing, BAS upgrade, waste oil heaters, cooling tower and rooftop air handler units, and paint booth upgrades. Chevron crews investigated WYDOT buildings around the state, and 33 buildings are proposed for some sort of energy retrofit. Seventy-one percent of the savings is predicted to come from lighting upgrades. Bonding is used to pay for the work at an anticipated rate of not more than 2.5 percent over the life of the bond. After the bonds are paid for, the Department will reap the benefits of the additional energy savings that are realized. If the Department doesn't experience the savings that is predicted, Chevron Energy will pay the difference.

The boiler at WYDOT headquarters was inspected, and is included in the proposed upgrades and the bonding process. The boiler is over 60 years old, it is not efficient, and it will need to be replaced in the future. A new boiler will cost about \$650,000. An energy rebate of over \$100,000 is available to replace the unit through the Spring of 2014. Mr. McOmie proposed replacing the boiler in the near future to take advantage of the rebate and to prevent having to pay for ongoing maintenance of the unit over the next few years.

Approximately \$2.37 million worth of renovations is proposed with the project, and work will begin this summer. In addition to the bond and the energy rebate for the boiler, about \$455,000 will be needed for the boiler replacement at headquarters.

It was recommended by Mr. McOmie, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve the proposed energy improvement plan, as described by Mr. McOmie and as detailed in the Chevron Energy Solutions report of March 6, 2013, including the boiler replacement at headquarters.

Snow Removal in Yellowstone National Park: Yellowstone National Park does not have funding to open the entrances to Yellowstone because of the recent federal sequestration and related budget cuts. Mr. McOmie has met with Governor Mead, local entities and chambers of commerce, and Yellowstone National Park about the matter. Governor Mead has elected to not offer state funds to open the park, but local entities have rallied to raise funds to pay for WYDOT to assist Yellowstone Park forces to open the east entrance by May 3, and the south entrance by May 10, 2013. District 5 crews will begin working on opening the east entrance on April 1, and District 3 crews will begin working on opening the south entrance in mid-April.

Cody-area businesses have stepped up to provide food and lodging for WYDOT crews who will be working on the project.

Mr. McOmie welcomed the new commissioners to the Commission and thanked them for their willingness to serve on the Commission.

Mr. McOmie advised that he has met with Mr. Tony Weber, a Wheatland area landowner, regarding fiber optic utilities lines that are being installed within the easement that runs along his property. Mr. Weber has contacted various Department personnel and commissioners about the issue, and he believes that he should be paid for using the right-of-way. The Department holds an easement that runs along the front edge of Mr. Weber's property. Wyoming law allows the use of rights-of-way and easements for such purposes through a permitting process without having to pay the landowner for the land use.

When Mr. Weber purchased his property in the 1950s, the original highway easement in place at the time designated its use by the Highway Department for the construction, maintenance, and operations of the highway within that corridor. In the 1980s, a court case involving Mr. Weber concluded that the Department could allow utilities in the highway right-of-way without compensation to Mr. Weber.

Mr. McOmie told Mr. Weber that he has the right to attend a Commission meeting to present his concerns, and advised that he could also solicit his legislators to change the law, if he feels it is necessary.

Mr. Moench advised that WYDOT's access to an easement is different from an ingress or egress easement. It is granted as an easement for highway purposes and specifically to the Wyoming Transportation Department for that purpose. Mr. Weber also voiced his concerns that the "state transportation commission" is the entity that must grant permission for such encroachments, not the Wyoming Department of Transportation. Mr. Moench advised that WYDOT is the entity that administers "all things highway" by employing a right-of-way department and a utilities department. Case law has been upheld using this method of doing business with the thousands of easements and right-of-way encroachments over the years.

Chairman Ertman suggested sending a written response to Mr. Weber regarding the matter, stating that the Commission feels that no further action is required, based upon Mr. Moench's advice.

10. Mr. Fredrick presented the Engineering and Planning report.

Fremont County Eight-Mile Road Project, Phase 1: Mr. Fredrick presented the following Industrial Road Program (IRP) bid that was let by Fremont County on March 7, 2013.

Fremont County Industrial Roads Project (CN10102) on County Road 10-385, also known as Eight Mile Road, was designed and let by a county-hired consultant. The intent of the project is to patch, crack seal, mill, level, overlay, and chip seal approximately 4 miles of roadway, beginning at the Pilot Canal Bridge about 0.9 miles north of the US 26 intersection to South Irishman Road, in Fremont County.

Engineer's Estimate	\$1,867,591.00	
<b>McGarvin-Moberly Construction Co., Worland, WY</b>	<b>\$1,631,199.80</b>	<b>-12.0%</b>
HK Contractors	\$1,729,588.88	
Plus 5% for comparison	\$1,816,068.32	
Sehnert Systems	\$1,809,894.09	
Mountain Construction	\$1,930,826.03	
71 Construction	\$1,999,771.18	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that the Commission concur in the award of the project to **McGarvin-Moberly Construction Co., Worland, Wyoming.**

Mr. Pendleton left the meeting.

11. Mr. Fredrick presented the following bid tabulations from the letting held March 14, 2013, in Riverton.

**COMMISSION DISTRICT 1**  
**Bob Ruwart - Commissioner**

Federal project AML13-1600006, involving grading, draining, placing crushed base and bituminous pavement surfacing, full depth reclamation, structure replacement, fencing, and miscellaneous work on 5.13 miles of WYO 310 (Hightower Road), beginning at reference marker (RM) 4.50, and on WYO 311, beginning at RM 0.00, west of Wheatland, in Platte County.

Engineer's Estimate	\$4,185,593.25	
<b>Knife River, Cheyenne, WY</b>	<b>\$3,989,497.59</b>	<b>-4.7%</b>
Simon Contractors and Subsidiaries, Cheyenne, WY	\$4,053,260.76	



Concrete Foundations, Inc., Douglas, WY	\$4,355,004.13
McMurry Ready-Mix Co., Casper, WY	\$4,359,859.00
Oftedal Construction, Inc., Miles City, MT	\$4,533,075.35

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Vice Chairman McCormack, and carried that **Knife River, Cheyenne, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICTS 1, 2 and 7**

**Bob Ruwart - Commissioner**  
**K. John Dooley - Commissioner**  
**Clair Anderson - Commissioner**

State project SSP-TO-B122096, involving removal and replacement of signal indicators at various locations in Casper, Torrington, and Rock Springs, in Goshen, Natrona, and Sweetwater counties.

Engineer's Estimate	\$536,041.00	
<b>Advanced Electrical Contracting, Inc., Sheridan, WY</b>	<b>\$474,540.00</b>	<b>-11.5%</b>
Custom Lighting Services, LLC d/b/a Black and McDonald and Subsidiaries, West Jordan, UT Plus 5% for Comparison	\$526,433.00 \$552,754.65	
Casper Electric, Inc., Casper, WY	\$536,764.80	
Modern Electric Co. and Subsidiary, Casper, WY	\$568,405.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **Advanced Electrical Contracting, Inc., Sheridan, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 2**  
**K. John Dooley - Commissioner**

Federal project IM-SR-I805170, involving structure repair and miscellaneous work on Interstate 80, Laramie Marginal, (bridge over Laramie River) at RM 312.44, in the town of Laramie, in Albany County.

Engineer's Estimate	\$411,872.00	
<b>S &amp; S Builders, LLC, Gillette, WY</b>	<b>\$395,135.80</b>	<b>-4.1%</b>
Reiman Corp. and subsidiary, Cheyenne, WY	\$418,198.00	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$539,628.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **S & S Builders, LLC, Gillette, WY**, 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 DISTRICTS 2 and 3**  
**K. John Dooley - Commissioner**  
**Todd Seeton - Commissioner**

Federal project AML13-SR-B133022, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sweetwater, and Teton counties.

Engineer's Estimate	\$1,034,235.00	
<b>Cannon Builders, Inc., Blackfoot, ID</b>	<b>\$ 974,118.00</b>	<b>-5.8%</b>
JM Concrete, Inc., Idaho Falls, ID	\$1,243,096.92	
Gerber Construction, Inc., and Subsidiary, Lehi, UT	\$1,405,501.00	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,773,197.20	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried that **Cannon Builders, Inc., Blackfoot, ID**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project HSIP-B133039, involving the installation of thermoplastic pavement markings and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, Teton, and Uinta counties.

Engineer's Estimate	\$147,200.00	
<b>American Pavement Marking &amp; Products, Inc., dba</b>		
<b>Interstate Barricades, Layton, UT</b>	<b>\$134,207.50</b>	<b>-8.8%</b>
Superior Signs & Supply LLC, Casper, WY	\$146,312.50	
Streamline Markings, Inc., Billings, MT	\$174,375.00	
Traffic Safety Service, Inc., Bismarck, ND	\$176,725.00	
Kolbe Striping, Inc., Castle Rock, CO	\$186,950.00	
Swanston Equipment Company, Fargo, ND	\$189,498.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried that **American Pavement Marking & Products, Inc., dba Interstate Barricades, Layton, UT**, 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 DISTRICTS 2, 3 and 7**

**K. John Dooley - Commissioner**

**Todd Seeton - Commissioner**

**Clair Anderson - Commissioner**

Federal project HSIP-B139108, involving installation of preformed pavement markings at various locations in Transportation Districts 2 and 3, including Natrona, Sweetwater, and Uinta counties.

Engineer's Estimate	\$1,177,954.00
<b>American Pavement Marking &amp; Products, Inc., dba Interstate Barricades, Layton, UT</b>	<b>\$ 697,467.60 -40.8%</b>
Kolbe Striping, Inc., Castle Rock, CO	\$ 917,875.00
Superior Signs & Supply LLC, Casper, WY	\$ 949,560.00
Traffic Safety Service, Inc., Bismarck, ND	\$1,026,714.00
Swanston Equipment Company, Fargo, ND	\$1,214,381.35

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried that **American Pavement Marking & Products, Inc., dba Interstate Barricades, Layton, UT**, 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 DISTRICTS 3, 5 and 7**

**Todd Seeton - Commissioner**

**Bruce McCormack - Commissioner**

**Clair Anderson - Commissioner**

Federal project HSIP-B135041, involving the installation of thermoplastic pavement markings and miscellaneous work at various locations in Transportation District 5, including Big Horn, Fremont, Hot Springs, Park, Teton, and Washakie counties.

Engineer's Estimate	\$217,200.00	
<b>Kolbe Striping, Inc., Castle Rock, CO</b>	<b>\$162,800.00</b>	<b>-25.0%</b>
American Pavement Marking & Products, Inc., dba Interstate Barricades, Layton, UT	\$188,862.00	
Superior Sign & Supply LLC, Casper, WY	\$209,000.00	
Traffic Safety Service, Inc., Bismarck, ND	\$216,880.00	
Swanston Equipment Company, Fargo, ND	\$225,107.00	
Wilderness Excavating, LLC, Grand Junction, CO	\$232,300.00	
Streamline Markings, Inc., Billings, MT	\$248,900.00	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Vice Chairman McCormack, and carried that **Kolbe Striping, Inc., Castle Rock, CO**, 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 IM-I902121, involving grading, slide excavation, erosion control, placing subbase and hot plant mix, plant mix wearing course, guardrail, and miscellaneous work on 0.11 mile of Interstate 90, on the westbound lane at RM 74.30, between Buffalo and Gillette, in Johnson County.

Engineer's Estimate	\$3,669,853.00	
<b>High Country Construction, Inc., Lander, WY</b>	<b>\$2,989,039.87</b>	<b>-18.6%</b>
Scarsella Bros. Inc. and Affiliate, Seattle, WA	\$3,224,224.24	
North Star Energy & Construction, LLC, Buffalo, WY	\$3,950,598.65	
Intermountain Construction & Materials, Gillette, WY	\$4,269,313.50	
Riverside Contracting, Inc., Missoula, MT	\$4,387,866.50	
Oftedal Construction, Inc., Miles City, MT	\$4,589,045.90	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried that **High Country Construction, Inc., Lander, WY**, 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-GM-I255114 and CMP-GM-SL13-1006019 combined, involving grading, pipe lining, fencing, and miscellaneous work on 8.91 miles of Interstate 25 and WYO 196, beginning at RM 245.34, on the Kaycee South service road, in Johnson County.

Engineer's Estimate	\$1,271,271.60	
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<b>Wilson Bros. Construction, Inc., Cowley, WY</b>	<b>\$1,430,638.11</b>	<b>+12.5%</b>
McMurry Ready-Mix Co., Casper, WY	\$1,532,924.16	
North Star Energy & Construction, LLC, Buffalo, WY	\$1,797,768.49	
Habitat Construction, LLC, Rocky Ford, CO	\$2,072,779.32	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Ruwart, and carried that **Wilson Bros. Construction, Inc., Cowley, WY**, 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 - Commissioner**

State project SCP-SL13-N371025, involving the construction of a runaway truck ramp and miscellaneous work on US 14, at RM 27.10, between Greybull and Burgess Junction, in Big Horn County.

Engineer's Estimate	\$632,298.00	
<b>Pab Good Trucking, LLC, Greybull, WY</b>	<b>\$615,616.00</b>	<b>-2.6%</b>
Wilson Bros. Construction, Inc., Cowley, WY	\$620,295.29	
Mountain Construction Company, Lovell, WY	\$651,155.20	
Habitat Construction, LLC, Rocky Ford, CO	\$853,926.47	
Plus 5% for Comparison	\$896,622.79	

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried that **Pab Good Trucking, LLC, Greybull, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

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

Federal project AML13-SR-B132020, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 2, including Converse and Natrona counties.

Engineer's Estimate	\$522,759.00	
<b>JM Concrete, Inc., Idaho Falls, ID</b>	<b>\$575,915.92</b>	<b>+10.2%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$791,571.00	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that **JM Concrete, Inc., Idaho Falls, ID**, having prequalified

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

State project CMP-RF-0508001, involving the installation of right-of-way fence and miscellaneous work for 1.48 miles along both sides of the Orin Way I-25 service road, in Converse County.

Engineer's Estimate	\$148,137.00	
<b>Hout Fencing of Wyoming, Inc., Worland, WY</b>	<b>\$109,005.00</b>	<b>-26.4%</b>
Concrete Foundations, Inc., Douglas, WY	\$110,022.19	
4M Welding & Construction, Inc., Carpenter, WY	\$116,380.00	
King Enterprises, Mills, WY	\$119,905.00	
M Construction, Springville, UT	\$147,515.00	
Plus 5% for Comparison	\$154,890.75	
Irregular - no addenda		
Anson Excavating, & Pipe, Inc., Craig, CO	\$180,605.00	
Plus 5% for Comparison	\$189,635.25	

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Seeton, and carried that **Hout Fencing of Wyoming, Inc., Worland, WY**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

12. Chairman Ertman recessed the meeting at 11:50 a.m., on Thursday, March 21, 2013. The Commission attended its monthly service award luncheon at the Cheyenne Country Club, followed by its annual planning retreat and one-on-one meeting with Director Cox in the Commission Room.

Chairman Ertman reconvened the regular business meeting at 3:20 p.m., on Thursday, March 21, 2013.

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

**COMMISSION DISTRICT 3**

Rural Local

High Risk Rural Road (HRRR) 0.00 CN12062; Lincoln County; County Roads 204 and 125; guardrail; FY 2013; request federal construction funds of \$81,136

HRRR 0.00 CN12063; Lincoln County; various county roads; centerline pavement markings; FY 2013; request federal construction funds of \$109,877

HRRR 0.00 CN12064; Lincoln County; various county roads; road signs; FY 2013; request federal construction funds of \$13,794

HRRR 0.00 CN12065; Lincoln County; County Road 117; shoulder slope improvement; FY 2013; request federal construction funds of \$34,100

HRRR 0.00 CN12066; Lincoln County; County Road 140; create and improve shoulder; FY 2013; request federal construction funds of \$110,200

HRRR 0.00 CN12067; Lincoln County; various county roads; install delineators; FY 2013; request federal construction funds of \$84,870

#### **COMMISSION DISTRICT 4**

##### Rural Local

HRRR 0.00 CN03038; Sheridan County; various county roads; realign centerline for safety; FY 2013; request federal construction of \$110,510

#### **COMMISSION DISTRICT 5**

##### Rural Local

HRRR 0.00CN11070; Park County; various county roads; centerline markings; FY 2013; request federal construction funds of \$57,878

RHC 0.00 CN11071; Park County; Powell Streets, Day Street; railroad crossing surfacing; FY 2013; request federal construction engineering and construction funds of \$82,000

#### **COMMISSION DISTRICT 7**

##### Rural Principal Arterial

ARSCT 105.10 N203A03; Fremont County; Riverton Streets, North Federal Boulevard; RM 105.10 to 106.60; sanitary sewer and water system; request preliminary engineering funds of \$54,604; FY 2014; construction estimate is \$595,248; to be reimbursed by City of Riverton

##### Rural Minor Arterial

SCP-TC 24.41 P142046; Fremont County; Farson to Lander; RM 24.41 to 34.12; overlay; request move from FY 2015 to FY 2013; request state construction engineering and construction funds of \$3,297,946

##### Rural Local

HRRR 0.00 CN10103; Fremont County; various Wind River Indian Reservation roads; signs; FY 2013; request federal construction funds of \$110,510

HRRR 0.00 CN10104; Fremont County; various Wind River Indian Reservation roads; pavement markings; FY 2013; request federal construction funds of \$110,510

HRRR 0.00 CN10105; Fremont County; Wind River Indian Reservation Road 0046; guardrail; FY 2013; request federal construction funds of \$14,815

**COMMISSION DISTRICT M (Miscellaneous)**

Rural Interstate

IM-GM 0.00 B144035; Campbell, Crook and Sheridan counties; I-90, various locations; guardrail upgrade; request federal preliminary engineering funds of \$25,000; FY 2014; construction estimate is \$817,209

Various

STP 0.00 B149036; statewide; wetland compliance; request federal preliminary engineering funds of \$30,000; FY 2014; construction estimate is \$440,000

HSIP-SEP 0.00 B154020; Highway District 4, various locations; guardrail upgrade; request federal preliminary engineering funds of \$15,000; FY 2015; construction estimate is \$279,542

HSIP-SEP 0.00 B154021; Highway District 4, various locations; signing and rumble strip at "T" intersections; request federal preliminary engineering funds of \$15,000; FY 2015; construction estimate is \$99,069

14. Mr. Fredrick advised that the districts will begin hosting their annual State Transportation Improvement Program (STIP) meetings in May, and commissioners were encouraged to attend. FY 2014 through 2019 projects and related funding will be considered at Highway Development meetings in April. The meetings afford the Department the ability to balance its projects with available funding, and the STIP is developed based on that information.

The additional \$0.10 motor fuel tax revenue will be used to construct highway projects that were postponed when funding wasn't available because of inflation. The Federal Highway Administration requires the Department to reimburse the federal government if it doesn't build a project within 10 years of when preliminary engineering costs were first incurred. This year, there are about \$3 million in projects that fall under these criteria, and there are several more in the future years. The Department plans build those projects using the fuel tax revenue.

15. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through February 28, 2013, includes 9 fatal crashes involving 11 deaths. The fatalities include 10 rollover crashes, and one multi-car crash. None of the 9 crashes that occurred so far this year involved commercial vehicles.



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

Of the 11 deaths that have occurred to date this year, seven can be attributed to the non-use of occupant restraints, and all of them were rollover crashes. Of the seven deaths that occurred from non-use of occupant restraints, two were Wyoming residents, and five were non-residents. Six of those who perished were under 20 years of age, and five 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 January 31, 2013. The summary depicts 502 crashes statewide, of which 409 involved non-commercial vehicles, and 93 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of February 28, 2013, have been DUI related. There have been 216 field arrests made so far this year, including:

- DUI arrests from crashes – 12
- DUI arrests from traffic stops – 81
- DUI arrests from the REDDI Program – 21
- DUI arrests from ports-of-entry – 2
- NCIC hits (person) – 8
- Wyoming warrants hits – 38
- Drug arrests – 28
- Other arrests – 26

Crashes and fatalities are about the same as they were at this time in 2012. The lack of seat belt usage has been the primary reason for the fatalities so far this year.

Colonel Butler highlighted some of the various areas of the Wyoming Highway Patrol, for the benefit of the new commissioners, and he stressed the importance of highway safety, illegal drug enforcement, the role that the ports-of-entries play in safety on Wyoming's highways, the dispatch center, Transportation Management Center, and providing security for some state offices, and executive protection for the Governor and other state officials.

Legislative Report: Colonel Butler briefed the Commission about several bills that passed during the 2013 legislative session.

HB0021 – Peace officer immunity provides for an agreement with the Bureau of Indian Affairs that provides immunity to the Highway Patrol while providing law enforcement on the Wind River Indian Reservation. If the Highway Patrol is sued while providing law enforcement, the case will be heard in accordance with the Wyoming Governmental Claims Act, not in a Tribal Court.

HB0175 – Juvenile citations - notification by law enforcement, requires law enforcement agencies issuing citations to juveniles to take reasonable action to notify the child’s parent, guardian, or custodian. The bill applies to in-state and out-of-state drivers. The Wyoming Highway Patrol issued 1,442 tickets to individuals between the ages of 14 and 17 in 2012, so the bill will have a considerable impact on the agency.

“GOTTA DD” Campaign: Colonel Butler showed the Commission the new “GOTTA DD” license plate that has been distributed to Wyoming’s liquor establishments. The plates are being displayed at liquor establishments statewide, not on vehicles, as a marketing campaign to curb drunk driving.

16. Mr. Byrne presented the Aeronautics report, including the February 2013 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Mr. Byrne explained the various programs within the Aeronautics Division. Flight operations activities and requirements for the pilots and the state aircraft, the fuel farm, and the purview of the Aeronautics Commission versus the Transportation Commission were also explained for the benefit of the new commissioners.

17. Mr. Loftin presented the Support Services report.

Mr. Loftin briefed the new commissioners about the various programs under the Support Services Division.

Issuance of Drivers’ Licenses to Deferred Action for Childhood Arrivals (DACA) Recipients: Issuance of Drivers' Licenses to Deferred Action for Childhood Arrivals (DACA) Recipients: In 2012, President Barak Obama issued an executive order to allow illegal immigrants to defer deportation from the United States if they met certain criteria for two years. At the time when the information was released about the program, WYDOT conferred with the Wyoming Attorney General's office, and it concluded that Wyoming could not issue drivers' licenses to DACA recipients. The premise of that decision was that Wyoming Statutes state that individuals must be in the U.S. legally in order to acquire a drivers' license. In January 2013, the guidance that had been offered by the U.S. Immigration and Naturalization Services (INS) was updated, indicated that illegal immigrants who are in the U.S. during the two-year grace period are "lawfully present." Since January, the Department has been contacted by various entities, including the American Civil Liberties Union, U.S. Immigration, the University of Wyoming Immigration Division class, and individuals, indicating that WYDOT was violating individuals' rights by not issuing drivers licenses to them.

Legislative Report: Mr. Loftin briefed the Commission about various Support Services-related bills that passed during the 2013 legislative session, including:

HB0127 – Driver’s licenses - Veterans’ designation

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HB0152 – Vehicle accident reporting  
HB0100 – Vehicle registration fees - assistive devices  
SF0051 – Federal Motor Carrier Safety Act (FMCSA) compliance  
SF0087 – Proof of motor vehicle insurance

18. Mr. Shultz presented the Operations report.

Mr. Shultz briefed the new commissioners about the various programs that make up the Operations Division.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-125 to furnish six each, trailer-mounted dynamic message signs, for delivery in Laramie. The bid was awarded to Vermac, Inc., of Quebec, Canada, for the sum of \$89,958.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve purchase for bid number 13-126 to furnish new fuel dispensers and a Veeder Root system (an inventory management system) in Granger and Jackson. The bid was awarded to Eaton Sales & Service, of Casper, Wyoming, for the sum of \$70,280.39.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-136 to furnish one each, new, current model platform lift with 41-foot working height, for delivery to the dealership. The bid was awarded to Ameri-Tech Equipment Co., of Evansville, Wyoming, for the sum of \$55,677.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 13-137 to furnish one each, new, current model, platform lift with a 45-foot working height, for delivery at the dealership. The bid was awarded to Ameri-Tech Equipment Co., of Evansville, Wyoming, for the sum of \$60,470.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 13-138 to furnish three each, new, current model, extended cab and chassis for platform lifts, for delivery in Casper, Rock Springs, and Sheridan. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$117,036.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve purchase for bid number 13-140 to furnish one each, new, current model crane with digger and winch, for delivery at the dealership. The bid was awarded to Jack's Truck & Equipment, of Gillette, Wyoming, for the sum of \$139,993.00.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to approve purchase for bid number 13-142 to furnish one each, new, current model, four-wheel street sweeper, for delivery at the dealership. The bid was awarded to Ameri-Tech Equipment Co., of Evansville, Wyoming, for the sum of \$200,197.00.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 13-143 to furnish one each, new, current model melter-applicator, for delivery in Laramie. The bid was awarded to Stepp Manufacturing Co., Inc., of North Branch, Minnesota, for the sum of \$55,979.50.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Dooley, and carried to approve purchase for bid number 13-144 to furnish one each, new, current model spray injection patching machine, for delivery in Jackson. The bid was awarded to Normont Equipment, of Black Eagle, Montana, for the sum of \$63,970.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve purchase for bid number 13-155 to furnish 14,040 tons of performance grade oil hot plant mix bituminous pavement material Type E and tack oil, for delivery in Cheyenne and Laramie. The bid was awarded to Simon Contractors, of Cheyenne, Wyoming, for the sum of \$800,500.00.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to approve purchase for bid number 13-156 to furnish 10,500 tons of performance grade asphalt binder hot plant mix bituminous pavement material, for delivery in Casper. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$615,645.00. The bids to furnish the remaining 3,500 tons of performance grade asphalt binder hot plant mix bituminous pavement material under bid number 13-156, for delivery in Douglas, were rejected, as those bids were higher than what the Department could provide the work for in-house.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve purchase for bid number 13-157 to furnish 31,200 tons of performance grade asphalt binder hot plant mix bituminous pavement material ½-inch, for delivery in Gillette, Sheridan, and Sundance. The bid was awarded to Intermountain Construction & Materials, of Gillette, Wyoming, for the sum of \$2,124,600.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 13-158 to furnish 24,355 tons of performance grade asphalt binder hot plant mix bituminous pavement material, commercial cold mix and tack oil, for delivery in Riverton, Cody, and Worland. The bid was awarded to Mountain Construction, of Lovell, Wyoming, for the sum of \$690,660.00; 71 Construction, of Riverton, Wyoming, for the sum of \$477,141.80; and Century Companies, Inc., of Lewistown, Montana, for the sum of \$330,380.00; for the total sum of \$1,498,181.80.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-163 to furnish 7,800 tons of Type C chip seal aggregate, 3/8-inch, for delivery in Casper, Lusk, and Chugwater/Wheatland. The bid was awarded to Ed Greenwald Construction, LLC, of Lingle, Wyoming, for the sum of \$146,090.00; and Knife River, of Cheyenne, Wyoming, for the sum of \$116,660.00; for a total sum of \$262,750.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 13-164 to furnish 2,295 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 \$1,285,200.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-165 to furnish 375 tons of liquid cut-back asphalt, for delivery in Districts 1 and 3. The bid was awarded to CHS, Inc., of Laurel, Montana, for the sum of \$309,150.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 13-166 to furnish 4,633 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 \$1,369,210.00, and Mountain States Materials, of Cheyenne, Wyoming, for the sum of \$849,532.00, for the total sum of \$2,218,742.00.

19. It was moved by Commissioner Dooley, seconded by Commissioner Coulter, and carried to adjourn the meeting. Chairman Ertman adjourned the meeting at 4:40 p.m., on Thursday, March 21, 2013.