

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on March 20, 2014. The meeting was convened at 8:30 a.m. by Chairman Ertman. The following members were present constituting a quorum:

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

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Lieutenant Colonel Shannon Ratliff, Operations Commander, Wyoming Highway Patrol (WHP); Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Lee Potter, Assistant Division Administrator, Federal Highway Administration (FHWA).

Others present: Kristin Burkart, Internal Review Services Manager; Kirsten Rigg, Auditor, Internal Review Services; and David Stearns, Financial Services Administrator.

Commissioner K. John Dooley, of Laramie; and Dennis Byrne, Aeronautics Administrator; were absent.

1. Pledge of Allegiance: Chairman Ertman led the attendees in the Pledge of Allegiance.

2. Changes/Additions to the Agenda: In 2011, the Wind River Heritage Center Museum requested approval of a new access (curb cut) to its property located on WYO 789 (South Federal Boulevard), just north of the Riverton south city limits, in Fremont County. The Access Review Committee denied the application for an access permit on April 8, 2011, as the request did not meet minimum spacing requirements. The Wind River Heritage Center Museum recently inquired again about moving its access location. WYDOT recently changed its access review standards, and the matter was reconsidered. The request was approved at the district level on March 14, 2014, so there was no longer a need to include this topic on the Commission agenda.

Chairman Ertman also suggested that item 13, the Operations Report, be moved up on the agenda to follow item 7.a, the Budget Report, to accommodate Messrs. Shultz and Stearns needing to leave because of illness.

It was recommended by Secretary Scott, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried to remove item 8.a, Wind River Heritage Center Museum in Riverton, Fremont County, from the agenda; and to move item 13, Operations Report up on the agenda to follow item 7.a, Budget report.

3. Election of Officers: Vice Chairman Ertman asked for nominations from the floor for the election of a new Commission chairman. Commissioner Anderson nominated Vice Chairman McCormack to serve as chairman. There were no other nominations. It was moved by Commissioner Coulter, seconded by Commissioner Ruwart, and unanimously carried to elect Vice Chairman McCormack as chairman.

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

Vice Chairman McCormack assumed his duties as chairman, and thanked Commissioner Ertman for serving as chairman for the last year.

4. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve the minutes from the February 20, 2014, breakfast meeting, regular business meeting, executive session, and education session.

5. Correspondence: Secretary Scott presented a letter that was received from the Wind River Heritage Center on February 20, 2014. The letter was regarding item 2 above.

Secretary Scott also presented a letter from Mr. Lyle Lamb, the District 5 Traffic Engineer, confirming that the WYDOT Access Review Committee had reconsidered the Wind River Heritage Center request for access, and that the request had been conditionally approved. The conditions of the approval were that it is issued for only low volume traffic, and that any future change in the property's use will cause WYDOT to reconsider its approval.

A third item of correspondence was also brought before the Commission by Secretary Scott. A copy of a letter was received on the morning of March, 2014, from Mr. John Eddins, Rock Springs District Engineer. In the letter, Mr. Eddins addressed Mr. Quintana's February 28, 2014, concerns about an issue related to the Foothills Boulevard project in Rock Springs. Mr. Quintana's concerns were presented and addressed at the February 20, 2014, Commission meeting. No further Commission action is required.

6. Director Cox presented the Director's report.

Transfer of Assistant Attorney General: Director Cox announced that Assistant Attorney General Jackson Engels will be transferring to the Tort Litigation Section of the Wyoming Attorney General's office, effective April 1, 2014. Director Cox advised that the Department will miss Mr. Engels' competitive attitude and his very competent service to WYDOT, and he thanked Mr. Engels for the many things that he's accomplished for WYDOT throughout his time so far with the Attorney General's office.

Chairman McCormack echoed Director Cox's comments, and thanked Mr. Engels for his dedicated service to the Department.

American Association of State Highway and Transportation Officials (AASHTO) Briefing Meeting: Director Cox attended the annual AASHTO Briefing meeting in Washington, D.C., February 24-28, 2014. The meeting is attended by AASHTO chief executive officers and many state departments of transportation heads. Funding is always on the agenda for this meeting, and the current highway bill, MAP-21, was a weighty discussion topic this year since it will expire September 30, 2014, and the Highway Trust Fund will likely become insolvent (it will have negative cash flow, but won't go to zero) before then. If Congress does not take action soon to continue MAP-21 funding, state departments of transportation could face future payment delays or payment shortages, and possible obligation authority cutbacks. These impacts could take effect as early as mid-summer 2014. Even if continuing resolutions are favored by Congress, funding sources are still unknown.

While Director Cox was in Washington, D.C., President Barack Obama released his budget proposal for transportation, but the proposal does not solve the short-term funding dilemma. Chairman David Camp, House Committee on Ways and Means, proposed a tax reform that would help fund future transportation efforts, but again, the proposed legislation does not address the states' short-term funding need.

WYDOT is preparing for a drastic slowdown of federal funding, which could potentially amount to as much as \$240 million per year in highway construction funds for Wyoming. Such action would severely impact WYDOT's ability to let projects in FY 2015 and beyond. While every state faces this funding challenge, Wyoming is one of the few states that has no debt, and it is in the best possible position to remain solvent through this situation. Director Cox asked that the Commission will be involved in determining the appropriate steps to help WYDOT weather this potential storm.

Director Cox provided a copy of a news article published in the *Innovation News Briefs* titled; "As Congress Struggles for Ways to Fund the Next Transportation Reauthorization, States are Taking Matters into Their Own Hands." The article, authored by Ken Orski, a political commentator on transportation issues, summarizes the content of President Obama's budget proposal. The article addresses what is being done at the state level to address funding concerns, and the concept of long term financing replacing pay-as-you-go funding.

As the AASHTO vice president, Director Cox also had an opportunity while in Washington, D.C., to moderate a roundtable discussion made up of one chamber of commerce director, and representatives from the National Bridge, Tunnel and Turnpike Association; the National Retail Association; the American Farm Bureau; and the National Association of Manufacturers. The purpose of the meeting was to include other entities in the consideration of how highway transportation impacts their businesses.

Snow Control Budget: In an effort to remain transparent, WYDOT is preparing a press release to publicize that it has expended virtually its entire FY 2014 snow control budget.

Commissioner Ertman asked whether the Department is obligated to open Wyoming's mountain passes by a certain date in the spring. Mr. McOmie stated that WYDOT has tried to open mountain passes by a certain date in the past, and it can potentially cost more with an onset of late spring snowstorms. Wyoming relies heavily upon tourism, which necessitates the opening of the mountain passes in order to access tourism-driven communities.

7. Mr. Hibbard presented the Budget report.

Monthly Budget Report: The February 2014 budget report revealed that the Commission budget is 45 percent expended, and the Legislative budget is 40 percent expended, for an overall budget expenditure of 43 percent for FY 2014, which is within the target budget tolerances.

The snow control budget is 97 percent expended. If the trend continues, the Department could potentially experience a \$6 million overrun by the end of FY 2014. If an overrun occurs, funding will be transferred from the state construction program budget to sustain the snow maintenance program for the remainder of the fiscal year, in accordance with WYDOT's usual contingency plan. If the spring and fall snowfall is heavier than usual, WYDOT has the statutory authority to borrow up to \$100 million from the State Pooled Fund for cash flow purposes. The Department has never exercised its borrowing authority before.

8. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to approve, by consent, the following bids:

- Bid number 14-056 to furnish 4,338 each carbide-tipped snow plow blades, for delivery in Basin, Buffalo, Casper, Laramie, Rock Springs, and Sheridan. The bid was awarded to Wyoming Machinery Company, of Cheyenne, Wyoming, for the sum of \$691,221.07.
- Bid number 14-057 to furnish 851 each, winter equipment brand straight and curb guards, for delivery in Basin, Casper, Laramie, Moorcroft, and Rock Springs. The bid was awarded to Winter Equipment Co., of Willoughby, Ohio, for the sum of \$71,086.39.
- Bid number 14-138 to furnish 14,000 tons of ½-inch aggregate (gravel), Type A material, for delivery to the Guernsey hot plant site. The bid was awarded to Lost Creek Cattle Co., LLC, of Lingle, Wyoming, for the sum of \$286,160.00.

- Bid number 14-139 to furnish 6,950 tons of Type C, 3/8-inch chip seal aggregate, for delivery in Districts 2 and 3. The bid was awarded to 71 Construction, of Casper, Wyoming, for the sum of \$343,835.00.
- Bid number 14-140 to furnish 4,600 tons of 3/8-inch chip seal aggregate, for delivery in District 2. The bid was awarded to Knife River, of Cheyenne, Wyoming, for the sum of \$198,277.50.
- Bid number 14-141 to furnish 15,040 tons of performance grade, 1/2-inch, 64-22 oil hot mix bituminous pavement material and tack oil, for delivery in Cheyenne and Laramie. The bid was awarded to Simon Contractors, of Cheyenne, Wyoming, for the sum of \$892,400.00.
- Bid number 14-142 to furnish 22,500 tons of performance grade asphalt binder hot plant mix bituminous pavement material, for delivery in Casper and Douglas. The bid was awarded to 71 Construction, of Casper, Wyoming, for the sum of \$1,103,300.00.
- Bid number 14-143 to furnish 22,100 tons of performance grade, 1/2-inch, asphalt binder hot plant mix bituminous pavement material, for delivery in Gillette and Sundance. The bid was awarded to Intermountain Construction & Materials, of Gillette, Wyoming, for the sum of \$1,397,150.00.
- Bid number 14-144 to furnish 15,738 tons of performance grade asphalt binder hot plant mix bituminous pavement material, commercial cold mix and tack oil, for delivery in Cody and Riverton. The bid was awarded to 71 Construction, of Riverton, Wyoming, for the sum of \$557,758.00; and Mountain Construction Co., of Lovell, Wyoming, for the sum of \$509,287.80, for a total sum of \$1,067,045.80.
- Bid number 14-145 to furnish guard rail repair and associated work in Districts 1, 2, 3, and 5. The bid was awarded to Generation X, Inc., of Sheridan, Wyoming, for the sum of \$877,434.50.
- Bid number 14-148 to furnish 2,370 tons of performance grade asphalt binder, for delivery in Districts 1, 2, and 4. The bid was awarded to Sinclair Oil Corp., of Salt Lake City, Utah, for the sum of \$1,218,660.00.
- Bid number 14-150 to furnish 5,800 tons of emulsified asphalt, for delivery in Districts 1, 2, 3, 4, and 5. The bid was awarded to Western Emulsions, Inc., of Billings, Montana, for the sum of \$1,944,155.60; Mountain States Materials, of Cheyenne, Wyoming, for the sum of \$814,000.00; and Peak Asphalt, LLC, of Rawlins, Wyoming, for the sum of \$28,200.00; for a total sum of \$2,786,355.60.
- Bid number 14-160 to furnish eight each, new, current model, two-wheel-drive, Chevrolet Tahoes, with police package, for delivery in Evans, Colorado. The bid was awarded to Fremont Chevrolet-Buick-GMC, of Riverton, Wyoming, for the sum of \$239,498.80.
- Bid number 14-161 to furnish one each, new, current model, 3,000-gallon, truck-mounted asphalt distributor, for delivery at the dealership. The bid was awarded to NorMont Equipment Co., of Black Eagle, Montana, for the sum of \$74,885.00.
- Bid number 14-162 to furnish one each, new, current model, Class 8 cab and chassis, for delivery in Casper. The bid was awarded to Jack's Truck and Equipment, of Gillette, Wyoming, for the sum of \$88,646.00.

- Bid number 14-163 to furnish one each, new, current model, four-wheel street sweeper, for delivery in Gillette. The bid was awarded to Ameri-Tech Equipment Co., of Evansville, Wyoming, for the sum of \$197,872.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-137 to furnish 318,000 pounds of permanent, high-performance cold mix asphalt patching compound, pre-mixed, ready-to-use, in 40- to 60-pound bags, pavement repair material, for delivery in Buffalo, Casper, Cheyenne, Laramie, Lyman, Moorcroft, Rock Springs, and Sheridan. The bid was awarded to 71 Construction, of Casper, Wyoming, for the sum of \$63,360.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Ertman, and carried to approve purchase for bid number 14-166 to furnish two each, new, current model, trailer tow plows, for delivery in Casper. The bid was awarded to Viking Cives Midwest, of Salt Lake City, Utah, for the sum of \$201,298.00.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 14-167 to furnish six each mobile vehicle column lifts, for delivery in Medicine Bow. The bid was awarded to D & J Equipment Sales & Service, LLC, of Bismarck, North Dakota, for the sum of \$54,870.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to approve purchase for Requisition Number 0000033434 to extend and increase the contract to furnish vehicle license plate validation stickers, for use by the Motor Vehicle Services Program. The contract was awarded to 3M Corporation, of St. Paul, Minnesota, for the sum of \$170,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Coulter, and carried to approve purchase for Requisition Number 0000033847 to provide the AASHTOWare™ annual software licensing renewals, including the Project Tracer, Bridge Management, and Pavement ME Design Site software, for use by the WYDOT Planning, Materials, and Bridge programs in Cheyenne. The contract was awarded to AASHTO, of Washington, D.C., for the sum of \$70,000.00.

9. FY 2013 Financial Statements and Single Audit Report: It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve the FY 2013 Financial Statement and Single Audit Report that was presented in detail on March 19, 2014, by Clifton Larson Allen, LLP, of Greenwood Village, Colorado.

Chairman McCormack complimented the WYDOT Internal Review Services staff and other programs that were involved in the tremendous amount of work that goes into preparing the annual audit.

Commissioner Ertman asked Mrs. Burkart about the working relationship between her staff and the current external auditor. Mrs. Burkart indicated that Internal Review Services had no issues in working with CliftonLarsonAllen personnel.

Mr. Shultz advised that CliftonLarsonAllen was selected through a request for proposals (RFP) process three years ago, and the contract could potentially be extended for another year.

Director Cox suggested that the Commission be represented on the RFP selection team when the next external auditing firm is selected. The Commission agreed with the idea.

Mrs. Burkart explained that the Department would like to investigate the possibility of adding more compliance review to the scope of work for the next annual audit. Internal Review Services typically does this work in-house, but some other work tasks have been deemed a lower priority because of the compliance-related workload. Using an external auditor for the compliance review tasks would free up time for Internal Review Services to work on other tasks that have been put off for some time.

Messrs. Shultz and Stearns left the meeting.

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

Current Snow Conditions and Related Plowing Operations: Mr. McOmie presented a handout titled, "Point Paper on Current Snow Conditions as of March 10, 2014." Maps were included from the USDA National Water and Climate Center (NWCC) that depicted Wyoming snow-pack amounts, statewide, "SNOTEL" snow-water equivalent (percent of normal), and the Wyoming spring snow-melt flood potential outlook. Some areas of western Wyoming currently have a 200 percent snow-pack, and several months of winter are still expected.

WYDOT staff statewide monitors snowfall and snow pack measurements regularly, and its Construction and Maintenance staff works closely with Wyoming Homeland Security to address weather-related events.

WYDOT participated in recent flooding recovery efforts in the Worland-Manderson-Greybull area, in Big Horn County, by sending 16 trucks, 7 trailers, 4 front-end loaders, and a backhoe to assist with recovery. Department personnel spent about 165 work hours, over a four-day period, hauling about 430 tons of sand for the Wyoming National Guard and local residents to prepare sand bags for sandbagging operations. The Big Horn River Bridge at Manderson was closed one time, and the Big Horn River Bridge at Greybull was closed three times, because the huge chunks of ice getting underneath the bridges and shaking the structures. Dynamic message signs were placed to keep traffic off those structures.

Chairman McCormack asked if WYDOT will have to absorb the expenses incurred by the flood. Mr. McOmie advised that the Department will have to cover its own expenses in this case. Under Federal Emergency Management Agency (FEMA) regulations, WYDOT is not eligible for

reimbursement for its employees' labor hours unless overtime is expended. Some expenses for materials may be reimbursed.

Chairman McCormack also asked how and why WYDOT is called upon to assist with the potential disaster-related events. Mr. McOmie advised that it is the Department's responsibility, as a state agency, to assist local communities in many ways. WYDOT's vast experience lends itself to assist smaller entities in areas where they may not have the necessary contracting authority, the knowledge, or the means to handle such events, and it is proud to do so. Chairman McCormack believes that it is very helpful, generous, and community-minded of WYDOT to step up to aid other entities and agencies to protect Wyoming citizens and the traveling public in a time of need.

The Department has worked diligently with Wyoming Homeland Security to assist in emergency management efforts statewide. According to Mr. McOmie, further training and funding is needed for Homeland Security to be able to take on more of the recovery efforts themselves. WYDOT has had many years of experience in working with the Corps of Engineers, FEMA, Homeland Security, the FHWA, and other federal agencies, and Mr. McOmie would like to work more closely with the Wyoming Division of Homeland Security to continue to train them for future endeavors.

Mr. McOmie indicated that he would keep the Commission apprized of the spring flooding situation.

Extending WYDOT's Equipment Life: Pursuant to discussion at its February 20, 2014, Commission meeting, Mr. McOmie provided a handout titled, "Equipment Expected Life Chart by Class." The document depicted each of the Department's vehicle classifications, the 20,000-mile increase for all vehicles before trade-in, and the expected vehicle life span based on the increased mileage. WYDOT will extend its vehicle mileage on its light-duty, gasoline-powered vehicles. The trade-in mileage on diesel-powered vehicles will not change. Vehicle maintenance will be monitored to weigh the cost of maintenance versus purchasing new vehicles on a more frequent basis. If increasing the mileage proves to be more economical, the Department may consider extending the trade-in mileage even further in the future. The savings will allow the Department to purchase some much-needed larger equipment, such as rotary plows, that are now approaching the end of their useful life.

Legislative Wrap-up: The Wyoming State Legislature passed many WYDOT-related bills during its 2014 session. Mr. McOmie briefed the Commission about the following bills that passed during the session.

- HB0012 – Eighty miles per hour speed limit. This bill allows WYDOT to establish a speed limit on interstate highways, not to exceed 80 miles an hour, if the speed limit is determined reasonable and safe under existing conditions. This bill has spurred considerable public interest statewide. WYDOT will perform traffic analysis along Wyoming interstate routes to ensure safety in those areas. Road terrain, accident rates,

and existing road design are some of the traits that will be considered when performing the studies. The bill is effective July 1, 2014, but Mr. McOmie is uncertain about whether the necessary traffic studies will be finalized in time to implement the new speed zones by July 1.

Lieutenant Colonel Ratliff indicated that the 80-mile-per-hour speed zones will constitute a superintendent speed zone, which warrants a higher fine for drivers who are caught speeding in those zones. The 75-mile-per-hour zones on interstate highways are not considered superintendent speed zones.

- SF0059 – Specific service signage on highways. This bill authorizes WYDOT to operate a program of informational signage on highways to inform the public about the availability of private business entities near the highway. This act changes the name of the program to “specific service” signage, and authorizes WYDOT to establish a fee system to cover all program costs, including an application fee, fabrication, installation, and annual administration and maintenance costs.

WYDOT will out-source much of the program. The Traffic Program held four different meetings around the state and wrote letters to every entity that currently uses the logo signage program. Vendors were given five options for the program. Quite a bit of feedback was received, which will be used to revise the program. The rule-making process is underway.

11. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held March 13, 2014, in Cheyenne.

**COMMISSION DISTRICT 1
Bob Ruwart - Commissioner**

Federal project NHPPI-BR-B141022, involving bridge rehabilitations and miscellaneous work at various locations in Transportation District 1, in Laramie County.

Engineer’s Estimate	\$2,394,925.50
Reiman Corp. and Subsidiary, Cheyenne, WY	\$2,566,070.95 +7.1%

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Ertman, 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. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICTS 1 and 2
Bob Ruwart - Commissioner**

K. John Dooley - Commissioner

Federal projects NHPP-B141031 and STP-B141020 combined, involving chip sealing and microsurfacing at various locations in Transportation District 1, including Albany, Carbon, and Laramie counties.

Engineer's Estimate	\$2,221,427.30	
Knife River, Casper, WY	\$1,957,462.50	-11.9%
Intermountain Slurry Seal, Inc., Watsonville, CA	\$2,049,497.90	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Ertman, and carried that **Knife River, 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 DISTRICTS 2 and 3

K. John Dooley - Commissioner

Todd Seeton - Commissioner

Federal projects NHPP-PM-B143034, STP-PM-B143026, and ARSCT-B143A01 combined, involving chip sealing and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, Teton, and Uinta counties.

Engineer's Estimate	\$3,399,150.00	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$3,066,307.00	-9.8%
HK Contractors, Inc., Idaho Falls, ID	\$3,128,715.07	
LeGrand Johnson Construction Co., Logan, UT	\$3,199,433.00	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Vice Chairman Anderson, 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 3

Todd Seeton - Commissioner

Federal project NHPPI-BR-B143012, involving bridge rehabilitations and miscellaneous work at various locations in Transportation District 3, in Uinta County.

Engineer's Estimate	\$1,809,896.50	
Cannon Builders Inc., Blackfoot, ID	\$1,582,599.25	-12.6%

JM Concrete, Inc., Idaho Falls, ID	\$1,879,870.00
Gerber Construction, Inc., and subsidiaries, Lehi, UT	\$2,386,050.65
Reiman Corp. and Subsidiary, Cheyenne, WY	\$2,462,704.90

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried that **Cannon Builders Inc., Blackfoot, Idaho**, 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-2000053, involving grading, placing crushed base and bituminous pavement surfacing, electrical, signing, guardrail work, and miscellaneous work on 2.59 miles of WYO 22, beginning at reference marker (RM) 18.04, between Wilson and the Idaho state line, in Teton County.

Engineer's Estimate	\$1,088,941.50
Cache Valley Electric Company, Salt Lake City, UT	\$1,490,085.99 +36.8%

The borrow material; haul, and the construction of the truck turnaround were the primary causes of the bid being higher than the engineer's estimate. The need for a somewhat customized Intelligent Transportation Systems (ITS) video license plate camera recognition system and setup, weigh-in-motion sensors, and cabinets also contributed to some of the higher cost. Mr. Fredrick did not believe that changing the plans or specifications and advertising the project again would appreciably reduce the project cost. Mr. Fredrick also noted that this project is the first of two engineering solutions to reduce the runaway truck accidents on Teton Pass, and it will assist in the enforcement efforts of commercial vehicles using the route.

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Ertman, and carried that **Cache Valley Electric Company, Salt Lake City, Utah**, 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-0C12044, involving structure replacement and miscellaneous work at RM 0.30, on the bridge over the Hams Fork River, on Conroy Street in the town of Diamondville, in Lincoln County.

Engineer's Estimate	\$ 862,285.50
Cannon Builders Inc., Blackfoot, ID	\$ 744,956.00 -13.6%
Reiman Corp. and Subsidiary, Cheyenne, WY	\$ 839,456.25
Gerber Construction, Inc., and Subsidiaries, Lehi, UT	\$1,042,690.00

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Ertman, and carried that **Cannon Builders Inc., Blackfoot, Idaho**, 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 projects SCP-TC-1006021 and ARSCT-1006A02 combined, involving grading, milling plant mix, placing subbase and bituminous pavement surfacing, Class B concrete, guardrail, fencing, and miscellaneous work on 5.95 miles of WYO 196, beginning at RM 288.64, between Buffalo and Kaycee, in Johnson County.

Engineer's Estimate	\$1,765,083.90	
McGarvin-Moberly Construction Company, Worland, WY	\$1,930,815.11	+9.4%
Riverside Contracting, Inc., Missoula, MT	\$1,982,194.00	
Plus 5% for Comparison	\$2,081,303.70	
Intermountain Construction & Materials, Gillette, WY	\$2,250,000.00	

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

**COMMISSION DISTRICTS 4 and 6
Milt Coulter - Commissioner
Ted Ertman - Commissioner**

Federal project NHPP-BR-B144025, involving bridge rehabilitations and miscellaneous work at various locations in Transportation District 4, in Campbell, Crook, and Johnson counties.

Engineer's Estimate	\$3,248,606.25	
S & S Builders, LLC, Gillette, WY	\$3,799,859.99	+17.0%
Reiman Corp. and Subsidiary, Cheyenne, WY	\$3,901,672.80	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Ertman, and carried that **S & S Builders, LLC, Gillette, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal projects STP-PM-B144024 and NHPP-PM-B144033 combined, involving chip sealing and miscellaneous work at various locations in Transportation District 4, in Campbell, Crook, and Weston counties.

Engineer's Estimate	\$2,851,375.00	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$2,602,650.00	-8.7%
Bituminous Paving, Inc., Ortonville, MN	\$2,646,404.00	
Hills Materials Company, Rapid City, SD	\$2,792,045.00	
Riverside Contracting, Inc., Missoula, MT	\$2,986,536.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Coulter, 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 5
Bruce McCormack - Chairman

State projects SCP-TC-N345081 and ARSCT-N345A02 combined, involving the removal of surfacing and concrete pavement, placing crushed base, concrete slab replacement, sidewalk, curb and gutter, water and sewer systems, and miscellaneous work on 1.18 miles of US14A and WYO 789 (Main Street), beginning at RM 237.43, in the town of Lovell, in Big Horn County.

Engineer's Estimate	\$4,863,399.50	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$4,913,633.50	+1.0%
Wilson Bros. Construction, Inc., Cowley, WY	\$5,021,596.75	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, 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 7
Clair Anderson - Vice Chairman**

Federal projects HSIP-P212096, STP-E-P212114, and ARSCT-P212A01 combined, involving grading, draining, milling plant mix, removal and replacement of concrete pavement, sidewalk, curb and gutter, placing crushed base and bituminous pavement surfacing, plant mix wearing course, water and sewer systems, electrical, thermoplastic pavement markings, landscaping, and miscellaneous work for 0.34 mile at CY Avenue and Poplar Street intersection in the city of Casper, in Natrona County.

Engineer's Estimate	\$4,032,874.00
Hedquist Construction, Inc., Mills, WY	\$4,491,260.13 +11.4%
Knife River, Casper, WY	\$6,011,549.00

The concrete pavement bid item accounted for a portion of the significant difference between the engineer's estimate and the low bid. The project also has a tight time frame for completion, which may also have played a part in the cost being somewhat higher than the estimate.

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

State project SCP-TC-N303051, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, cattle guards, signing, fencing, and miscellaneous work on 2.32 miles of US 287, beginning at RM 97.25, between Dubois and Riverton (Diversion Dam Junction Section), in Fremont County.

Engineer's Estimate	\$4,879,771.14
Oftedal Construction, Inc., Casper, WY	\$4,341,244.00 -11.0%
High Country Construction, Inc., Lander, WY	\$4,382,910.42
HK Contractors, Inc., Idaho Falls, ID	\$4,473,026.29
Plus 5% for Comparison	\$4,696,677.60
Wilson Bros. Construction, Inc., Cowley, WY	\$5,118,309.40

It was recommended by Mr. Fredrick, moved by Vice Chairman 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.

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

COMMISSION DISTRICT 4

Rural Principal Arterial

NHPP 89.38 N372041; Sheridan County; US 14, Ranchester to Interstate 90; RM 89.38 to 89.96; resurfacing; FY 2015; request federal preliminary engineering funds of \$65,000; estimated construction engineering and construction cost of \$682,500

Rural Local

RHP 0.00 CN03039; Sheridan County; County Road 82, Sale Barn; circuitry; FY 2014; request federal construction funds of \$303,765

13. Petition for the Establishment of a Public Highway-Rail Grade Crossing, Quebec Avenue, Town of Lovell, Big Horn County: Mr. Fredrick presented the Town of Lovell's petition for the establishment of a public highway-rail grade crossing located near Burlington Northern Santa Fe Railroad (BNSF) milepost 441.5±, at Quebec Avenue in the town of Lovell, in Big Horn County.

An on-site diagnostic review was performed April 25, 2012, which resulted in the following recommendations.

The proposed alignment is relatively straight with considerable distance between the approaches because of three sets of tracks. A hazard rating model run shows that, without signalization, this crossing would rate near the top 22 percent of all other Wyoming public crossings. If flashing lights and gates are implemented, the rating drops to the bottom one-third of all Wyoming rankings. Therefore, flashing lights and gates are warranted at the proposed site. Railroad switching movements would warrant constant warning time installation at this crossing, providing uniform warning time of approach train to the motoring public regardless of train speed. These traffic control components are roughly estimated at roughly \$275,000, and concrete surfacing (three track panels) is estimated at \$175,000. Approaches will need to be constructed to appropriate standards and grades, which is estimated at \$50,000 to \$60,000, excluding required signs and markings (per the Manual on Uniform Traffic Control Devices). The total estimated cost will be approximately \$500,000. Trees and other site-obstructing vegetation will also need to be removed if the crossing is constructed. The town has also been made aware that train horn noise will increase in the area if the additional crossing is constructed.

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Coulter, and carried to approve the establishment of a public highway-rail grade crossing at Quebec Avenue, in the town of Lovell, in Big Horn County. The establishment of the crossing is contingent upon the Town of Lovell securing the necessary right-of-way and funding to construct the recommended improvements and to assume the legal responsibility to maintain the crossing.

14. Lieutenant Colonel Ratliff presented the Highway Patrol report.

The Fatal Crash Summary through February 28, 2014, includes 10 fatal crashes involving 10 deaths. The fatalities include four rollover crashes, four multi-car crashes, one fixed object, and one pedestrian. Of the 10 crashes that occurred so far this year, five¹ involved commercial vehicles.

There have been two² crashes to date deemed alcohol related, resulting in two² deaths. Of those deaths, two were attributed to not using occupant restraints.

Of the 10 deaths that have occurred to date this year, five can be attributed to the non-use of occupant restraints, with two involving rollover crashes, two involving multi-car collisions, and one involving a fixed object. Of the five deaths that occurred from non-use of occupant restraints, four were Wyoming residents, and one was a non-resident. One of those who perished was under 20 years of age, and that fatality was attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through January 31, 2014. The summary depicts 692 crashes statewide, of which 57 involved non-commercial vehicles, and 165 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of February 28, 2014, have been DUI related. There have been 168 field arrests made so far this year, including:

- DUI arrests from crashes – 29
- DUI arrests from traffic stops – 38
- DUI arrests from the REDDI Program – 10
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 9
- Wyoming warrants hits – 21
- Drug arrests – 28
- Other arrests – 30

Legislative Wrap-up: Lieutenant Colonel Ratliff briefed the Commission about the following bills from 2014 legislative session.

- HB0029 – Non-consensual Towing - Rotation Lists. This bill would have authorized WYDOT to administer a rotation list for non-consensual towing and vehicle recovery, and specified a rotation list with rules and requirements. The bill was drafted during the 2013 interim and was sponsored by the Joint Transportation, Highways & Military Affairs Committee (JTC), but it failed to pass the House Transportation Committee.

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

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

The JTC does not plan to bring the towing rotation list topic back for discussion in 2014, but the WHP staff is working with the Wyoming Trucking Association and the insurance industry representatives in an attempt to resolve the problem of exorbitant towing charges from some towing companies.

- HB0116 – Towing Company Regulation. If passed, this bill would have authorized WYDOT to administer a rotation list for non-consensual towing and vehicle recovery, and specified rotation list minimum requirements, granted rule-making authority required fingerprinting for purposes of criminal background checks, and established penalties for non-compliant towers. This bill was sponsored by Representative Allen Jaggi. HB0116 was introduced in the House, but it did not make it out of the House Transportation Committee.
- HB0155 – Electronic citation fees. This bill addresses criminal court case fees, provides for the collection of electronic citation fees in municipal courts, and it establishes and provides maintenance of municipal electronic citation systems in Wyoming.

The WHP currently uses an e-citation system. HB00155 would have provided the necessary funding for city and county officials to have a similar e-citation system. After numerous amendments, the bill ultimately failed in the Senate Committee of the Whole.

- HB0076 – Property Forfeitures and Seizures. The bill would have required a burden of proof before law enforcement could seize property, and would have prohibited any funds that are seized from criminal activities from being used by law enforcement to further its role in putting other criminals out of commission. The bill would also have prohibited the WHP from receiving any funds that were seized by other law enforcement agencies to be used for the same purpose. The bill passed the House Committee of the Whole, but it died in the Senate Judiciary Committee. If it had passed, the WHP’s budget would have been severely impacted.

Hells Angels USA Run: The Hells Angels USA Run will be held in Cody, Wyoming, this summer. The rally could draw up to 500 motorcyclists to the Cody area. The WHP is working with Governor Matt Mead’s office, the Cody Police Department, and the Park County Sheriff’s Office to address the logistics to assist with law enforcement for the rally. The WHP will absorb its usual labor costs, and it plans to send at least 20 troopers to help with the event.

15. Director Cox presented the Aeronautics report, including the February 2014 Aeronautics Flight Operations Passenger Summary Report, in the absence of Mr. Byrne.

Director Cox briefed the Commission about the Aeronautics Commission’s election of officers that took place at its February 16, 2014, business meeting. Mr. Pete Schoonmaker, of Sheridan, was elected as the new chairman, and Jerry Dilts, of Gillette, is the vice chairman. Doyle Vaughan, of Jackson, was reappointed to the Aeronautics Commission by Governor Mead.

16. Chairman McCormack recessed the meeting at 11:53 a.m. The Commission attended a luncheon in honor of the February and March WYDOT service award recipients at the Cheyenne Country Club.

17. Chairman McCormack reconvened the meeting at 1:30 p.m., on Thursday, March 20, 2014.

Mr. Potter and Lieutenant Colonel Ratliff did not return to the meeting.

18. Mr. Loftin presented the Support Services report.

Legislative Wrap-up: Mr. Loftin briefed the Commission about the following bills from 2014 legislative session.

- HB0024 – Registration Fees - House Trailers. This bill requires that the state registration fees for house trailers be based upon unladen weight, and it repeals the fixed registration fee. The topic was studied by the JTC during the 2013 interim. The bill passed, and is effective January 1, 2015.
- HB0069 – Fuel Tax Natural Gas. HB0069 specifies the amounts of liquefied and non-liquefied natural gases that are equivalent to gasoline and diesel fuel for taxation purposes at the retail level. It taxes the retailer by the BTU-equivalency.
- SF0031 – 24/7 Sobriety Program. SF0031 establishes a program to reduce repeat crimes related to substance abuse through intensive alcohol and drug testing. The program will be administered by the Attorney General, who may appoint a director, subject to confirmation by the senate. Counties, through their sheriff, may take part in the program, and the sheriff will establish at least one testing center in the county and at least two daily testing times, 12 hours apart. The sheriff may designate another entity to provide the testing services. The program participants pay for their own testing for substance abuse.

The act creates an account to defray the costs of the program, and all fees charged under the program are credited to the account. A district court may order participation in the program, upon a second charge or offense, as a condition of pretrial release, bond, probation, or other conditional release, if the offense was committed while the defendant was under the influence.

The state board of parole may require a parolee to participate in the program as a condition of parole. The program is optional for some offenders, but once they opt-in, failure to participate in the program as ordered will result in immediate arrest.

Mr. Loftin noted that other states utilizing similar programs have very good success rates. The act is effective July 1, 2014, and sunsets June 30, 2019.

- SF0060 – Vehicle Identification Number (VIN) Inspection Authority - Game and Fish. SF0060 extends the authority of game wardens to act as peace officers for purposes of conducting VIN inspections of boat trailers when done in connection with an inspection of a hull identification number or motorboat certificate. The bill authorizes fees for the additional trailer VIN inspections to be deposited in the Wyoming Game and Fish fund. The act is effective July 1, 2014.
- SF0093 – Agricultural Gas Tax Refund. The current agricultural gas tax law allows a request for an agricultural gas and diesel tax refund to be filed within one year of the date of purchase. The new law extends the filing period to 18 months. The effective date is July 1, 2014.

2014 Legislative Interim Topics: Mr. Loftin provided a copy of the proposed 2014 legislative interim committee topics, and explained the origin of each issue. Following are the proposed subjects.

- Veterans' benefit qualifications: property automobile tax exemptions and the waiting period and/or residency requirements for disabled veterans' license plates
- Vehicle right of way when merging onto interstate highways
- Driver licenses: Commercial drivers license requirements/general weight restrictions for agriculture
- REAL ID opt-out options, including time periods for driver's license renewals
- Diversion of road funds to other uses
- Federal funding applied to highways
- WYDOT budget explanation
- Car dealer qualifications including units sold requirements
- Receive a report from the Aeronautics Division on the findings it disclosed in its study of state aircraft costs, as required by the 2014 budget bill (HB0001/SF0001)
- Receive reports and updates regarding the Governor's work on transportation workplace fatalities

Mss. Burkart and Rigg, and Messrs. Hibbard and McGee left the meeting.

19. It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Vice Chairman Anderson, and carried to move into executive session to discuss a legal matter. The Commission went into executive session at 2:21 p.m., on Thursday, March 20, 2014.

Mr. Loftin left the meeting.

20. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to come out of executive session. The Commission came out of executive session at 3:29 p.m., on Thursday, March 20, 2014.

21. It was moved by Commissioner Coulter, seconded by Vice Chairman Anderson, and carried to adjourn the meeting. Chairman McCormack adjourned the meeting at 3:31 p.m., on Thursday, March 20, 2014.