

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the WYDOT Auditorium of the Transportation Headquarters building in Cheyenne on September 14, 2017. The business meeting was convened at 8:30 a.m. by Chairman Seeton. The following members were present constituting a quorum:

Todd Seeton, Chairman, Jackson
Bob Ruwart, Vice Chairman, Wheatland
Mike Larson, Commissioner, Lusk
Rick Newton, Commissioner, Buffalo
Louie Pfrangle, Commissioner, Worland
Phil Schmidt, Commissioner, Casper
Jim Espy, Commissioner, Savery
William T. Panos, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting was Dennis Byrne, Chief Financial Officer; Gregg Fredrick, Chief Engineer; Mark Gillett, Assistant Chief Engineer for Operations; Taylor Rossetti, Support Services Administrator; Colonel Kebin Haller, Highway Patrol Administrator; Pat Lewis, Chief Technology Officer; Mike Kahler, Supervising Attorney General; Rodney Freier, Budget Program Manager; and Lee Potter, Engineering and Operations Supervisor, Federal Highway Administration.

Ms. Amy Surdam, Aeronautics Administrator, and Mr. Keith Fulton, Assistant Chief Engineering for Engineering & Planning, were absent.

Messrs. Sam Voyles, Assistant Attorney General; Joel Meena, State Traffic Engineer; and Ms. Rhonda Harsy, Financial Services Program Manager; Christy Stone, State Transportation Improvement Program (STIP) Supervisor; Christine Grant, STIP Coordinator; Mr. Tim McDowell, State Programming Engineer; Doug Jensen, State Contracts and Estimates Engineer; Pam Fredrick, Budget Program; also attended the meeting.

Delegation Attendees: Mr. Arnold Undzis, Vice President, and Mrs. Maureen Undzis, President, AM Signal, Inc.; Messrs. Lee Hansen, Regional Sales & Support, and Tom Stiles, Vice President of Business Development, of Intelight ITS, the vendor for AM Signal; Mr. Scott Meyerhoff, Owner and President of Intermountain Traffic; and Mr. Jeff Spinazze, Senior Vice President of Trafficware, the vendor for Intermountain Traffic.

1. Pledge of Allegiance: Chairman Seeton led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Schmidt, seconded by Commissioner Larson, and carried to approve the minutes from the August 17, 2017, regular business meeting (teleconference) minutes, and the August 24, 2017, special business meeting (teleconference) minutes.

3. Correspondence: Secretary Scott presented a letter received from DK&D, LLC, of Cheyenne, Wyoming, via Certified Mail, regarding “Voluntary Remediation Program Eligibility.”

Secretary Scott also presented a letter from Mr. Ian Luria of Ogden, Utah, requesting an official statement about “whether U.S. Highway 191 within Sweetwater County has been designated as a state highway by the Transportation Commission.” A response was prepared and sent to Mr. Luria stating that US 191 is a United States highway, and it is owned and maintained by the State of Wyoming.

4. Old Business: At its August 17, 2017, business meeting, Commissioner Schmidt inquired about the status of information that was requested about WYDOT’s employee relocation program, specifically, the purchase of employees’ houses when they are transferred to a different location.

A handout was provided to the Commission depicting 58 WYDOT-owned houses statewide. Employees are required to provide a \$500 damage deposit to live in those dwellings. Twenty-seven WYDOT employees who work in Teton County currently receive a \$1,312 per month housing allowance at an annual cost of \$425,000 to WYDOT. The Department is in the design phase of building state-owned housing to help defer the \$425,000 in ongoing expenditures, and to secure housing for its employees. The units will be single family residences.

In rare cases, WYDOT can also provide housing purchase assistance for its employees. In the last five years, three employee homes were purchased by the Department. The average cost of those homes was \$170,000. The overall cost recovery to WYDOT has been \$4,550, with one home that remains to be sold.

Commissioner Schmidt thanked the executive staff for their work to prepare this information and for the explanation of the employee housing program, and he noted that he favored the idea of building employee housing.

Chairman Seeton also favored the plan to build employee housing in Teton County, and he believed the idea will be well received by area residents.

Other Old Business: Chairman Seeton thanked all of the WYDOT employees, particularly the Highway Patrol, for their efforts toward preparing for the total solar eclipse. Many hands were involved in managing the event, and there were very few incidents to report. Chairman Seeton also congratulated the Highway Patrol on their great work.

5. Director Panos presented the Director’s report.

Operating Policy 24-1, Monetary Limitations and Approving Authority: At its August 17, 2017, business meeting, Commissioner Schmidt inquired about the monetary approval threshold of the Commission and WYDOT’s executive staff. Operating policy 24-1 was last revised July 21, 2010.

Mr. Byrne presented a marked copy of proposed changes to Operating Policy 24-1, including the removal of the requirement that “All equipment, vehicle, and supply purchases, and services contracts over \$50,000 are presented to the Transportation Commission of Wyoming for review.”

The proposed revision adds a \$50,000 threshold for assistant chief engineer approvals. A note was also added stating, “The Chief Engineer will update the Commission when an individual change order exceeds \$250,000 and when the accumulated change orders on any given project exceeds 15% of the contract award amount.” Some other cleanup language was also made to the policy.

Chairman Seeton agreed with the majority of the changes to Operating Policy 24-1, but he expressed concern about not seeing or approving purchases or services of less than \$200,000 in cases where there may be an issue with the bid(s) received. Mr. Byrne advised that Procurement Services bids of less than \$200,000 that present a liability or risk to the Department would likely still be brought to the Commission for review. Mr. Byrne also stated that the revised policy would afford the executive staff the opportunity to accept or reject the bids as each situation warranted, and that the staff has in the past, and would continue to, decide case by case which procurement bids should be brought before the Commission.

Commissioner Schmidt asked, if the policy is revised, that all policy references throughout the Department should be changed to reflect the revisions of Operating Policy 24-1, including the WYDOT web site. Director Panos ensured that all WYDOT references would be cleaned up to be consistent with the revised operating policy.

Chairman Seeton asked Director Panos if the Commission was being asked for a formal approval of the revised policy. Director Panos advised that the policy was shared with the Commission as a courtesy, and that Commission approval is not needed because the director has the authority to change Department policies. Director Panos further explained that the purpose of bringing the proposed changes to Operating Policy 24-1 to the Commission was to receive input before he decides whether to act on the changes that were discussed.

New Federal Highway Administrator: The White House recently announced that President Donald Trump intends to nominate Mr. Paul Trombino III, president of civil engineering company McClure Engineering, as administrator of the Federal Highway Administration. Mr. Trombino previously spent more than five years as the director of the Iowa Department of Transportation. He also served as vice chairman of the Transportation Research Board’s executive committee in 2016, and as president of the American Association of State Highway Transportation Officials from 2015 to 2016.

Federal Transportation Bill Update: Director Panos continues to work with federal authorities to establish a surface transportation bill. Discussions are going well, and Director Panos believes

the five-state coalition has had a voice in the process to ensure that proposals address rural state funding issues.

A continuing resolution was recently passed by U.S. Congress to keep the federal government operating through December 8, 2017.

Hurricane Relief Assistance: Wyoming has received a formal request from the Federal Emergency Management Agency (FEMA) to assist with the recovery efforts from the recent hurricanes in Texas and Florida. The destruction left by Hurricane Harvey and Hurricane Irma has left those areas shorthanded. WYDOT has offered to send road and bridge inspectors and heavy equipment operators to assist with inspections and cleanup efforts. About 100 WYDOT volunteers have signed up to join forces with other states to help with the relief efforts. Heavy equipment will be provided by various entities in Texas and Florida, so WYDOT will not have to transport its own equipment.

2017 Solar Eclipse: Significant preparations were made for the August 21, 2017, total solar eclipse in Wyoming. Director Panos thanked the WYDOT employees who contributed to keeping the event safe and enjoyable for over one million people who came to Wyoming for the unique event.

100-Year Celebration of Transportation Excellence: WYDOT celebrates 100 years of transportation excellence in 2017. Employee celebrations have been held statewide with support from the Wyoming Highway Patrol Association, the Wyoming Transportation Department Employees Association, and WyHy Federal Credit Union. WYDOT retirees were also invited to the events.

As part of the 100-year celebration, a Transportation Summit will be held December 7, 2017, in Casper. Transportation officials from around the nation are being invited to attend the summit that will contemplate future transportation issues in rural states.

6. Mr. Byrne presented the Chief Financial Officer's report.

Monthly Budget Report: The August 2017 budget report revealed that the Commission budget is 86 percent expended, and the Legislative budget is 82 percent expended, which is within the target budget tolerances.

7. Fiscal Year (FY) 2018 Operating Budget: The annual budget was presented in detail at a meeting held in the Commission Room on Wednesday, September 13, 2017.

Mr. Byrne asked if the Commission had any questions regarding the budget details presented on September 13.

Commissioner Schmidt asked Director Panos to continue his efforts to convey that WYDOT's declining funding stream is not keeping up with the need to maintain Wyoming's highways in their current condition.

Mr. Byrne noted that items such as equipment purchases and building repairs were postponed to balance the FY 2018 budget. Additionally, the Department will be using some of its \$0.10 fuel tax funding for WYDOT-furnished highway maintenance and rehabilitation.

During the 2017 legislative session, two bills passed that increased the amount paid for motor vehicle registration fees and drivers' licenses. With the passage of those two user fee bills, all General Funds were removed from WYDOT's budget. Mr. Byrne is tracking the revenue from the user fee bills to determine the net difference between revenues generated versus the General Funds that were lost in FY 2017.

It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to approve the FY 2018 Operating Budget.

Mr. Byrne also noted that WYDOT's anticipated revenues are about \$46 million less in FY 2018 than last year. Revenues are expected to increase slightly in FY 2019 and then level out in the future.

Mr. Byrne thanked the key individuals who played a role in preparing a balanced budget.

Federal Funding Redistribution: Each year in August, states are asked if they are able to use their federal obligation authority. If they are not able to use it, the obligated funds revert to the federal trust fund, and they are redistributed to other states with a need. Wyoming expressed a need of \$55 million for highway work and received \$21.8 million for use on federal highway projects. Those projects will be let in October and November 2018.

8. It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Larson, and carried to move Bid Numbers 17-247 and 17-251 to a consent list.

It was moved by Commissioner Espy, seconded by Commissioner Newton, and carried to approve the following bids that were moved to the consent list.

- Bid number 17-247 to furnish 102,500 tons of maintenance stockpile material (on-demand salt/sand) for use by District 1 maintenance crews. The bid was awarded to Simon Contractors, of Cheyenne, Wyoming, for the sum of \$2,935,880.00.
- Bid number 17-251 to furnish 142,500 square feet of high performance retro-reflective sheeting, for use by the Traffic Program in Cheyenne. The bid was awarded to ORAFOL Americas, Inc., of Avon, Connecticut, for the sum of \$96,875.00.

It was recommended by Mr. Byrne, moved by Commissioner Newton, seconded by Commissioner Larson, and carried to approve purchase for Bid No. 17-248 to furnish snow

removal from parking lots and sidewalks at the Southeast Wyoming Welcome Center located at 5611 High Plains Road in Cheyenne. The bid was awarded to Joe Farris Lawns L&S, of Cheyenne, Wyoming, for the sum of \$112,050.00.

It was recommended by Mr. Byrne, moved by Commissioner Schmidt, seconded by Commissioner Larson, and carried to approve purchase for Bid No. 17-249 to furnish a water hookup at the Southeast Wyoming Welcome Center located at 5611 High Plains Road in Cheyenne. The bid was awarded to Rocky Mountain Sand & Gravel, LLC, of Cheyenne, Wyoming, for the sum of \$86,500.00.

Mr. Byrne introduced Mr. Scott Meyerhoff of Intermountain Traffic, and Mr. Jeff Spinazze, of Trafficware, the apparent second low bidder on Bid No. 17-250.

Mr. Meyerhoff provided a history of the Department's current traffic signal system and the purpose of the statewide upgrade. The quoted cost included all software upgrades necessary to bring the system to standard, and a maintenance agreement to address future bugs and enhancements. WYDOT's Procurement Services Program advised that a maintenance agreement is required with any software upgrades or purchases.

Mr. Meyerhoff provided an excerpt from the Project No. B179108 Specifications, Page 11 of 12 that states:

“OPERATIONAL SUPPORT: Provide ten (10) years of operational support on the local controller software and central traffic signal control software. The first three (3) years of support shall be included in this project and is considered incidental to the bid item Special Item LS-A.”

The specifications also stated on Page 12:

“. . . Include a price quote for the annual support for the full seven (7) year extended maintenance/support duration. Annual costs for extended support (beyond the first three years) will be paid for by WYDOT using State funds.”

On Form A-8, WYDOT Procurement Services Proposal, of the bid documents, it also states:

“Additional cost for seven years of annual maintenance/support (not a consideration in bid award).” Additionally, the Form A-8 included lines to enter the “Year one cost,” through “Year seven cost.”

In the question and answer section of the addendum to the bid documents, the following statements were recorded.

“. . . Specification indicates to include a price quote for these additional seven (7) years, but this is not listed on the pricing schedule. Since there is not a price schedule for this item on FORM A-8, are we to include another quote with this bid or is this to be quoted at a later time?”

“ANSWER: Incorporate new proposal pages that include pricing for the seven (7) year annual maintenance/support (See attached).”

Mr. Meyerhoff also provided a copy of a Federal Highway Administration memorandum regarding “Bid Analysis and Unbalanced Bids.” According to Mr. Meyerhoff, AM Signal’s quote will cost the Department an additional \$456,518 over the next 10 years because of the need for a maintenance agreement. Mr. Meyerhoff also spoke with executive staff members about the discrepancy, and was told that the annual cost information provided on the bid documents was to be provided only for WYDOT’s budgetary purposes.

Mr. Lee Potter of the FHWA testified that unbalanced bids are “tough to discern most of the time,” but the bid in question would not be considered unbalanced by the FHWA because the proper information was provided in the bid package.

On Wednesday, September 6, 2017, Intermountain Traffic received an email from WYDOT’s Procurement Services Program stating the bids were going to be rejected and rebid, but after AM Signal protested, WYDOT rescinded that statement and the bids were brought before the Commission for consideration.

Mr. Meyerhoff explained that WYDOT did an extensive pre-bid evaluation before the request for bids was advertised. The Department reviewed all potential vendors who might bid on such a system, and the field was ultimately narrowed to two vendors. Those two vendors were asked to conduct thorough field deployments, including installation of servers, client server access, database conversion on computers at Laramie intersections, and two weeks of system deployment before bid submission.

Mr. Meyerhoff noted that his company doesn’t sell traffic signal systems like the one being bid without a maintenance plan.

Mr. Undzis testified that he prepared his company’s bid, AM Signal, Inc., in accordance with the specifications. Mr. Stiles, of Intelight ITS, explained the history of his company and the industry standards regarding the traffic control system and the proprietary aspect of the system.

Director Panos asked if the state has the right to consider procuring the system and the maintenance plan in separate bids. Mr. Kahler indicated the state does have the right to do so. Director Panos also asked if the state has the right to ask for information in the bid, but not consider it when selecting the awarded bidder. Mr. Kahler stated again that the state has the right to do so.

Director Panos asked Mr. Byrne if it was clearly stated in the bid documents that the maintenance information was going to be required but not considered in selecting the awarded bidder. Mr. Byrne stated that this information was clearly stated on Form A-8.

Commissioner Espy asked Mr. Byrne if WYDOT did actually send out an email to Intermountain Traffic indicating the bids were going to be rejected and rebid. Mr. Byrne indicated that an email was sent by the Procurement Services Program, but he was not sure whether the email was sent to both bidders. Mr. Undzis indicated he received a phone call, not an email, from someone within the WYDOT Procurement Services Program saying the bids were going to be rejected, but within an hour he received another phone call rescinding the decision to reject all bids. Mr. Kahler advised that the Department ultimately decided to bring the bid to the Commission for its consideration, so the Commission's decision is final.

Mr. Joel Meena, State Traffic Engineer, testified that the current traffic system is no longer supported, and both bidders are capable of providing the system upgrade.

Commissioner Espy asked Mr. Kahler if the statement on the Form A-8, "Additional cost for seven years of annual maintenance support (not a consideration in bid award)" and the question about the rejection and rescinding of the bid together creates an "incurable error for the Commission to vote on." Mr. Kahler advised that if the Commission determines the bids are ambiguous, then they should reject all bids, but he agreed it may be problematic to disregard an item in the bid document that specifically states is not a consideration in the bid award (e.g., the seven year maintenance plan).

It was recommended by Mr. Byrne, moved by Commissioner Schmidt, seconded by Vice Chairman Ruwart, and carried to approve purchase for Bid No. 17-250 to furnish a traffic signal controller upgrade at various locations statewide. Commissioner Espy voted no. The bid was awarded to AM Signal, LLC, of Littleton, Colorado, for the sum of \$1,492,106.00.

Messrs. Meyerhoff, Spinazze, Undzis, Hansen, and Stiles, and Mrs. Undzis left the meeting.

It was recommended by Mr. Byrne, moved by Commissioner Schmidt, seconded by Commissioner Espy, and carried to approve purchase for Bid No. 17-255 to furnish 236,100 gallons of liquid organic accelerator for use by maintenance crews in Districts 2, 3, 4, and 5. The bid was awarded to SFG Road Maintenance, of Knoxville, Iowa, for the sum of \$328,179.00.

It was recommended by Mr. Byrne, moved by Commissioner Larson, seconded by Commissioner Newton, and carried to approve purchase for Requisition Number 0000047269 to furnish service labor hours and pre-season road weather information systems (RIS) maintenance. The bid was awarded to DBT Transportation Services, LLC, of Cypress, Texas, for the sum of \$74,750.03. DBT Transportation Services is a sole source provider of this service. Mr. Lewis explained that this equipment purchase is for sensors that track road and weather temperatures, and other auxiliary equipment for the RIS system. This sole source purchase is necessary for compatibility with the existing 769 devices already used statewide with the RIS system.

Ms. Harsy and Mr. Freier left the meeting.

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

Hurricane and Flood Relief Assistance: WYDOT has been working with AASHTO, the Florida and Texas Departments of Transportation, and the Wyoming Office of Homeland Security to provide resources to assist with the recovery efforts from Hurricane Harvey and Hurricane Irma. About 100 WYDOT employees have volunteered to help so far.

WYDOT has received word that law enforcement volunteers are no longer needed, but the need for engineers and heavy equipment operators is still under evaluation. If assistance is needed in these areas, the Department will work with the Wyoming Office of Homeland Security and enter into an emergency management agreement, and employees will be deployed for a two week period as needed.

Landslide Repair Update: Contractors have been selected to begin working on the Red Barn Slide on WYO 233, the White Cross Slide on US 14, and the Guardrail Wall Slide on US 14A. The contractors were hired to perform the emergency work through a request for proposals (RFP), in accordance with Wyoming statutes and WYDOT policy. Geostabilization International (GSI) was selected to perform the work on all three slides at a cost of \$108,241.50 for the Red Barn Slide, \$176,118.48 for the White Cross Slide, and \$166,204.33 for the Guardrail Wall Slide. Mr. Fredrick discussed the award of these emergency contracts with Chairman Seeton before the contract was awarded.

Redistribution of Project Funding: As mentioned by Mr. Byrne earlier in the meeting, WYDOT received \$21.8 million in federal obligation authority in August because of the annual federal redistribution. Nine of the 12 projects scheduled in the October letting will utilize the federal redistribution funds.

Mr. Fredrick explained the importance and the benefit of federal funding for the success of WYDOT's surface transportation program. Transportation Investment Generating Economic Recovery (TIGER) grants are one way the Department receives federal funding. TIGER grants are used on projects that have significant impacts on the nation, a metropolitan area, or a region. A call for projects was recently issued by the federal government, and WYDOT is considering two projects for consideration, the Beartooth Highway project and the Blue Sky Highway. One phase of the Beartooth Highway has been completed using a TIGER grant, but the last phase will need about \$20 million for its reconstruction. The Blue Sky Highway is on the Wind River Reservation (WRR), south of Ethete. WYDOT plans to submit a joint TIGER grant application with the WRR to complete that project.

The Infrastructure for Rebuilding America (INFRA) grant provides dedicated, discretionary funding for projects that address critical issues facing our nation's highways and bridges. WYDOT has three projects for which it will apply for INFRA grants, the Rock Springs I-80 interchange project, the Garner Lake Road reconstruction, and the I-80 winter freight project.

The Rock Springs I-80 interchange project will rebuild a railroad bridge, a highway bridge, and an interchange for approximately \$20 million. The Garner Lake Road reconstruction project has

drawn a significant amount of local and private funding that could be leveraged against the INFRA grant. The Garner Lake Road project is estimated to cost about \$41.6 million. The I-80 winter freight project will add select truck climbing lanes on the Interstate 80, create additional semi-truck and trailer parking, and it will deploy some additional intelligent transportation system devices to enhance safety. The winter freight project will cost approximately \$20 million.

10. Mr. Fredrick introduced Mr. Lee Potter, FHWA Engineering and Operations Supervisor. Mr. Potter attended the meeting, in the absence of Mr. Bryan Cawley, the FHWA Division Administrator, to offer FHWA concurrence in the award of the federal projects.

Mr. Fredrick presented the bid tabulations from the letting held September 7, 2017, in Sheridan.

COMMISSION DISTRICTS 1 and 7

Bob Ruwart - Vice Chairman

Phil Schmidt - Commissioner

Federal project STP-PM-B172013, involving milling plant mix and concrete, bituminous pavement surfacing, and miscellaneous work on approximately 10.00 miles at various locations in Transportation District 2, including Converse, Natrona, and Platte counties. Completion date: October 31, 2018

Engineer's Estimate	\$2,178,540.00
71 Construction, Casper, WY	\$2,431,684.71 +11.6%
Century Companies, Inc., Lewistown, MT	\$2,627,331.00
Knife River, Cheyenne, WY	\$2,674,124.50
Croell, Inc., Sundance, WY	\$2,743,582.70

It was recommended by Mr. Fredrick, moved by Commissioner Larson, seconded by Commissioner Espy, and carried that 71 Construction, 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 1, 2, 3, 4, 5, 6, and 7

Bob Ruwart - Vice Chairman

Jim Espy - Commissioner

Todd Seeton - Chairman

Rick Newton - Commissioner

Louie Pfrangle - Commissioner

Mike Larson - Commissioner

Phil Schmidt - Commissioner

Federal project HSIP-B179036, involving installation of rumble strips and miscellaneous work on various roads statewide. Completion date: August 31, 2018

Engineer's Estimate	\$558,050.00	
Surface Preparation Tech, LLC, Mechanicsburg, PA	\$420,125.00	-24.7%
Diamond Surface, Inc., Rogers, MN	\$491,867.85	
S & L Industrial, Cowley, WY	\$849,655.00	

It was recommended by Mr. Fredrick, moved by Commissioner Newton, seconded by Commissioner Schmidt, and carried that Surface Preparation Tech, LLC, Mechanicsburg, Pennsylvania, 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
Jim Espy - Commissioner

Federal project NHPPI-I802203; involving grading; milling plant mix; placing crushed base and bituminous pavement surfacing, with alternate bidding of recycled bituminous pavement, plant mix wearing course, or concrete pavement; bridge repair; and miscellaneous work on approximately 6.00 miles on I-80 at various locations, beginning at reference marker (RM) 77.51 between Granger Junction and Green River in Sweetwater County. Completion date: October 31, 2018

Engineer's Estimate	\$ 9,601,638.50	
Kilgore Companies dba Lewis & Lewis, Inc., Rock Springs, WY	\$ 7,558,460.18	-21.3%
Interstate Highway Construction, Inc., Englewood, CO	\$ 8,266,334.51	
H-K Contractors, Inc., Idaho Falls, ID	\$ 8,469,777.00	
McGarvin-Moberly Construction Co., Worland, WY	\$ 8,828,394.59	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$ 9,364,901.57	
Mountain Construction Company, Lovell, WY	\$11,046,571.80	
Acme Concrete Paving, Inc., Spokane, WA	\$13,132,481.77	

It was recommended by Mr. Fredrick, moved by Commissioner Espy, seconded by Commissioner Pfrangle, and carried that Kilgore Companies dba Lewis & Lewis, Inc., Rock Springs, 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 NHPP-BR-I805180 and DR15569 combined, involving grading, bridge deck repair, silica fume modified concrete, and miscellaneous work on I-80, at RM 313.99, in Albany County. Completion date: June 30, 2018

Engineer's Estimate	\$429,505.00	
Reiman Corp., Cheyenne, WY	\$380,432.00	-11.4%
S & S Builders, LLC, Gillette, WY	\$383,995.15	

It was recommended by Mr. Fredrick, moved by Commissioner Larson, seconded by Commissioner Newton, and carried that Reiman Corp., 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 2 and 3

Jim Espy - Commissioner

Todd Seeton - Chairman

State projects PEG1731, ARSCT-PEG3A17 and ARSCT-PEG3A18 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, Sweetwater, Teton, and Uinta counties. Completion date: March 31, 2018

Engineer's Estimate	\$1,135,551.00	
Kilroy, LLC, Afton, WY	\$1,093,534.00	-3.7%

It was recommended by Mr. Fredrick, moved by Commissioner Schmidt, seconded by Commissioner Pfrangle, 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 DISTRICTS 2 and 7

Jim Espy - Commissioner

Phil Schmidt - Commissioner

Federal project HSIP-B179107, involving grading, electrical systems, and miscellaneous work at various locations in Transportation Districts 1 and 2, including Albany and Natrona counties. Completion date: June 30, 2018

Engineer's Estimate	\$356,258.75	
Modern Electric Co., Casper, WY	\$349,203.00	-2.0%
Casper Electric, Inc., Casper, WY	\$368,046.53	
Cache Valley Electric Company, Salt Lake City, UT	\$382,152.01	
Advanced Electrical Contracting, Inc., Sheridan, WY	\$395,366.00	

It was recommended by Mr. Fredrick, moved by Commissioner Schmidt, seconded by Commissioner Larson, and carried that Modern Electric Co., 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, 3, 4, 5, 6, and 7

Jim Espy - Commissioner
Todd Seeton - Chairman
Rick Newton - Commissioner
Louie Pfrangle - Commissioner
Mike Larson - Commissioner
Phil Schmidt - Commissioner

Federal project HSIP-B179039, involving the installation of signs and miscellaneous work at various locations in Highway Districts 3, 4, and 5. Completion date: October 31, 2018

Engineer's Estimate	\$ 802,120.00	
S & L Industrial, Cowley, WY	\$ 825,010.00	+2.9%
Traffic Safety Services, Inc., Bismarck, ND	\$ 829,927.00	
CC Enterprises Traffic Control Spec., Grand Junction, CO	\$ 858,960.00	
Cache Valley Electric Company, Salt Lake City, UT	\$1,239,838.45	

It was recommended by Mr. Fredrick, moved by Commissioner Pfrangle, seconded by Commissioner Larson, and carried that S & L Industrial, Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICTS 2, 3, 5, and 7

Jim Espy - Commissioner
Todd Seeton - Chairman
Louie Pfrangle - Commissioner
Phil Schmidt - Commissioner

Federal project HSIP-B179040, involving the installation of signs and miscellaneous work at various locations in Highway Districts 3 and 5. Completion date: October 31, 2018

Engineer's Estimate	\$714,500.00	
Traffic Safety Services, Inc., Bismarck, ND	\$605,340.00	-15.3%
CC Enterprises Traffic Control Spec., Grand Junction, CO	\$677,500.00	
S & L Industrial, Cowley, WY	\$734,355.00	
Precision Roadway Services, LLC, Osakis, MN	\$759,750.00	
Cache Valley Electric Company, Salt Lake City, UT	\$853,556.25	

It was recommended by Mr. Fredrick, moved by Commissioner Newton, seconded by Commissioner Larson, and carried that Traffic Safety Services, Inc., Bismarck, North Dakota, 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
Louie Pfrangle - Commissioner

Federal project NHPP-GM-N371038, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, a precast wall component system, and miscellaneous work at RM 23.13 and RM 24.73 on US 14, between Shell and Burgess Junction, in Big Horn County. Completion date: October 31, 2018

Engineer's Estimate	\$1,318,854.00
Wilson Bros. Construction, Inc., Cowley, WY	\$1,752,657.00 +32.9%
DRM, Inc., Gillette, WY	\$1,789,415.30
EHC, LLC, Deaver, WY	\$1,878,928.50

It was recommended by Mr. Fredrick, moved by Commissioner Larson, seconded by Commissioner Pfrangle, 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.

State project PEG1751, involving crushing and stockpiling of crushed surfacing material, and miscellaneous work at various locations in Highway District 5, including Big Horn and Washakie counties. Completion date: April 30, 2018

Engineer's Estimate	\$1,315,640.00
Frost Rock Products Company, Lovell, WY	\$ 979,100.00 -25.6%
Mountain Construction Company, Lovell, WY	\$1,021,827.00

It was recommended by Mr. Fredrick, moved by Commissioner Newton, seconded by Commissioner Larson, and carried that Frost Rock Products Company, Lovell, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 7
Phil Schmidt - Commissioner

Federal projects NHPP-N203057, ARSCT-N203A03, ARSCT-N203A04, STP-E-N203070, and STP-N203071 combined, involving grading, draining, milling plant mix, placing crushed base, bituminous pavement surfacing, concrete pavement, sidewalk, curb and gutter, water systems, sewer system, electrical, and miscellaneous work on approximately 2.00 miles of WYO 789, beginning at RM 105.09 in the town of Riverton, in Fremont County. Completion date: October 31, 2019

Engineer's Estimate	\$12,075,427.50
S & S Builders, LLC, Gillette, WY	\$13,957,959.30 +15.6%
Reiman Corp., Cheyenne, WY	\$14,198,968.10
71 Construction, Casper, WY	\$14,801,218.41

It was recommended by Mr. Fredrick, moved by Commissioner Pfrangle, seconded by Commissioner Larson, 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.

Mr. Fredrick noted that, in FY 2017, WYDOT has let 98 contracts that totaled \$273.9 million in surface transportation work, which is about \$21 million more than what was anticipated at the beginning of the year. Additionally, the bids were within 0.5 percent of the actual bids in FY 2017. Mr. Fredrick acknowledged the outstanding work of Mr. Doug Jensen, Contracts and Estimates Engineer, and his staff for estimating the contract award amounts in FY 2017.

11. FY 2018 State Transportation Improvement Program (STIP): Mr. Fredrick presented a comprehensive review of the FY 2018 STIP for Commission consideration. Mr. Fredrick recognized the efforts of Mses. Christy Stone and Christine Grant, and Mr. Tim McDowell, of the Programming Program, and Ms. Pam Fredrick, of the Budget Program, for their work toward the development and modifications made to the FY 2018 STIP.

It was recommended by Mr. Fredrick, moved by Commissioner Espy, seconded by Commissioner Larson, and carried to approve the FY 2018 STIP.

12. Mr. Gillett presented the Operations report.

Maintenance Operations Update: Maintenance crews are preparing for their fall and winter activities, including the finishing of plant mix patching operations, fence repairs, litter pickup, and replacing delineator posts.

Some traffic striping remains to be accomplished in District 1, so District 2 will assist in finishing that work before winter.

The solar eclipse operations were successful, with only a couple of minor unforeseen occurrences. Two rest areas had to be temporarily closed because of overuse and congestion, but they were reopened within a few hours. Most visitors packed and carried away their trash. I-25 experienced the most traffic the day of the eclipse. Alpine Junction was also very congested. Mr. Gillett acknowledged the maintenance personnel statewide for their extraordinary efforts in preparing for and assisting any way they could throughout this 100-year event.

Vice Chairman Ruwart offered his appreciation for the manner in which the Department managed the influx of traffic and people that came to Wyoming to view the solar eclipse last

month. An estimated one million people came to the state from around the world to experience the 100-year event.

Construction Activity Update: Mr. Gillett reported that seasonal construction activities are beginning to wrap up for the summer. There are currently 10 active projects in District 1, 8 in District 2, 11 in District 3, 10 in District 4, and 10 in District 5, for a total of 49 projects where contractors are actively performing work. Seventeen projects have been completed since Mr. Gillett's report to the Commission in August 2017.

Appointment of State Equipment Program Manager: Mr. Gillett introduced Mr. Bryan Wenger, the newly appointed State Equipment Program Manager. Mr. Wenger replaced Mr. Bernie Kushnir, who retired in May 2017.

13. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2017, includes 84 fatal crashes involving 100 deaths. The fatalities include 33 rollover crashes, 40 multi-car crashes, 4 fixed objects, 15 motorcycles, 5 ATV/snowmobiles, and 3 pedestrians. Of the 84 fatal crashes that occurred so far this year, 13 involved commercial vehicles.

There have been 33 fatal crashes to date deemed drug or alcohol related, resulting in 39 deaths, and 27 of those deaths were attributed to not using proper occupant restraints. Of the alcohol-related crashes, 17 involved rollovers, 14 were multi-vehicle collisions, 1 involved a fixed object, 3 involved motorcycles, 3 involved pedestrians, and 2 involved commercial vehicles.

Of the 100 deaths that have occurred to date this year, 44 can be attributed to the non-use of occupant restraints, with 26 involving rollover crashes, 16 involving multi-car collisions, and 2 involving fixed objects. Thirty-two of those who perished from non-use of occupant restraints were Wyoming residents. Twelve of those who perished were under 21 years of age, and 2 of those fatalities were attributed to not using proper occupant restraints.

Of the 84 fatal crashes that have occurred to date this year, 38 of them occurred on primary/secondary highways, 23 occurred on interstate highways, and 23 occurred on city/county roads.

Of the 84 fatal crashes that have occurred in 2017, rumble strips/rumble stripes were present in 32 instances, and 20 fatalities occurred where there were no rumble strips/rumble stripes on the roadway. There were 42 fatal crashes where rumble strips/rumble stripes were not in place.

Eight multiple-fatality crashes have occurred on Wyoming highways as of August 31, 2017, of which 5 involved multiple vehicles, 1 involved a commercial vehicle, and 3 were alcohol related.

At its August business meeting, the Commission requested crash statistics regarding rumble strip and rumble stripe use. In locations where rumble strips/stripes were present, there were 32

crashes, 12 crashes where rumble strips/stripes were applicable, 20 crashes where rumble strips/stripes were not applicable, and 42 crashes where rumble strips/stripes were not present.

Inclement weather or road conditions contributed to 6 vehicle crashes so far this year, which resulted in 6 deaths. Speed was considered a factor in 9 of the vehicle crashes that caused 13 deaths.

The days of the week for fatal crashes in 2017 are as follows:

Sunday	11 crashes
Monday	13 crashes
Tuesday	9 crashes
Wednesday	12 crashes
Thursday	11 crashes
Friday	16 crashes
Saturday	12 crashes

The times of day for fatal crashes in 2017 are as follows:

12:00 a.m. to 6:00 a.m.	13 crashes
6:00 a.m. to 12:00 p.m.	13 crashes
12:00 p.m. to 6:00 p.m.	28 crashes
6:00 p.m. to 12:00 a.m.	30 crashes

The following statistics were also provided to the Commission:

- 79 percent of those who died in rollover crashes were unbelted.
- 41 percent of all those who died in multi-vehicle crashes were unrestrained.
- 72 percent of the fatalities so far this year were drivers of the involved vehicles.
- 52 percent of the Wyoming resident fatalities were unbuckled.
- 33 percent of the non-resident fatalities were unrestrained.
- Alcohol and/or drug impairment were factors in 39 percent of the fatalities.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,065 crashes statewide, of which 3,221 involved non-commercial vehicles, and 844 involved commercial vehicles.

Chairman Seeton recessed the business meeting at 11:53 a.m., on Thursday, September 14, 2017. The Commission met with WYDOT's July, August, and September service award recipients for lunch.

Chairman Seeton reconvened the business meeting at 1:50 p.m., on Thursday, September 14, 2017, and Colonel Haller continued with his Highway Patrol report.

Annual Wyoming Peace Officers' Association Banquet: The Wyoming Peace Officers' Association held its annual awards banquet on August 30, 2017, in Casper. WHP Trooper Ethan Bowers and Trooper Jon Briggs were presented with valor awards at the ceremony for their heroic efforts in separate incidents this year.

Trooper Training: The WHP has increased its criminal interdiction efforts over the last two years. To further those efforts, the WHP has assigned troopers from Districts 1, 2, 3, and 4 to the Wyoming Division of Criminal Investigation enforcement team. Four troopers will undergo 40 hours of formal investigation training, and they will participate in the program to gain law enforcement expertise to compliment the Wyoming Highway Patrol for years to come.

Colonel Haller left the meeting.

14. Mr. Olsen presented the Aeronautics report in the absence of Ms. Surdam.

Solar Eclipse Briefing: According to Mr. Olsen, the Wyoming airports managed the increased air traffic very well throughout the August 21, 2017, total solar eclipse event. There were approximately 500 to 600 additional planes spread across the path of totality that day.

National Association of State Aviation Officials (NASAO) Conference: Mr. Olsen and other Aeronautics program managers attended the NASAO Conference, held in Mobile, Alabama, September 9-13, 2017. One of the primary discussion topics was unmanned aerial vehicles, an industry that is growing exponentially. A joint meeting was held between NASAO and the American Association of State Highway & Transportation Officials (AASHTO) to push and collaborate toward a multi-modal effort in the areas of policy and technology of the unmanned aerial vehicles. WYDOT's Aeronautics Division hopes to participate in that effort.

Airport Improvement Program (AIP): The Aeronautics Division is in the final phase of processing the 2017 AIP grants. Airport construction projects are underway and making great progress.

Air Service Enhancement Program (ASEP): A handout was provided to the Commission about the status of Wyoming's air service. Since 2014, flights departing Wyoming decreased by 25 percent; Worland has lost commercial air service with no possibility of recovery; and the Cheyenne, Riverton, Sheridan, and Casper airports have reduced air service.

Wyoming airports are experiencing compressed federal and state support for air service. In addition, pilot availability continues to diminish because of mandatory pilot retirements, the 1,500-hour rule and pilot rest requirements, a potential reduction in federal support for the Essential Air Service program in Cody and Laramie, Transportation Safety Administration (TSA) and customs service budget reductions in Sheridan and Casper, and future reductions in state programs by 2019.

Wyoming has the highest airfares in the nation, yet surrounding states are operating at or below the national average. Two-thirds of Wyoming flyers leave the state to board a plane because of inconsistent equipment, high air fares, and poor on-time performance.

Director Panos advised that the current fragmented approach to air service is costly and unstable, the current approach does not allow for quick or seasonal adjustments, and there is currently no intra-state air service available.

A variety of business models have been reviewed to change the future of Wyoming's air service. One model is beginning to take shape, a capacity purchase agreement (CPA), also known as a master service agreement. A CPA is an airline partner that would provide and operate aircraft in return for long-term commitments by the state partner to purchase the agreed amount of flying necessary to support the use of the aircraft. The state would purchase capacity and negotiate a deal with the airline, based on passenger volume, to try to stabilize the operation, hold down pricing, and manage Wyoming's air service.

The goals of a CPA-based program are to improve operational stability, control cost, use an integrated system approach, reduce transaction costs, and improve the market share. The state's responsibilities for the CPA-based program would also include developing and implementing pricing, developing and implementing scheduling, establishing operations performance metrics, establishing and approving marketing performance metrics, managing and distributing cost/revenue distribution, and developing general terms and conditions. The local communities' responsibilities include establishing market pricing, establishing market scheduling, providing daily oversight of operational performance metrics, publishing and executing a marketing plan and communication of deliverables of daily marketing efforts, establishing cost and revenue distribution, and governance of the program.

Draft legislation will be necessary to provide \$30 million for the 10-year program. The source of this funding is undetermined at this time. At the end of each year, local communities will reimburse the state a percentage match for any losses for the service. The CPA is the first of its kind in the public sector.

A working group of legislators, Legislative Services Office staff attorneys, Aeronautics Commissioners, and Aeronautics Division staff is drafting a proposal that will be presented to the Joint Minerals, Business and Economic Development Committee in late October. The draft proposal also contains an idea to establish a new governing board to oversee Wyoming's future air service.

Director Panos will keep the Commission informed about the progress of the CPA and the outcome of the presentation to the Joint Minerals Committee next month.

15. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT employed 1,909 personnel as of August 31, 2017, compared to 1,928 a month ago.

WYDOT currently has 54 vacancies posted on the State of Wyoming Human Resources web site to fill over 70 positions. Of those vacancies, 47 are positions outside of Cheyenne, 6 are for Highway Patrol, and 30 are for maintenance jobs.

HB0280 - Rebuttable Presumption Update: At its September 13, 2017, budget presentation meeting, the Commission raised questions about HB0280 - Rebuttable Presumption. Mr. Rossetti explained that the purpose of the bill was to target those who are registering their large recreational vehicles out of state to avoid paying Wyoming's higher vehicle registration fees and sales tax. HB0280 passed in the 2017 legislative session, and it requires WYDOT to promulgate rules to implement the new process. The rule is out for comment now, and the rule will be brought to the Commission for its consideration.

Update on Vehicle Registrations in Yellowstone National Park: In early June 2017, Director Panos and Messrs. Rossetti, Fredrick, and Fulton traveled to Yellowstone National Park (YNP) to meet with park superintendent Dan Wenk and Xanterra representatives, the main provider of concessions within the park. Discussion topics included Xanterra workers' Wyoming vehicle registrations and drivers' licenses.

Many of Xanterra's workers' vehicles are currently registered in Montana or their primary state of residence, primarily because workers have to drive 2 or 3 hours to Cody or Jackson to register their vehicles. Superintendent Wenk agreed to allow WYDOT to bring a mobile vehicle registration unit into the park a few times each year, beginning in July, to aid in properly registering those vehicles.

A followup meeting was held in July with WYDOT staff, Xanterra representatives, YNP officials, and Park County officials. WYDOT Driver Services staff determined that Xanterra employees do not need to obtain a Wyoming driver's license if they work in Wyoming.

WYDOT is preparing a handout for Xanterra employees to advise of the required vehicle registration process and explaining what needs to be done to become compliant. Xanterra employees may choose to register their vehicle in any county in Wyoming, in accordance with the requirements of Wyoming statutes.

Mr. Rossetti will continue to work with Xanterra, YNP officials, and county officials to ensure that workers become compliant by the spring of 2018 when YNP reopens for the summer.

DWUI Drivers' License Suspension Hearings: Mr. Voyles presented the latest statistics on drivers' license hearings and suspensions. In 2017, 464 hearings were requested. Of those requests, 46 total hearings were held, of which 20 were held with a state attorney general present, and 26 were held with no attorney general present. The hearings resulted in seven suspensions being rescinded, of which 2 had an attorney general present, and 1 rescission had no attorney

general present. There were only 4 instances where suspensions were withdrawn by WYDOT because of an incurable defect in the record.

In total, 338 suspensions were upheld in 2017. In cases where the suspensions were upheld, 18 had an attorney general present, and 25 suspensions were upheld with no attorney general representative at the hearing.

Overall, the state has won 98 percent of its DUI drivers' license suspension hearings in 2017, compared to 96 percent in 2016, and 93 percent in 2015.

The Attorney General's office has about seven attorneys who handle the cases, and the process is viewed as a very worthwhile effort. Statistics show that the success rate has increased dramatically in recent years with the attorney general's involvement in these cases. Mr. Kahler noted that this effort also results in a significant cost savings and increased efficiency for state government.

16. Mr. Lewis presented the Chief Technology Officer's report.

Changes to the WYDOT Technology Division: Since October 2016, Mr. Lewis has been evaluating the WYDOT Technology Division to find areas of potential increased efficiency and cost savings. Mr. Lewis briefed the Commission about the various programs under the Technology Division.

WYDOT's Enterprise Resource Project (ERP) uses PeopleSoft and AgileAssets, Inc., software to manage its financial transactions, payroll, inventory, procurement, and asset management systems. Mr. Lewis advised that private consultants have been hired over the years to do significant programming in the ERP system, with several WYDOT employees who internally manage and program the system. A couple of recent employee retirements have created a need for someone to oversee the ERP Management Team and budget. Mr. Rusty England, WYDOT's Information Technology (IT) Program Manager, has assumed this role. Mr. Lewis believes the new appointment will allow for a complete evaluation of the current ERP system, to shave costs and to possibly realize efficiencies in the future. A vacancy announcement has been published to fill the IT program manager position.

Connected Vehicle Demonstration: A demonstration of WYDOT's Connected Vehicle pilot deployment is planned as a Commission education session on November 16, 2017. WYDOT has been working with the United States Department of Transportation, ICF, Trihydro, NCAR, the University of Wyoming, and McFarland Management on the project.

WyoLink Update: Mr. Lewis introduced Mr. Troy Babbitt, WYDOT's Telecommunications Program Manager. Mr. Babbitt has been instrumental in converting the current WyoLink system, which was initially developed using legacy (T-1) copper wiring for connectivity purposes. Governor Mead's broadband initiative will allow WYDOT to switch WyoLink onto the Wyoming Unified Network for broadband technology and connectivity. The Jackson and Afton

areas have been converted to broadband circuits and are running much faster and less expensively than before. Once select locations are converted off of Metro Optical Ethernet (MOE) circuits, the state's Enterprise Technology Services (ETS) agency will eliminate the old hardware, which will save about \$6,000 per month. Additional circuits have also been identified and are being scheduled for transition to the Wyoming Unified Network.

Motorola Contract Update: WYDOT is continuing negotiations with Motorola Corporation for the final tower build-out for the WyoLink system. Mr. Lewis anticipates the final contract being executed by the end of this month.

17. It was moved by Commissioner Pfrangle, seconded by Commissioner Larson, and carried to adjourn the meeting. Chairman Seeton adjourned the meeting at 3:05 p.m., on Thursday, September 14, 2017.