

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on September 17, 2015. The meeting was convened at 8:30 a.m. by Chairman Anderson. The following members were present constituting a quorum:

Clair Anderson, Chairman, Riverton  
K. John Dooley, Vice Chairman, Laramie  
Bruce McCormack, Commissioner, Cody  
Bob Ruwart, Commissioner, Wheatland  
Todd Seeton, Commissioner, Jackson  
Mike Larson, Commissioner, Lusk  
Rick Newton, Commissioner, Buffalo  
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; Colonel Kebin Haller, incoming Wyoming Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Senior Assistant Attorney General; Rodney Freier, Budget Officer; Doug McGee, Public Affairs Manager; and Jeff Purdy, Planning and Right-of-Way Program Manager, Federal Highway Administration.

Others present: Bill Panos, incoming WYDOT Director; Lieutenant Colonel Shannon Ratliff, Interim Highway Patrol Administrator; and Keith Fulton, State Bridge Engineer.

1. Pledge of Allegiance: Chairman Anderson led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner McCormack, seconded by Commissioner Ruwart, and carried to approve the minutes from the August 20, 2015, breakfast meeting and regular business meeting.
3. Correspondence: Secretary Scott presented a letter from Mr. and Mrs. James (Sharon) Fink of Lovell, Wyoming, regarding a sign permitting issue, and advised that the topic will be addressed by Mr. Fredrick under the Engineering and Planning report later in the meeting.

Secretary Scott also presented a letter that was received from Mr. and Mrs. Matthew (Oriana) Gettman, of Rawlins, Wyoming. The Gettmans requested right-of-way access and an easement to a parcel of land west of Highway 287 in Carbon County that they are considering purchasing. Mr. Fredrick advised that the matter can be handled by WYDOT staff and did not require Commission action at this time.

4. Director Cox presented the Director's report.

Federal Funding Bill: Director Cox briefed the Commission about the status of the federal surface transportation bill. The U.S. Senate passed a proposed federal highway bill, named the DRIVE (Developing a Reliable and Innovative Vision for the Economy) Act. If passed, the bill will provide a three-year funding stream with levels similar to MAP-21, and a six-year policy structure. Director Cox advised that the DRIVE Act is currently in the U.S. House of Representatives, awaiting a House version of a bill. The funding provisions of a bill are the largest challenge at this point. Director Cox is hopeful that a new bill will be passed by December 31, 2015.

Veterans' Cemetery Bridge Update: On June 2, 2015, Mayor Phil Hines, of Evansville, Wyoming, testified before the Joint Transportation, Highways & Military Affairs Committee (JTC) about safety issues that exist from a lack of a secondary access to the town.

Director Cox and Messrs. Del McOmie and Fredrick met with State Military Department officials at Evansville, Wyoming, on August 25, 2015. The meeting was a precursor to a meeting with the JTC where Director Cox testified about the issue. An original federal grant agreement prohibits the use of the Veterans' Cemetery Bridge and roadway for any other purpose except to access the Veterans' Cemetery. Wyoming's Adjutant General Luke Reiner and Director Cox will work with Veterans' Administration officials in Washington, D.C., to ascertain what can be done to remove federal restrictions from the road and bridge facility.

Farewell Comments from Director Cox: Director Cox offered his appreciation to the Commission, the executive staff, and to all WYDOT employees for their exemplary work throughout his 10½ years as WYDOT's director.

Chairman Anderson extended his sincere appreciation on behalf of the Commission to Director Cox for his service to the Department and stated that it's been an honor to work with him.

Incoming Director Bill Panos' Comments: Director Panos provided a handout that summarized his WYDOT-related experience, his initial goals for the Department, and a 60-day strategy. Director Panos brings a diverse, 34-year background that ranges from criminal justice to construction, from federal relations to large scale business operations, to his role as WYDOT's newly appointed director. He also plans to support the WYDOT leadership team, and he's dedicated to bringing a passionate commitment for the Department's mission, as well as tested problem-solving abilities. Mr. Panos' primary focus will be to ensure the men and women of WYDOT are as successful as possible.

5. Mr. Freier presented the Budget report.

Fiscal Year (FY) 2016 Operating Budget: The annual budget was presented in detail at a meeting held in the Commission Room on Wednesday, September 16, 2015. Mr. Freier thanked the Commission for the time spent in reviewing the FY 2016 budget summaries and in the budget presentation. Mr. Freier asked if the Commission had any questions for him regarding the budget details presented on September 16. The Commission offered no questions.

It was recommended by Mr. Freier, moved by Commissioner Ruwart, seconded by Commissioner Larson, and carried to approve the FY 2016 Operating Budget.

Monthly Budget Report: The August 2015 budget report revealed that the Commission budget is 83 percent expended, and the Legislative budget is 88 percent expended, for an overall budget expenditure of 85 percent for FY 2015, which is within the target budget tolerances.

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

Farewell Comments from the Chief Engineer: Mr. McOmie offered his sincere appreciation for his career with WYDOT, and he expressed his gratitude for working with the Commission over the years.

Mr. McOmie also encouraged the Commission to continue to meet with WYDOT's field personnel as often as possible, as the districts find it very helpful in their work, and they appreciate the Commission's support.

7. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 10, 2015, in Sheridan.

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

Federal project STP-6792001, involving flood damage repair, to include grading, draining, placing crushed base and concrete, and miscellaneous work at reference marker (RM) 13.05 on WYO 213, north of Burns, in Laramie County. Completion date: June 30, 2016

Engineer's Estimate	\$126,470.00	
<b>S &amp; S Builders, LLC, Gillette, WY</b>	<b>\$122,060.30</b>	<b>-3.5%</b>
American Contracting, LLC, Cheyenne, WY	\$132,981.00	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$172,870.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$257,430.00	

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

**COMMISSION DISTRICT 2**  
**K. John Dooley - Vice Chairman**

Federal project NHPPI-I803143, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, reclaimed asphalt widening, bridge rehabilitation, and miscellaneous work on 12.25 miles of I-80, beginning at RM 174.40, between

Rock Springs and Rawlins, east of Wamsutter, in Sweetwater County. Completion date: October 31, 2016

Engineer's Estimate	\$ 9,992,941.25	
<b>Riverside Contracting, Inc., Missoula, MT</b>	<b>\$ 8,974,724.50</b>	<b>-10.2%</b>
McGarvin-Moberly Construction Company and subsidiary, Worland, WY	\$ 9,152,149.12	
H-K Contractors, Inc., Idaho Falls, ID	\$ 9,214,677.00	
Lewis & Lewis, Inc., Rock Springs, WY	\$ 9,326,954.78	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$ 9,514,662.00	
Mountain Construction Company, Lovell, WY	\$ 9,938,018.86	
Border State Paving, Inc., Fargo, ND	\$10,878,369.50	
Nelcon, Inc. and White Rock Aggregate, LLC, Kalispell, MT	\$10,984,010.00	

It was recommended by Mr. Fredrick, moved by Vice Chairman Dooley, seconded by Commissioner Larson, and carried that **Riverside Contracting, Inc., Missoula, Montana**, 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-BR-TC-B153023, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 3, in Sweetwater County. Completion date: October 31, 2016

Engineer's Estimate	\$2,381,324.50	
<b>Reiman Corp. and Subsidiary, Cheyenne, WY</b>	<b>\$2,346,938.80</b>	<b>-1.4%</b>
Cannon Builders, Inc., Blackfoot, ID	\$2,555,697.20	
Plus 5% for Comparison	\$2,683,482.06	
Gerber Construction, Inc. and subsidiary, Lehi, UT	\$2,663,929.80	
Plus 5% for Comparison	\$2,797,126.29	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner McCormack, 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 DISTRICTS 2 and 3**  
**K. John Dooley - Vice Chairman**  
**Todd Seeton - Commissioner**

State projects PEG1531 and ARSCT-PEG3A14 combined, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, Teton, and Uinta counties. Completion date: March 31, 2016

Engineer's Estimate	\$1,604,332.25	
<b>Kilroy, LLC, Afton, WY</b>	<b>\$1,542,298.01</b>	<b>-3.9%</b>
Evans Construction Company, Jackson, WY	\$1,634,457.65	
R.S. Bennett Construction Company, Inc., Big Piney, WY	\$1,693,772.70	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried that **Kilroy, LLC, Afton, 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 3**

**Todd Seeton - Commissioner**

Federal projects STP-BR-1801022 and ARS3858 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, bridge replacement, conduit bridge telephone system, and miscellaneous work at RM 7.30, on the bridge over the Green River, on WYO 351, at the Big Piney cut off, in Sublette County. Completion date: October 31, 2017

Engineer's Estimate	\$4,773,338.80	
<b>C C &amp; G, Inc., Lander, WY</b>	<b>\$4,254,768.50</b>	<b>-10.9%</b>
Wadsworth Brothers Construction Company, Inc., Draper, UT	\$4,516,050.30	
Gerber Construction, Inc. and subsidiary, Lehi, UT	\$4,516,949.20	
Knife River Corporation - Northwest, Boise, ID	\$4,798,595.00	
Ralph L. Wadsworth Construction Company, LLC, Draper, UT	\$4,940,314.12	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$4,966,563.00	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Newton, and carried that **C C & G, 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. The Federal Highway Administration concurred with this decision.

### **COMMISSION DISTRICT 5**

**Bruce McCormack - Commissioner**

State project PEG1551, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 5, including Big Horn, Park, and Washakie counties. Completion date: April 30, 2016

Engineer's Estimate	\$1,330,271.00	
<b>Evans Construction Company, Jackson, WY</b>	<b>\$1,116,919.20</b>	<b>-16.0%</b>
Frost Rock Products Company, Lovell, WY	\$1,150,847.00	
AM Dirtworks & Construction, LLC, Buffalo, WY	\$1,214,298.00	
Plus 5% for Comparison	\$1,275,012.90	
Western Construction, Inc. and Western Leasing, LLC		
Rapid City, SD	\$1,222,506.96	
Plus 5% for Comparison	\$1,283,632.31	
McGarvin-Moberly Construction Company and subsidiary, Worland, WY	\$1,633,691.34	
Mountain Construction Company, Lovell, WY	\$1,716,465.09	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried that **Evans Construction Company, Jackson, 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 6**  
**Mike Larson - Commissioner**

Federal project NHPPI-BR-B154043, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, and miscellaneous work at various locations on I-90, in Transportation District 4, in Crook County. Completion date: October 31, 2016

Engineer's Estimate	\$2,695,377.45	
<b>Reiman Corp. and Subsidiary, Cheyenne, WY</b>	<b>\$2,833,999.95</b>	<b>+5.1%</b>
S & S Builders, LLC, Gillette, WY	\$2,955,454.86	

It was recommended by Mr. Fredrick, moved by Commissioner Larson, seconded by Commissioner Newton, 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 DISTRICT 7**  
**Clair Anderson - Chairman**

Federal project HSIP-N341111, involving removal and replacement of sidewalk, curb and gutter, electrical, and miscellaneous work at RM 8.25, at the intersection of US 20/26 and Six Mile Road, north of Casper, in Natrona County. Completion date: July 31, 2016

Engineer's Estimate	\$293,568.25
<b>Advanced Electrical Contracting, Inc., Sheridan, WY</b>	<b>\$228,864.00 -22.0%</b>
Modern Electric Co. and its subsidiary, Casper, WY	\$235,332.00
Casper Electric, Inc., Casper, WY	\$294,822.77
Windcreek Services, Inc., Gillette, WY	\$295,062.80

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried that **Advanced Electrical Contracting, Inc., Sheridan, 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 DR23301, involving removal of concrete, bridge concrete repair, and miscellaneous work at RM 188.60 on I-25, in Casper, at the Poplar Street interchange bridge in Natrona County. Completion date: June 30, 2016

Engineer's Estimate	\$222,765.00
<b>Hedquist Construction, Inc., Mills, WY</b>	<b>\$288,655.00 +29.6%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$295,000.00
S & S Builders, LLC, Gillette, WY	\$435,066.00

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

8. FY 2016 STIP: Mr. Fredrick presented the FY 2016 STIP for Commission consideration. The Department plans to obligate \$424.6 million in FY 2016, of which \$282 million is for highway contracts. The STIP includes highway projects, aeronautics projects, necessary transit funding, and other transportation-related funding. It was compiled using an estimate of the available federal and state funding for next year.

Mr. Fredrick also provided the Commission with a handout depicting some editorial changes that were recommended by the Federal Transit Administration and the Federal Highway Administration. Both agencies are also required to approve the WYDOT STIP.

It was recommended by Mr. Fredrick, moved by Commissioner Newton, seconded by Commissioner McCormack, and carried to approve the FY 2016 STIP, including the changes recommended by the Federal Transit Administration and the Federal Highway Administration.

9. Jim and Sharon Fink Letter, Sign Permit: On August 26, 2015, the Commission received a letter from Mr. and Mrs. Jim (Sharon) Fink about an advertising sign on their property near Lovell, Wyoming. The Finks have requested that an exception be made to allow them to continue to sell advertisement on the sign.

Federal and state laws require that the Transportation Commission regulate outdoor advertising along interstate and National Highway System routes. According to WYDOT Rules and Regulations, all signs are permitted to the sign owner, not the landowner. Each permit issued includes a statement that the landowner has consented to the erection and maintenance of the sign.

The sign on the Finks' property was once permitted to Stacey Hiser, who is the owner of the Cattlemen Motel. The Finks are currently allowing Audrey Bay to advertise her business, Auds 4-Corners Bar, on the sign. Stacey Hiser's sign permit has expired. WYDOT contacted Mr. Hiser about renewing the permit, but he has chosen not to do so. WYDOT subsequently notified the Finks that the permit violates the law and it must be revoked, and that the sign must be removed entirely. The law allows the owner of the land or structure to make a written request for a hearing pursuant to the administrative procedures act, but in its letter to the landowner notifying them of what is to happen, WYDOT did not offer them an opportunity to contest the sign removal within 15 days of the date of the notification letter. Hearings are typically heard by the Office of Administrative Hearings, with a subsequent opportunity for one appeal.

Mr. Fredrick has drafted a response letter to the Finks that explains the Department's stance on the situation, and that the Department is required to remove the sign because it is a non-conforming and unpermitted sign. The statutory appeals process will be offered to the Finks.

Mr. Fredrick will provide an update to the Commission at its October 15, 2015, business meeting.

10. Matthew and Oriana Gettman Letter, Right-of-Way Easement for Access and Utilities: On September 16, 2015, the Commission received a letter from Matthew and Oriana Gettman requesting an easement to build a road for access to a property off of US 287, north of Rawlins, they are considering for purchase. Mr. Fredrick advised that WYDOT's Right-of-Way Program will work with the Gettmans and investigate potential options for an access to the property. No Commission action is required regarding the matter at this time.

11. Bridge Program Overview: Mr. Keith Fulton, State Bridge Engineer, provided an overview of the various sections of the Bridge Program, which is made up of about 40 employees.

Bridge Design is the largest section, and its primary function is to design and detail all roadway-related structures that are programmed in the STIP, including bridge replacements, rehabilitations, and widenings. Culverts, overhead sign structures, traffic signals, retaining walls, and hydraulic structures are also designed by the Bridge Program.

Hydraulic Section personnel work with Bridge Design and other WYDOT programs to provide design analysis for all types of water crossings on projects. Fish passage, wetlands, scour depth remediation, and storm drain systems are some of the types of work provided by Hydraulics.

Bridge Operations is responsible for statewide bridge inspections and load ratings, in accordance with the federal National Bridge Inspection (NBI) Standards. District personnel inspect the 1,960 WYDOT-owned bridges, and the Bridge Program has five in-house bridge inspectors that train and certify the district inspectors, and assist with bridge inspections as needed. The five in-house Bridge Program inspectors also inspect and provide load ratings for the 850 Off-system bridges that are owned and maintained by cities and counties. All Wyoming bridges are inspected at least every 24 months, and some are inspected on 6- and 12-month cycles, depending upon the condition and load postings of the structure.

Thirty years of bridge data has been entered in WYDOT's Bridge Management System to develop cost improvement and deterioration models for bridge work recommendations. Performance measures are also developed based on the needs and available funding.

WYDOT's Bridge Program developed and maintains a suite of software programs called Bridge Rating and Analysis of Structural Systems (BRASS) years ago. The software was developed in the early 1970s, and it has been maintained through the years. It is used internationally by consultants and departments of transportation for structural analysis, and WYDOT uses the software for overweight loads analysis when determining overweight loads on Wyoming's highways. WYDOT averages about one request per day for overweight load analysis on trucks that are 250,000 pounds or more. The Bridge Program has evaluated loads up to 1.2 million pounds.

Shop plans and steel and concrete fabrication inspection is also done by the Bridge Operations section to ensure that materials used on WYDOT projects meet the required specifications.

Bridge Design and Hydraulics sections are involved in flood-related projects and damage repairs caused by vehicle impacts to ensure safety and to begin developing plans for the mitigation and repairs.

The Bridge Program is currently working on several large-scale bridge projects, the Harney Street overpass in Laramie, the Lovell to Cowley dual bridges, and Jackson South. The Lusk bridge that was destroyed by flooding in June continues to progress. A temporary bridge has been installed, and bids will be opened in January 2016 to begin the reconstruction process.

Mr. Fredrick expressed his appreciation for the efforts of the entire Bridge Program, and he noted that federal law sets a target that not more than 10 percent of a state's total bridge deck area may be on structurally deficient bridges. Wyoming currently has 12.5 percent of its bridge deck areas that are structurally deficient. The Bridge Program is proactively working with the districts to address these deficient structures by including additional structure rehabilitation projects in the STIP.

Mr. McOmie spoke highly of WYDOT's Bridge Program, and noted that the program is widely known throughout the country for its expertise in structural design, hydraulics, and operations.

12. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2015, includes 90<sup>1</sup> fatal crashes involving 103<sup>1</sup> deaths. The fatalities include 42 rollover crashes, 29 multi-car crashes, 5 fixed objects, 23 motorcycles and all-terrain vehicles, and 4 pedestrians and/or bicyclists. Of the 90 crashes that occurred so far this year, 15<sup>2</sup> involved commercial vehicles.

There have been 34<sup>3</sup> crashes to date deemed alcohol related, resulting in 37<sup>3</sup> deaths. Of those deaths, 27 were attributed to not using occupant restraints.

Of the 103 deaths that have occurred to date this year, 46 can be attributed to the non-use of occupant restraints, with 37 involving rollover crashes, 6 involving multi-car collisions, and 3 involving fixed objects. Of the 46 deaths that occurred from non-use of occupant restraints, 41 were Wyoming residents, and 5 were non-residents. Ten of those who perished were under 21 years of age, and 6 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 90 fatal crashes that have occurred to date this year, 51 (54 percent) of them occurred on primary/secondary highways, 20 (21 percent) occurred on interstate highways, and 24 (25 percent) occurred on city/county roads.

Ten multiple-fatality crashes have occurred on Wyoming highways so far this year, of which 7 involved multiple vehicles, 3 involved commercial vehicles, and 3 were alcohol related.

Inclement weather or road conditions contributed to 10 vehicle crashes so far this year, which resulted in 13 deaths. Speed was considered a factor in 28 of the vehicle crashes that caused 37 deaths.

The days of the week for fatal crashes in 2015 are as follows:

Sunday	10 crashes
Monday	12 crashes
Tuesday	15 crashes
Wednesday	12 crashes
Thursday	10 crashes
Friday	16 crashes
Saturday	20 crashes

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<sup>1</sup>Numbers at the time of reporting; final numbers may change.

<sup>2</sup>Number not included in total deaths (sub-crash data).

<sup>3</sup>Not all chemical test results were available at the time of reporting.

The times of day for fatal crashes in 2015 are as follows:

12:00 a.m. to 6:00 a.m.	6 crashes
6:00 a.m. to 12:00 p.m.	18 crashes
12:00 p.m. to 6:00 p.m.	33 crashes
6:00 p.m. to 12:00 a.m.	27 crashes

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 3,900<sup>4</sup> crashes statewide, of which 3,213<sup>4</sup> involved non-commercial vehicles, and 687<sup>4</sup> involved commercial vehicles.

Colonel Haller noted that lack of seatbelt use continues to significantly influence the number of fatalities in Wyoming, particularly with Wyoming drivers. Lieutenant Colonel Ratliff advised that the Highway Patrol will continue to enforce zero tolerance in accordance with Wyoming's secondary seatbelt law. WYDOT will also continue to leverage federal highway safety funding to encourage seatbelt usage in Wyoming. Mr. McGee advised that WYDOT recently won a national award for its seatbelt safety campaign, and that the Department spends about \$1.6 million in federal funds annually to promote highway safety.

Mr. Panos left the meeting.

Wyoming Highway Patrol (WHP) Recruiting Update: Colonel Haller briefed the Commission about the status of trooper recruiting. The WHP began testing for new recruits last week. There were 98 applicants, of which 30 candidates will move on to the background check phase. Trooper applicants undergo a very strong vetting process with very high standards. Of the 30 applicants that are undergoing background checks, 15 are already certified officers, which will shorten their required training period.

13. Mr. Byrne presented the Aeronautics report, including the August 2015 Aeronautics Flight Operations Passenger Summary Report, and the August 2015 Wyoming Aircraft Monthly Report.

14. Mr. Loftin presented the Support Services report.

Mr. Loftin presented the following resolution for the revised Chapter 3, Appeals and Hearings, from the *Wyoming Department of Transportation Rules and Regulations*, General Section.

Chapter 3, Appeals and Hearings, is a revised rule and regulation of the Wyoming Department of Transportation, and it is promulgated by authority of W.S. 16-3-102(a) and W.S. 24-2-105 to establish a system by which interested persons may appeal the decisions of WYDOT and to provide standards of conduct for all contested case hearings, except as otherwise provided by law.

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<sup>4</sup>Does not contain all crashes worked. Some reports are still pending.

This revised rule and regulation applies legislative changes concerning contested cases from the 2014 Wyoming Legislature found in Senate Enrolled Act 47. This act requires each state agency to adopt as much of the uniform rules governing contested cases promulgated by the Office of Administrative Hearings as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency. The proposed changes to the revised rule incorporate by reference Chapter 2, Uniform Rules for Contested Case Practice and Procedure, as adopted by the Office of Administrative Hearings effective on October 17, 2014. Much of the existing Chapter 3 text is proposed for removal, as it is will be superseded by the uniform rule.

It was recommended by Mr. Loftin, moved by Commissioner McCormack, seconded by Commissioner Seeton, and carried to approve the following resolution.

### **RESOLUTION**

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105 and W.S. 16-3-102(a), is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt General Section, Chapter 3, Appeals and Hearings, a revised rule and regulation of the Wyoming Department of Transportation. This revised rule and regulation applies legislative changes concerning contested cases from the 2014 Wyoming Legislature found in Senate Enrolled Act 47. This act requires each state agency to adopt as much of the uniform rules governing contested cases promulgated by the Office of Administrative Hearings as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency. The proposed changes to the revised rule incorporate by reference Chapter 2, Uniform Rules for Contested Case Practice and Procedure, as adopted by the Office of Administrative Hearings effective on October 17, 2014; and

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

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Commission of Wyoming officially adopts General Section, Chapter 3, Appeals and Hearings.

15. Mr. Loftin presented the following resolution for the revised Chapter 1, Fuel Tax Administration, from the *Wyoming Department of Transportation Rules and Regulations*, Fuel Tax Administration Section.

Chapter 1, Fuel Tax Administration, is a revised rule and regulation of the Wyoming Department of Transportation, and it is promulgated by authority of W.S. 39-17-102, W.S. 39-17-202, and

39-17-302 to administer the process for assessing and collecting all licensing taxes, credits, and fees associated with fuel taxes.

This revised rule and regulation applies legislative changes from the 2015 Wyoming Legislature to comply with current statutes (concerning alternative fuels), modifies dates and filing procedures, clarifies definitions and eligibility requirements, and provides for end-user refunds. Some of the proposed changes also reduce content in keeping with the governor's continuing rule reduction initiative.

It was recommended by Mr. Loftin, moved by Commissioner Seeton, seconded by Commissioner Newton, and carried to approve the following resolution.

### **RESOLUTION**

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105, W.S. 39-17-102, W.S. 39-17-202, and W.S. 39-17-302, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Fuel Tax Administration Section, Chapter 1, Fuel Tax Administration, a revised rule and regulation of the Wyoming Department of Transportation. This revised rule and regulation applies legislative changes from the 2015 Wyoming Legislature to comply with current statutes (concerning alternative fuels), modifies dates and filing procedures, clarifies definitions and eligibility requirements, and provides for end-user refunds. Some of the proposed changes also reduce content in keeping with the governor's continuing rule reduction initiative; and

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

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Commission of Wyoming officially adopts Fuel Tax Administration Section, Chapter 1, Fuel Tax Administration.

16. Mr. Shultz presented the Operations report.

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

- Bid number 15-301 to furnish 46,700 tons of maintenance stockpiled materials, Type B, No. 4 modified (salt mixed), to be delivered at various District 2 locations. The bid was awarded to Knife River, of Cheyenne, Wyoming, for the sum of \$529,745.00; 71

Construction, of Casper, Wyoming, for the sum of \$506,320.00; and Croell Redi-Mix, of Sundance, Wyoming, for the sum of \$254,500.00; for a total sum of \$1,290,565.00.

- Bid number 15-302 to furnish electrical service to a road closure gate at the WYDOT facility in Pine Tree Junction, located at WYO 50 and WYO 387 in Campbell County. The bid was awarded to Windcreek Services, Inc., of Gillette, Wyoming, for the sum of \$54,755.00.
- Bid number 15-303 to furnish a 40' x 100' salt/sand storage building, to be constructed at Reno Junction. The bid was awarded to NWP, LLC, of Casper, Wyoming, for the sum of \$342,322.00.
- Bid number 15-307 to furnish 40 each, new, all-wheel-drive, patrol sedans with police package, for delivery in Evans, Colorado. The bid was awarded to Greiner Motor Co. - Douglas, of Douglas, Wyoming, for the sum of \$998,320.00.
- Bid number 15-308 to furnish 10 each, new Chevrolet Tahoe, four-wheel-drive, police package, sport utility vehicles, for delivery in Evans, Colorado. The bid was awarded to Teton Motors, Inc., of Jackson, Wyoming, for the sum of \$372,972.10.

It was recommended by Mr. Shultz, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried to approve purchase for bid number 15-300 to furnish a 30' x 40' cold storage building, to be built at Muddy Gap. The bid was awarded to A. Pleasant Construction, Inc., of Green River, Wyoming, for the sum of \$85,104.50.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Newton, and carried to approve purchase for Requisition No. 0000039480 to furnish Vaisala road surfacing sensors, for use by the Intelligent Transportation Systems/Geographical Information Systems (ITS/GIS) Program. The bid was awarded to Vaisala, Inc., of Louisville, Colorado, for the sum of \$230,000.00.

Connected Vehicle Technology Tested on I-80: WYDOT has been awarded a grant by the U.S. Department of Transportation for a pilot program to reduce weather-related crashes and delays on Interstate 80 through the use of connected vehicle technology. The technology allows vehicles to share and communicate anonymous information with each other and their surroundings in real time. Studies have shown it has the potential to reduce unimpaired vehicle crashes by 80 percent.

WYDOT's proposal focused on improving freight mobility and safety along the I-80 corridor, with the intent of developing a program that can be applied in other rural environments. The proposal was one of three applications selected through a competitive process as part of the national Connected Vehicle Pilot deployment program. The Department will seek to use the connected vehicle technology to improve dissemination of road condition reports through in-vehicle dissemination of advisories to support speed management, detours, parking, and presence of maintenance and emergency vehicles.

WYDOT will receive a portion of the \$42 million in grant funding for the program. A final decision about how much funding WYDOT will receive will be made September 30, 2015.

17. Chairman Anderson recessed the meeting at 11:50 a.m., on Thursday, September 17, 2015.

18. Chairman Anderson reconvened the meeting at 1:53 p.m., on Thursday, September 17, 2015.

Messrs. Byrne and Fulton, Colonel Haller, and Lieutenant Colonel Ratliff did not return to the meeting.

19. Mr. Shultz continued his Operations report.

SAP Software Update: At its August 20, 2015, business meeting, the Commission voted unanimously against paying a fine, imposed by SAP (Systems Applications and Products), until further details could be gathered about WYDOT's alleged non-compliance with the software license agreement.

To recap, Mr. Shultz advised that about two years ago the Department had significant difficulty with the software. CPUs became bound up, even after rebooting the server. WYDOT's Information Technology Program worked with the software vendor to resolve the problem. Additional software was temporarily loaded on additional CPUs, which ultimately resolved the problem. The software was inadvertently left on the CPUs, which was discovered about one year later when the software company audited WYDOT's software usage. The Department corrected the infraction immediately, as the additional licenses were not needed.

Further research determined that the Department owned seven licenses for the software in question. The SAP audit determined that there were four instances where software was loaded on WYDOT CPUs that were not in compliance with the license agreement. The value of those four licenses was \$437,500. The annual maintenance cost for those licenses is 22 percent, or \$96,250, annually. SAP determined that the licenses were out of compliance for 3½ years for a total maintenance cost of \$336,875. Overall, SAP originally asked WYDOT to pay \$774,375, which was the cost of the additional CPU licenses installed, plus annual maintenance for those licenses, that were in excess of the license agreement in effect at the time of the audit.

Since the audit, WYDOT has worked with the vendor to reconfigure its software license model to suit today's business needs at a cost of \$194,043 for the coming year. The Department has negotiated with SAP and plans to sign a new license agreement for this new license model that will absolve WYDOT from the infractions found in the audit. The new license agreement includes a one-time cost of \$150,097 for software, \$81,143 for annual maintenance, and a \$37,197 maintenance credit for the first year.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried to approve purchase of the software and the annual software maintenance as noted in the SAP Software Order Form. The contract was awarded to Systems Applications and Products (SAP), of Newtown Square, Pennsylvania, for a cost not to exceed \$194,043.00.

20. Authorized Signatory Changes: It was recommended by Secretary Scott, moved by Commissioner Newton, seconded by Commissioner Ruwart, and carried to remove former Colonel John L. Butler as an authorized signatory, effective immediately; add Colonel Kebin W. Haller as an authorized signatory, effective immediately; and add incoming director William T.

Panos as an authorized signatory, effective October 12, 2015, for the Wyoming Department of Transportation.

21. It was moved by Commissioner Seeton, seconded by Commissioner McCormack, and carried to move into executive session to discuss two legal matters and one personnel matter. The Commission went into executive session at 2:15 p.m., on Thursday, September 17, 2015.

Messrs. Purdy, McGee, and Freier left the meeting.

22. It was moved by Commissioner McCormack, seconded by Commissioner Seeton, and carried to move out of executive session. The Commission came out of executive session at 3:11 p.m., on Thursday, September 17, 2015.

23. It was moved by Commissioner Seeton, seconded by Commissioner McCormack, and carried to adjourn the meeting. Chairman Anderson adjourned the meeting at 3:11 p.m., on Thursday, September 17, 2015.