

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on July 24, 2014. The teleconference meeting was convened at 8:30 a.m. by Chairman McCormack. The following members were present constituting a quorum:

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

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer (via telephone); 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; Doug Moench, Senior Assistant Attorney General; Mike Kahler, Assistant Attorney General; Rodney Freier, Interim Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Tim Millikin, Chairman, Platte County Commission; Scott Cowley, Platte County Engineer; Lance Marrs, Construction and Engineering Manager, Wyoming State Parks; Lowell Fleenor, District Engineer, Casper.

1. Pledge of Allegiance: Chairman McCormack led the attendees in the Pledge of Allegiance.
2. Changes to the Agenda: Secretary Scott advised that since the Operations Division now oversees the Budget Program, the third-quarter budget revision, the monthly budget report, and the FY 2015 budget summaries topics will be addressed under Item 12, the Operations Report, on the agenda.
3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Coulter, seconded by Commissioner Dooley, and carried to approve the minutes from the June 19, 2014, breakfast meeting and regular business meeting.
4. Correspondence: Secretary Scott presented a letter that the Commission received from the Big Horn County Commission regarding the county's opposition to the placement of cattleguards on the Wyoming Highway 32 reconstruction project. The smaller cattleguards that were installed on the project significantly slow cattle movement from pasture to pasture, which creates a hazard to livestock and its owners and personnel while moving cattle across the highway.

5. Old Business

Platte County Commission Road Improvement Program (CRIP) Funding Request, Glendo State Park Road: Platte County Commission Chairman Tim Millikin and Platte County Engineer Scott Cowley attended the June 19, 2014, Transportation Commission meeting to request CRIP funding for the Glendo State Park Road in Platte County. At its June meeting, the Commission tabled its decision about whether to fund the CRIP request until further work could be done internally, as well as some work with the county to resolve “soft match,” a potential road exchange, and funding, and preliminary planning could be completed. Mr. McOmie recently met with WYDOT district personnel, county personnel, Commissioner Bob Ruwart, and a representative from the FHWA to work through the unresolved issues that were discussed at the June Transportation Commission meeting.

Mr. McOmie is confident that the Glendo State Park Road is a viable project and that it meets the criteria set forth in WYDOT Operating Policy 2-1. A preliminary estimate of \$744,000 was provided by the Platte County engineer that is needed for the project, and the Platte County Commission provided a letter detailing the competitive selection of AVI Engineering, of Cheyenne, for the project design.

A potential road exchange was also discussed at the recent meeting with the county. A three-mile section of the Slater Road Spur on WYO 315, between Chugwater and Wheatland, was discussed as a potential road exchange. A one-mile section of WYO 211 near Chugwater, the Horse Creek to Iron Mountain Road, was also considered as a potential road exchange. These road sections connect with existing county roads, which makes either road section a good candidate for county snow control operations in exchange for the CRIP funding should a formal road exchange be beyond the county’s means.

Mr. Shultz explained that WYDOT has successfully worked with other counties in similar situations to perform snow control operations in exchange for funding. Mr. McOmie advised that the Department will execute a memorandum of understanding with Platte County when the parties come to a mutual agreement about whether Platte County takes a portion of a state highway onto its system, or what road will have snow removal performed by the county.

It was recommended by Mr. McOmie, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried to approve the Platte County CRIP funding request in the amount of \$644,000 for the Glendo State Park Road. The Wyoming State Parks Division supports the project, and it has committed to contributing \$100,000 to reconstruct the road.

Mr. McOmie noted that the Department will have to incorporate the Glendo State Park Road project into its FY 2015 State Transportation Improvement Program (STIP), as the necessary funding is not currently programmed in the STIP.

Messrs. Millikin, Cowley, and Marrs left the meeting.

6. Director Cox presented the Director's report.

Highway Trust Fund (HTF) Update: Director Cox advised that no action has been taken this week to fund the HTF. Mr. McOmie will provide further information about the HTF status during the Chief Engineer's report.

Mid-America Association of State Transportation Officials (MAASTO) Meeting: Director Cox will attend the MAASTO meeting in Indianapolis, Indiana, July 28-30, 2014. The next American Association of State Highway and Transportation Officials (AASHTO) vice president will be elected from one of the MAASTO states, and will ultimately serve with Director Cox, the 2015 AASHTO president.

Etna North Project Public Meeting: A public meeting was held for the Etna North project last month. WYDOT personnel and the Department's consultant held the meeting to discuss whether the nine-mile project should be expanded to a five-lane alternative, or whether it should be constructed as a four-lane alternating passing lane configuration. The meeting was well attended, and opinions varied greatly about how the project should be constructed, which will likely result in some area residents being unhappy with the outcome.

Mr. McOmie advised that WYDOT has requested written comments from those who expressed concerns, and that the Department will respond to each of the concerns.

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

Big Horn County Commission Correspondence: Mr. McOmie addressed the July 1, 2014, letter from the Big Horn County Commission detailing their concerns about smaller cattle guards and gates that were installed when reconstructing the Wyoming Highway 32 south of Lovell. The insufficient gate width creates a longer string of cattle when moving livestock across the road. Mr. McOmie noted that, in some areas, the right-of-way is not wide enough to install wider gates, but the Department will do its best to accommodate the county's request. The district wrote a letter to the county and will work with them to find a solution to the safety concerns.

HTF Reauthorization Update: A bill to fund the HTF remains in the U.S. Senate, and it is unlikely that any action will take place this week. U.S. Congress will break on July 31, and it will not reconvene until September 8, 2014. Mr. John DeVerno, a consultant for the five-state coalition (Wyoming, North Dakota, South Dakota, Montana, and Idaho), is hopeful that the bill will be addressed before Congress breaks for the summer. If no action is taken before the break, the FHWA cash management act will be implemented, and federal reimbursements to the states will be significantly delayed.

WYDOT currently can request daily reimbursements from the FHWA, but reimbursements will slow to one request every two weeks soon without some action being taken by Congress to fund surface transportation. The Department does not anticipate having adequate cash on hand to pay its contractors in August and September, which necessitates implementing its statutory borrowing authority of up to \$100 million from the State Pooled Interest Fund for cash flow purposes. Director Cox has written a letter to Governor Mead advising of the situation, and staff has begun the process of requesting the necessary funds to mitigate the shortfall.

WYDOT has postponed its projects that were scheduled to be let in August because of the funding shortage. Those projects will be let in September.

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

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

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

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

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

Mr. Moench supported the proposed change, and he was not aware of any case law that would conflict with the proposed specification amendment.

Mr. Shultz advised that the above specification change does not apply to Procurement Services bids. The WYDOT Rules and Regulations will also need to be amended to include Procurement Services bids, which is typically about a six month process.

Highway 59 Oversize Load Movements: WYO 59, between Wright and Douglas, is experiencing more and more oil field and mining traffic in recent years, which has spurred considerable

concern about the safety of that roadway. At a meeting with Governor Mead, Chairman McCormack, Vice Chairman Anderson, and Commissioner Seeton, the governor asked for a list of some potential passing lane projects. WYO 59 was one of the priorities on that list.

Commissioner Milt Coulter recently received an email from Wyoming State Representative Eric Barlow, of Gillette, about "having a broader community discussion about upgrades, enforcement, speed limits and other options for WYO 59." Representative Barlow offered to host a "listening session" for the Commission and WYDOT staff so they could hear firsthand the concerns of local governments and citizens.

Statewide Energy Savings Program: The ongoing Chevron Energy Project was also discussed at the June 18 meeting with Governor Mead. Mr. McOmie provided the Commission with a handout that provided some statistics on the savings to the Department through the project. Since its inception, the project has redirected \$16.5 million from WYDOT's utility costs to Wyoming's surface transportation infrastructure. The project is running three months ahead of schedule.

8. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held June 16, 2014, in Casper.

COMMISSION DISTRICT 1
Bob Ruwart - Commissioner

Federal project NHPPI-I252163, involving grading, milling plant mix, bituminous pavement surfacing, plant mix wearing course, reclaimed asphalt pavement, bridge rehabilitation, box beam barrier, and miscellaneous work on 6.887 miles of I-25, beginning at reference marker (RM) 51.60, at the Chugwater Marginal, in Platte County.

Engineer's Estimate	\$7,462,352.00	
McGarvin-Moberly Construction Co., Worland, WY	\$7,295,915.06	-2.2%
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$8,149,396.55	
Knife River, Casper, WY	\$8,176,607.40	
Mountain Construction Company, Lovell, WY	\$8,189,437.80	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Ertman, and carried that **McGarvin-Moberly Construction Co., Worland, 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.

State project DR22888, involving grading, structure repair, and miscellaneous work on I-25, at RM 34.44, between Cheyenne and Chugwater, at the Nimmo Road Interchange, in Laramie County.

Engineer's Estimate	\$578,010.50
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Reiman Corp. and Subsidiary, Cheyenne, WY	\$455,000.00	-21.3%
S & S Builders, LLC, Gillette, WY	\$542,108.48	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried that **Reiman Corp. and Subsidiary, Cheyenne, 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 2
K. John Dooley - Commissioner

Federal project NHPPI-0803137, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, bridge rehabilitation, removal and replacement of guardrail, fencing, and miscellaneous work on 12.21 miles of I-80, beginning at RM 174.40, between Rock Springs and Rawlins (Wamsutter East Section/westbound lane), in Sweetwater County.

Engineer's Estimate	\$11,933,165.00	
McGarvin-Moberly Construction Co., Worland, WY	\$12,202,597.70	+2.3%
LeGrand Johnson Construction Co., Logan, UT	\$12,268,858.50	
Mountain Construction Company, Lovell, WY	\$12,313,521.69	
H-K Contractors, Inc., Idaho Falls, ID	\$12,427,688.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$12,658,994.14	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Vice Chairman Anderson, and carried that **McGarvin-Moberly Construction Co., Worland, 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 3
Todd Seeton - Commissioner

Federal project STPU-EV-B143010, involving grading, milling plant mix, removal and replacement of sidewalk, curb and gutter, placing crushed base and bituminous pavement surfacing, microsurfacing, and miscellaneous work on 5.94 miles of roadway, at various locations in the city of Evanston, in Uinta County.

Engineer's Estimate	\$1,756,225.30	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$1,735,873.60	-1.2%
Staker & Parson Companies, Ogden, UT	\$1,958,375.98	
DePatco, Inc., St. Anthony, ID	\$2,274,855.88	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried that **Intermountain Slurry Seal, Inc., Watsonville, California**, 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**

State project SCP-SL14-0433024, involving grading, draining, box culverts, removal and replacement of structures, milling plant mix, placing base, bituminous pavement surfacing, cattle guard, guardrail, fencing, and miscellaneous work on 6.60 miles of WYO 59, beginning at RM148.60, between Gillette and the Montana state line, at the Horse Creek Section, in Campbell County.

Engineer's Estimate	\$10,649,344.10	
High Country Construction, Inc., Lander, WY	\$10,973,941.08	+3.0%
Intermountain Construction & Materials, Gillette, WY	\$11,625,342.34	
Oftedal Construction, Inc., Casper, WY	\$11,673,708.84	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$11,798,725.63	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried that **High Country Construction, Inc., Lander, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project STP-DR41810, involving grading, draining, fencing, and miscellaneous work on US 14, at RM 13.0 (Tift Slide), between Sheridan and Ucross, in Sheridan County.

Engineer's Estimate	\$1,437,632.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$1,130,783.50	-21.3%
DRM, Inc., Gillette, WY	\$1,261,134.10	
T & T Contracting, Inc., Victor, MT	\$1,461,269.50	
Oftedal Construction, Inc., Casper, WY	\$1,467,410.55	
Riverside Contracting, Inc., Missoula, MT	\$2,198,604.50	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Ruwart, and carried that **Wilson Bros. Construction, Inc., 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 Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 5
Bruce McCormack - Chairman**

Federal projects STP-E-N345105, STP-GM-B135001, and ARSCT-N345A03 combined, involving grading, removal and replacement of sidewalk, curb and gutter, cutting bituminous and concrete pavement, placing crushed base and plant mix pavement, and miscellaneous work, at various locations along WYO 30 and WYO 789, beginning at RM 195.73, in the town of Basin, in Big Horn County.

Engineer's Estimate	\$ 571,944.25	
Century Companies, Inc. and Affiliates, Lewistown, MT	\$ 885,460.00	+54.8%
Intermountain Construction & Materials, Gillette, WY	\$1,185,557.75	

The Town of Basin does not concur in awarding this project, as it does not have adequate funding to compensate for the significant difference between the engineer's estimate and the low bid. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to reject the bids and rebid the project in the future. The Federal Highway Administration concurred with this decision.

The project will be reevaluated, and the scope will be reduced to meet the town's budgetary constraints.

**COMMISSION DISTRICT 6
Ted Ertman - Commissioner**

Federal project NHPP-N855048, involving grading, plant mix paving, and miscellaneous work at RM 237.10, on US 85, at the Salt Creek Slide, in Weston County.

Engineer's Estimate	\$ 890,312.50	
DRM, Inc., Gillette, WY	\$1,027,152.50	+15.4%
Oftedal Construction, Inc., Casper, WY	\$1,093,285.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried that **DRM, Inc., 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 project STP-BROS-CN18056, involving grading, removal and replacement of a structure, guardrail, fencing, and miscellaneous work at RM 0.30, on County Road 264, at the Hay Creek Bridge, in Crook County.

Engineer's Estimate	\$539,583.50	
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S & S Builders, LLC, Gillette, WY

\$659,660.59 +22.3%

Reiman Corp. and Subsidiary, Cheyenne, WY

\$675,106.50

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Coulter, 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.

9. Mr. Fredrick advised that the August letting was cancelled because federal funding is questionable and there were only 4 projects scheduled for the letting. He noted that the September letting would be more balanced by postponing the August projects.

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

COMMISSION DISTRICT 1

Rural Minor Collector

STP-BROS 44.00 CN08077; Platte County; Palmer County Road CN8-204, Sybille Creek Structure EAL; RM 44.00; bridge replacement; FY 2019; request federal preliminary engineering funds of \$241,000; estimated construction engineering and construction cost is \$710,000

COMMISSION DISTRICT 2

Rural Interstate

STP-E 323.05 I805176; Albany County; Laramie, Summit Rest Area, Lincoln Monument; RM 323.05; refurbish the Lincoln Monument; FY 2015; request federal preliminary engineering funds of \$5,000; estimated construction engineering and construction cost is \$45,000

COMMISSION DISTRICT 3

Rural Principal Arterial

HSIP-SEP 130.00 N132107; Sublette County; Daniel Junction to Hoback Junction; RM 130.00 to 160.00; guardrail upgrade; FY 2016; request federal preliminary engineering funds of \$123,028; estimated construction engineering and construction cost is \$1,297,946

COMMISSION DISTRICT 5

Rural Principal Arterial

HSIP-SEP 0.00 B165022; Hot Springs and Washakie counties; Highway District 5, various locations; FY 2016; request federal preliminary engineering funds of \$93,898; estimated construction engineering and construction cost is \$990,629

COMMISSION DISTRICT 7

Rural Principal Arterial

HSIP-SEP 81.19 N212119; Natrona County; Muddy Gap to Casper; RM 81.19 to 95.40; guardrail upgrade; FY 2016; request federal preliminary engineering funds of \$88,897; estimated construction engineering and construction cost is \$937,868

NHPP-GM 131.20 B185002; Fremont County; Highway District 5, Main Street, in the city of Riverton; RM 131.20 to 133.25; ADA upgrades; FY 2018; request federal preliminary engineering funds of \$50,000; estimated construction engineering and construction cost is \$550,000

Urban Principal Arterial

ARSCT 136.75 P581A02; Converse County; Richards Street in the city of Douglas, Mesa to 4th Street; RM 136.75; waterline and sewer work; FY 2015; request preliminary engineering funds of \$4,000; estimated construction engineering and construction cost is \$2,100,000; to be reimbursed by the City of Douglas

ARSCT 16.90 W258A02; Natrona County; Casper, Wyoming Boulevard and 12th Street intersection; RM 16.90; replace water mains; FY 2017; request preliminary engineering funds of \$4,000; estimated construction engineering and construction cost is \$110,000; to be reimbursed by the City of Casper

SCP-TC 0.00 B162012; Natrona County; Highway District 2, US 20/26; bridge rehabilitation; FY 2016; request federal preliminary engineering funds of \$42,624; estimated construction engineering and construction cost is \$1,500,000

COMMISSION DISTRICT M (Miscellaneous)

Various

STP-SR 0.00 B154043; various counties in Highway District 4, various locations; bridge rehabilitation; FY 2016; request federal preliminary engineering funds of \$28,436; estimated construction engineering and construction cost is \$1,000,000

RHC 0.00 B159042; statewide; railroad pavement markings, various locations; FY 2015; request federal preliminary engineering funds of \$8,000; estimated construction engineering and construction cost is \$267,000

CMP-PM-SL16 0.00 B161007; various counties; Highway District 1, various locations; contract patch; FY 2016; request federal preliminary engineering funds of \$28,436; estimated construction engineering and construction cost is \$1,000,000

STP-BR 0.00 B161009; various counties; Highway District 1, various locations; bridge rehabilitation; FY 2016; request federal preliminary engineering funds of \$21,327; estimated construction engineering and construction cost is \$750,000

CMP-PM 0.00 B163002; various counties; Highway District 3, various locations; contract patch; FY 2016; request federal preliminary engineering funds of \$37,619; estimated construction engineering and construction cost is \$2,000,000

NHPP-BR 0.00 B164017; various counties; Highway District 4, various NHS locations; bridge rehabilitation; FY 2016; request federal preliminary engineering funds of \$150,000; estimated construction engineering and construction cost is \$1,500,000

HSIP-SEP 0.00 B169019; statewide; various locations; epoxy striping; FY 2016; request federal preliminary engineering funds of \$123,915; estimated construction engineering and construction cost is \$1,307,303

HSIP-SEP 0.00 B169021; statewide; various locations; rumble strips; FY 2016; request federal preliminary engineering funds of \$56,834; estimated construction engineering and construction cost is \$599,600

11. Third-Quarter Addendum to the State Transportation Improvement Program (STIP): Mr. Fredrick presented the third-quarter addendum to the 2014 STIP. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve the third-quarter STIP addendum.

12. Resolution for the Exercise of Eminent Domain, Douglas to Glenrock Road: It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Vice Chairman Anderson, to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift.

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN FOR ACCESS FACILITY

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801, 24-2-102 and 24-6-106, 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 I253113, Douglas to Glenrock Road, in Converse County, that the property shown on the right-of-way plans for this project be acquired 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 the S½SW¼ of Section 33, T33N, R72W of the 6th P.M.,

Converse County, Wyoming, and constitute approximately 1.74 acres of property for additional right-of-way and approximately 1.24 acres of property for temporary construction easements.

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

Mr. Fredrick explained the reasoning for recommending adoption of the above resolution, and suggested that the Commission move into executive session if it wanted to discuss further details of the land acquisition. Commissioner Coulter asked for an executive session later in the meeting to discuss the details of the matter. The Commission postponed voting on the above Resolution for the Exercise of Eminent Domain until later in the meeting so that additional information could be shared during an executive session.

Messrs. McOmie and Fleenor left the meeting at 10:30 a.m.

13. WYO 59 Mining Equipment Move: The Department was contacted by Cloud Peak Energy Company in April about its desire to move a very large drag line from its north mine to its south mine via WYO 59 south of Gillette. The massive equipment will be cut into smaller pieces, which will result in the largest section being about 55 feet wide, and over 200 feet long, and it will weigh about one million pounds. If approved, the move will require the closure of WYO 59 between approximate Mileposts 82.0 and 57.0. Based on traffic volumes, the move will need to occur at nighttime with a four-hour road closure. In total, the move will involve about 30 overweight movements to transfer all the pieces to their final destination. County roads will also be impacted by the event.

Several members of the staff have visited with Cloud Peak representatives at the mine to see the equipment and how it will be disassembled. Cloud Peak Energy is investigating other ways to move the equipment, but it has not yet found a more favorable option. The mining company has requested a response from WYDOT by August 31 about whether moving the equipment on the Wyoming highway will be allowed. The proposed move is scheduled in August 2015. The Department will likely require an executed bond from Cloud Peak Energy before the move takes place to ensure that any damage will be repaired.

Director Cox expressed concern about allowing the move along the highway because of the extreme size and weight of the equipment and the impact it will have on the roadway and the bridge, as well as concern about establishing a precedent in utilizing the highway to accommodate increasingly larger loads that are being transported by private industry. Director Cox will involve Governor Mead's office in the final discussion about whether to allow the move.

14. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through June 30, 2014, includes 55 fatal crashes involving 65 deaths. The fatalities include 26 rollover crashes, 28 multi-car crashes, 1 fixed object, 6 motorcycles and all-terrain vehicles, and 4 pedestrians. Of the 55 crashes that occurred so far this year, 20¹ involved commercial vehicles.

There have been 14² crashes to date deemed alcohol related, resulting in 15² deaths. Of those deaths, 7 were attributed to not using occupant restraints.

Of the 65 deaths that have occurred to date this year, 32 can be attributed to the non-use of occupant restraints, with 17 involving rollover crashes, 14 involving multi-car collisions, and 1 involving a fixed object. Of the 32 deaths that occurred from non-use of occupant restraints, 21 were Wyoming residents, and 12 were non-residents. Eleven 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.

Of the 55 fatal crashes that have occurred to date this year, 28 (51 percent) of them occurred on primary/secondary highways, 16 (29 percent) occurred on interstate highways, and 11 (20 percent) occurred on city/county roads.

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

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects 3,127³ crashes statewide, of which 2,400 involved non-commercial vehicles, and 727 involved commercial vehicles.

Eighty-Mile-Per-Hour Speed Limit and Highway Patrol Staffing: Colonel Butler advised that the Highway Patrol has received numerous phone calls about the safety concerns of having vast speed differences between passenger vehicles and large semi-trucks or motor homes with the new 80-mile-per-hour speed limit. Many large vehicles cannot travel at the faster speed, and smaller passenger vehicles are driving at 80 miles per hour or more, which creates a dangerous situation on the highways. Colonel Butler has told those citizens that the Highway Patrol is doing everything it can, with its limited resources; to police the areas with the increased speed limit, but constituents must also voice their concerns to their legislators to inform them about the problem. Patrol has also seen a considerable amount of speed creep since the speed limit was increased, and many travelers are now driving at 85 or 90 miles per hour.

¹Number not included in the total deaths (sub-crash data).

²Not all chemical test results were available at the time of the report.

³Does not contain all June crashes worked. Some June reports were still pending at the time of the report.

Law Enforcement for the Ham 'N Jam and Sturgis Motorcycle Rally: About 20 Highway Patrol troopers are scheduled to assist with law enforcement at the upcoming Ham 'N Jam in Hulett and the Sturgis Motorcycle rallies. Governor Mead has approved funding to provide law enforcement during these events.

15. Mr. Byrne presented the Aeronautics report, including the June 2014 Aeronautics Flight Operations Passenger Summary Report, and the March, May, and June 2015 Wyoming Aircraft Accident Reports.

16. Mr. Freier presented the monthly budget report.

Third-Quarter Budget Revision: Mr. Freier briefed the Commission about key adjustments that were made to the Department's budget during the third quarter of FY 2014. Many changes were made to the budget during the third quarter, including increases to the snow control account, and employee salary increases that were approved by the 2014 Wyoming State Legislature.

It was recommended by Mr. Freier, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to approve the FY 2014 Third-Quarter Budget Revision.

Monthly Budget Report: The July 2014 budget report revealed that the Commission budget is 70 percent expended, and the Legislative budget is 69 percent expended, which is within budget tolerances.

Colonel Butler left the meeting.

FY 2015 Budget Summaries: A copy of the FY 2015 Budget Summary was mailed to the Commission, which will be formally presented and voted upon at the September Commission meeting.

17. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Coulter, and carried to approve purchase for the request for proposals (RFP) bid number 14-222 to furnish one x-ray fluorescence spectrometer, for use by the Materials Program in Cheyenne. The bid was awarded to Bruker AXS, Inc., of Madison, Wisconsin, for the sum of \$84,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried to approve purchase for bid number 14-255 to furnish a 30' x 40' salt/sand storage building, to be constructed west of Powell. The bid was awarded to Diamond Point Construction, Inc., of Buffalo, Wyoming, for the sum of \$71,587.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-256 to furnish a 30' x 40' salt/sand storage building, to be constructed at the Diversion Dam Junction, west of Riverton. The bid was awarded to D. R. Concrete, LLC, of Riverton, Wyoming, for the sum of \$56,925.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to approve purchase for bid number 14-260 to furnish a 65' x 130' fabric covered salt/sand storage building, to be constructed at the Shirley Rim Maintenance site. The bid was awarded to A&B Construction, LTD, of Harper, Iowa, for the sum of \$230,075.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-263 to furnish 98,750 tons of maintenance stockpiled materials (on demand salt/sand), and 6,500 tons of Type A ½-inch stockpile materials, for use in District 1. The bid was awarded to Willits Co., Inc., of Cheyenne, Wyoming, for the sum of \$2,282,840.00; Knife River, of Cheyenne, Wyoming, for the sum of \$507,000.00; and 71 Construction, of Rawlins, Wyoming, for the sum of \$215,180.00; for a total sum of \$3, 005,020.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Anderson, seconded by Commissioner Seeton, and carried to approve purchase for bid number 14-276 to furnish two each, new, current model Chevrolet Tahoe, four-wheel-drive, police package, sport utility vehicles, for delivery at Wireless Advanced Communications, Inc., in Evans, Colorado. The bid was awarded to Teton Motors, of Jackson, Wyoming, for the sum of \$64,822.82.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-280 to furnish 80,000 pounds of aluminum, to be used to manufacture motor vehicle license plates. The bid was awarded to John R. Wald Co., Inc., of Huntingdon, Pennsylvania, for the sum of \$130,400.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve purchase for Requisition Number 0000034751 to rebuild the under-bridge inspection unit/truck that is used by the WYDOT bridge inspection team. The contract was awarded to Aspen Aerials, Inc., of Duluth, Minnesota, for the sum of \$250,000.00.

18. On behalf of the Commission and the WYDOT family, Chairman McCormack congratulated Mr. Moench on his retirement effective July 31. He thanked him for his many years of great service as senior assistant attorney general for the State of Wyoming. Mr. Moench's work carried WYDOT through many tough cases throughout the years. Chairman McCormack offered his sincere appreciation to Mr. Moench, for his unwavering dedication to the Department.

19. It was moved by Commissioner Ertman, seconded by Commissioner Coulter, and carried to go into executive session to discuss a legal matter. Messrs. Loftin, Byrne, Freier, McGee, and Dailey left the meeting. Mr. Kevin Lebeda, an appraiser for the WYDOT Right-of-way Program, entered the meeting. The Commission went into executive session at 11:30 a.m., on Thursday, July 24, 2014.

20. It was moved by Vice Chairman Anderson, seconded by Commissioner Coulter, and carried to come out of executive session. The Commission came out of executive session at 11:45 a.m., on Thursday, July 24, 2014.

21. Chairman McCormack called for the vote on the motion that was made under Item 12 above, Resolution for Exercise of Eminent Domain for Access Facility for the Douglas to Glenrock project. The resolution was unanimously approved.

22. It was moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to adjourn the meeting. Chairman McCormack adjourned the meeting at 11:45 a.m., on Thursday, July 24, 2014.