

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via video conference on April 15, 2021. Chairman Schmidt convened the business meeting at 8:30 a.m. The following members were present constituting a quorum:

Chairman Phil Schmidt, Casper
Vice Chairman Greg Venable, Worland
Commissioner Jim Espy, Savery
Commissioner Lee Filer, Cheyenne
Commissioner Susan Holmes, Sheridan
Commissioner Mark Hughes, Sundance
Director K. Luke Reiner
Commission Secretary Sandra J. Scott

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer; Rodney Freier, Budget Program Manager; Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Tom DeHoff, Assistant Chief Engineer for Operations; Colonel Kebin Haller, Wyoming Highway Patrol (WHP) Administrator; Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Troy Babbitt, Chief Technology Officer; Mike Kahler, Senior Assistant Attorney General; Ryan Thompson, Assistant Attorney General; Mark Ayen, Tory Thomas, Scott Taylor, and Pete Hallsten, District Engineers; Kevin Lebeda, Lands Management Administrator; and Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA).

Other meeting attendees: Senator Bill Landen; Senator John Kolb; Representative Mark Baker; Representative Bill Henderson; Doug McGee, Public Affairs Program Manager; Aimee Inama, Assistant Public Affairs Manager; John Davis, Management Services Program Manager; Doug Jensen, State Contracts & Estimates Engineer; Rhonda Holt, Controller; Misty Dobson, Driver Services Program Manager; Ali Ragan, Grants and Contracts Program Manager; Jason Tystad, S&S Builders, Gillette; Katie Legerski, Executive Director, Associated General Contractors (AGC) of Wyoming.

Commissioner Jon Dolezal, of Evanston, was absent.

1. Pledge of Allegiance: Chairman Schmidt led the attendees in the Pledge of Allegiance.
2. Service Awards: Director Reiner led the service award presentations for WYDOT employees with 25, 30, 35, and 40 years of service.
3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Filer, seconded by Commissioner Holmes, and carried to approve the minutes from the March 17, 2021, FY 2020 Financial and Compliance Audit presentation, and the March 18, 2021, Customer Satisfaction Survey Results presentation, business meeting, and executive session.

4. Correspondence: Secretary Scott presented a letter from Ms. Lori Manning, General Manager, S&S Builders, regarding Job 6 from the April 8, 2021, bid letting. Mr. Fulton will address Ms. Manning's concerns later in the meeting under agenda item 8.B.i, Award of Highway Contracts.

5. Old Business: Commissioner Espy recently received an inquiry from a business owner who currently pays a \$15 permit fee to have a billboard placed in the highway right-of-way. Considering the current budget shortfall, that constituent suggested WYDOT evaluate its billboard permit fees as a way to increase revenue.

6. Director Reiner presented the Director's report.

Coronavirus (COVID-19) Update: Director Reiner knows of only one active COVID-19 case involving WYDOT employees. Although not mandatory, Director Reiner is strongly encouraging employees to receive COVID vaccination.

WYDOT has established its return-from-telework plan. Employees will return to their workplace or have a new signed telework contract in place by July 1, 2021.

Legislative Update: The 2021 legislative session has ended. Director Reiner briefed the Commission about the WYDOT-related bills considered and the bills the legislature passed.

Director Reiner is working with legislative leadership and Governor Gordon's office to identify transportation-related 2021 interim topics. The Wyoming County Commissioners Association (WCCA) will conduct an interim study to identify ways to fund long-term WyoLink maintenance and operations.

Chairman Schmidt shared that he is delighted about the passage of HB0254, Transportation Computer System, which will provide some funding to replace the Revenue Information System (RIS). Effective July 1, 2021, WYDOT will begin collecting an additional \$5 from every driver license applicant to replace RIS. The legislature mandated that those funds be deposited in a separate "transportation information system account."

Chairman Schmidt was disappointed that SF0009, State Employee-Moving Expenses, did not pass, and he believes the lack of compensation and not paying for employee moving expenses will be a detriment to WYDOT.

WYDOT FY 2022 Budget: WYDOT has started the process of developing its FY 2022 operating budget. Reduced revenue will bring some hard decisions about what needs are met next fiscal year.

The Fixing America's Surface Transportation (FAST) Act has provided WYDOT with about \$280 million annually over the last six years. The U.S. House has reinstated earmarks, and states were asked to name eligible projects from their State Transportation Improvement Programs (STIP) for those appropriations and reauthorization funds. WYDOT submitted its projects in accordance with the mandated parameters.

The federal government is also working on a newly passed COVID-19-related bill, but it does not directly provide transportation funding. However, WYDOT is working with other entities receiving those COVID-19 payments to fund transportation-related projects necessary for their operations.

President Biden recently presented the American Jobs Plan that focuses on infrastructure. The intent of the plan is to create jobs and rebuild U.S. infrastructure, including surface transportation, bridges, airports, upgrade ports, and transit centers, at a cost of over \$2 trillion. The plan emphasizes large projects, not maintenance projects. WYDOT submitted its list of large projects, including the I-25/I-80 interchange and rerouting I-80 north of Arlington.

Connected Vehicles (CV) Update: Wyoming is one of three states working on CV development. In 2020, the Federal Communications Commission reallocated a portion of the 5.9 GHz broadband designation that would have facilitated CVs in Wyoming. The Biden administration is reconsidering that decision, providing new hope to revive and move the CV project forward.

WYDOT Employee Kudos: Director Reiner thanked WYDOT personnel for the extraordinary work they do every day, particularly those who work tirelessly to reopen roads and ensure safety on Wyoming highways during winter storms.

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

WYDOT FY 2021 Second Quarter Budget Revision: Revenues were significantly more during the second quarter because of federal stimulus funds WYDOT received as part of a COVID relief package. Most of the surplus funds will be passed on to local governments for airports and transit operations.

WYDOT received \$63.5 million from the federal omnibus spending bill. Those funds will be used for surface transportation projects. Mr. Byrne noted that although WYDOT appreciates the supplemental federal funds, its total annual budget shortfall is about \$350 million and the new funds do not address the long term, agency-wide funding need.

Mr. Freier explained the significant revenue and expense adjustments in the second quarter budget revision.

It was recommended by Mr. Freier, moved by Commissioner Espy, seconded by Commissioner Hughes, and carried to approve the second quarter budget revision to the FY 2021 Operating Budget.

8. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 47 percent expended, and the Legislative budget was 43 percent expended in FY 2021.

9. It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Vice Chairman Venable, and carried to approve Bid Number 21-078CS to furnish a salt and sand storage building for use on Teton Pass. The bid was awarded to West Fork Construction, LLC, of Jackson, Wyoming, for the sum of \$711,928.00.

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

Change Orders: Mr. Gillett advised that he recently approved a \$2.7 million change order on the Hoback Junction to Jackson project. The change order is to add a special provision for the construction of large, drilled shaft foundations to support the wall along the base of the Bear River landslide.

Mr. Gillett approved another change order for a damage repair project on a bridge over I-80 near Sinclair. WYDOT let a bridge-rail repair project in 2020 following a crash involving a semi-truck. Just before the contractor mobilized to make the repairs, another bridge rail crash occurred at the same location, causing more damage. Since WYDOT had already hired a contractor, the additional work was added to the existing contract to expedite the repairs. The original work was about \$47,000, and the change order is for \$34,640.

Material Shortages: Mr. Gillett recently received a letter from the Associated General Contractors of Wyoming detailing materials that are in short supply, but necessary for WYDOT projects. Material shortages, including striping paint, sealants, resins, some timber products, steel posts, guardrail, culverts, and bridge railing, are due to the COVID-19 pandemic and the harsh, cold weather Texas experienced earlier this winter. The shortages could delay some projects and increase project costs. WYDOT is working with contractors to mitigate supply shortages and potential bid price escalations.

Considering the striping paint shortage, WYDOT has temporarily suspended traffic striping at rest areas, parking lots, ports of entry, urban roads with speed limits less than 45 miles per hour, and secondary highways with less than 400 vehicles per day on average. WYDOT will reevaluate the striping plan monthly.

Mr. Gillett advised that WYDOT contracts include a force majeure clause alleviating contractor responsibility for unforeseeable circumstances or acts of God that prevent contractors from fulfilling their contracts.

Right-of-Way Fence Costs: Pursuant to Commissioner Espy's question at the March 18, 2021, Commission meeting, Mr. Gillett provided follow-up information regarding WYDOT right-of-way fencing costs compared to county fencing costs.

WYDOT contacted Laramie, Carbon, Sheridan, and Sweetwater counties. These counties do not have fence standards, and when they need a standard, they use WYDOT's specifications. Counties do not typically build new fence, but they do in-kind repairs to their existing fences. Goshen County indicated it is considering adopting a fence standard, but they refer to WYDOT standards today.

WYDOT also contacted 4M Construction, of Laramie County, and King Enterprises, of Natrona County. These fencing contractors use WYDOT standards, and both have seen a significant increase in materials costs and the lack of supply.

In summary, Mr. Gillett believes counties experience a lower fencing cost because they are only repairing existing fence and not building new fence. In addition, most WYDOT projects use federal funds, which require more stringent adherence to federal materials specifications. This fact may increase cost.

11. Mr. Cawley presented an update on FHWA topics.

American Jobs Plan: The Biden Administration has announced a \$2.3 trillion American Jobs Plan. The four-part, eight-year plan dedicates about \$932 billion for traditional infrastructure, \$620 billion for transportation, \$111 billion for drinking water and wastewater infrastructure, \$100 billion for broadband internet infrastructure, \$100 billion for improved and cleaner power infrastructure, and \$50 billion for resilience upgrades to all these items.

The plan allocates funding for highway infrastructure, including \$115 billion to modernize bridges, highways, roads, and main streets, and \$174 billion to enable automakers, state, and local governments to establish, enable, and incentivize a national network for electric vehicles. Another \$17 billion is included for inland waterways, coastal ports, land ports-of-entry, and ferries; \$20 billion for a new program to reconnect neighborhoods; and \$25 billion to support ambitious projects to enhance regional or national economies.

Transportation Reauthorization Bill: The FHWA is currently operating under a continuing resolution set to expire September 30, 2021. Efforts are currently underway to develop a new surface transportation reauthorization bill.

The Consolidated Appropriations Act of 2021, passed earlier this year, appropriates \$1 billion for the U.S. Department of Transportation to award National Infrastructure Investment grants. This program, formerly known as the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Program, and later as the Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program, is now the “Rebuilding American Infrastructure with Sustainability and Equity” (RAISE) Transportation Discretionary Grant Program. Funds for the FY 2021 RAISE grants are awarded competitively for planning and capital projects having a significant local or regional impact. RAISE grants range from \$5 million to \$25 million, except for rural area projects, which are a minimum of \$1 million. There is no minimum award for planning grants, regardless of the project location. The RAISE Grant Program may not exceed an 80 percent prorate for urban area projects. The U.S. Department of Transportation Secretary may increase the federal share of costs more than 80 percent for projects in rural areas and planning projects in areas of persistent poverty. The Notice of Funding Opportunity (NOFO) is expected to be published in the April 20, 2021, Federal Register.

The FHWA has completed its assessment of 2019 safety performance targets. Based on the review of the safety performance targets and data, Wyoming met or made significant progress toward achieving its safety performance targets. Two safety target measures are:

Number of Fatalities	2013-2017 baseline – 123.4 2015-2019 target – 130 2015-2019 actual – 127.6
Number of Serious Injuries	2013-2017 baseline – 434.4 2015-2019 target – 470 2015-2019 actual – 390.8

Mr. Cawley advised that today’s proposed State Transportation Improvement Program (STIP) addendum includes some of Wyoming’s Highway Infrastructure Programs – Coronavirus Response and Relief Supplemental Appropriations, also known as COVID-19 relief funds. COVID relief funds will be used to advance projects into the planning phase.

The Commission will consider bids on the Casper Marginal interchange project later in the meeting. WYDOT will use approximately \$10 million in National Highway Freight Corridor Funds and \$9 million in FY 2019 Bridge Reconstruction Rehabilitation funding to construct that project.

12. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the letting held April 8, 2021, in Sheridan.

Federal projects NHF-I254160 and STP-E-I254165 combined, involving grading, bituminous pavement surfacing, concrete pavement, bridge replacement, and miscellaneous work on the Casper Marginal, beginning at reference marker (RM) 186.04, for approximately 0.60 mile, in Natrona County. Completion date: June 30, 2023

Engineer’s Estimate	\$34,439,766.25	
Ames Construction, Inc., Burnsville, MN	\$29,718,800.00	-13.7%
Reiman Corp., Cheyenne, WY	\$30,410,260.61	
Hamilton Construction, Co., Springfield, OR	\$31,043,434.20	
Oftedal Construction Inc., Casper, WY	\$31,298,034.35	

It was recommended by Mr. Fulton, moved by Commissioner Filer, seconded by Commissioner Holmes, and carried that Ames Construction, Inc., Burnsville, Minnesota, 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 and the City of Casper concurred with this decision.

Federal project NHPP-1217001, involving grading, bituminous pavement surfacing, cold in-place recycling, chip seal, precast box culvert, MGS (Midwest Guardrail System) guardrail, and

miscellaneous work on approximately 10.30 miles of WYO 89, beginning at RM 45.43, between Border Junction and the Idaho state line, in Lincoln County. Completion date: October 31, 2022

Engineer’s Estimate	\$5,911,090.00	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$6,110,991.54	+3.4%
Avail Valley Construction-WY, LLC, Afton, WY	\$6,615,186.00	
H-K Contractors, Inc., Idaho Falls, ID (Irregular Bid)	\$7,155,500.00	

It was recommended by Mr. Fulton, moved by Vice Chairman Venable, seconded by Commissioner Hughes, and carried that Kilgore Companies, LLC 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 project COVID-N202070, involving bituminous pavement surfacing, chip seal, bridge rehabilitation, and miscellaneous work on approximately 10.50 miles of US 287 and WYO 28, beginning at RM 64.27 on US 287, between Muddy Gap and Lander, in Fremont County. Completion date: June 30, 2022

Engineer’s Estimate	\$5,079,899.00	
McGarvin-Moberly Construction Co., Worland, WY	\$5,101,809.66	+0.4%
Mountain Construction Company, Lovell, WY	\$5,155,559.27	
Avail Valley Construction-WY, LLC, Afton, WY	\$5,600,600.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$5,633,669.21	
Croell, Inc., Sundance, WY	\$5,992,321.25	

It was recommended by Mr. Fulton, moved by Vice Chairman Venable, seconded by Commissioner Filer, and carried that McGarvin-Moberly Construction Co., Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal projects COVID-N852004 and COVID-N852005 combined, involving milling plant mix, bituminous pavement surfacing, chip seal, bridge rehabilitation, and miscellaneous work on approximately 9.60 miles of US 85, beginning at RM 47.00, between Cheyenne and Torrington, in Laramie County. Completion date: June 30, 2022

Engineer’s Estimate	\$4,052,194.00	
McGarvin-Moberly Construction Co., Worland, WY	\$4,427,882.39	+9.3%
Croell, Inc., Sundance, WY	\$4,471,487.90	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$4,816,001.40	
Simon Contractors, Cheyenne, WY	\$5,660,100.00	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried that McGarvin-Moberly Construction Co., Worland,

Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project STP-PM-B211006, involving chip sealing and miscellaneous work at various locations in Transportation District 1, including Albany, Carbon, and Laramie counties. Completion date: August 31, 2021

Engineer's Estimate	\$2,319,500.00	
Bituminous Paving, Inc., Ortonville, MN	\$2,128,327.00	-8.2%
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$2,283,135.00	

It was recommended by Mr. Fulton, moved by Vice Chairman Venable, seconded by Commissioner Hughes, and carried that Bituminous Paving, Inc., Ortonville, Minnesota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project STP-PM-B201004, involving grading, concrete pavement, curb and gutter, pavement markings, and miscellaneous work at various locations in Transportation District 1, including Laramie County. Completion date: November 30, 2021

Engineer's Estimate	\$1,431,645.00	
S & S Builders, LLC, Gillette, WY	\$2,060,260.00	+43.9%

Mr. Fulton noted that other contractors held bid envelopes for this project, but they are remarkably busy with other projects right now and felt they might not be able to meet the tight contract completion date, so they did not bid on the job. WYDOT will examine its construction requirements and completion date to gain more flexibility for contractors to bid. If it is re-bid, the project will be in the July letting.

The Commission received a letter from S&S Builders, LLC, on April 14, 2021, citing they do not feel the Department would gain the intended results by rejecting their bid and letting the project again later. S&S Builders does not believe the Contracts & Estimates Engineer accounted for a lack of efficiencies on this job, which resulted in a low engineer's estimate.

It was recommended by Mr. Fulton, moved by Commissioner Filer, seconded by Vice Chairman Venable, and carried to reject the bid from S & S Builders, LLC, Gillette, Wyoming, and let the project again later. Commissioner Espy believes the Department will not save money by postponing the project award. Commissioners Espy and Hughes voted no.

Federal projects HSIP-B219025 and HRRR-HR19502 combined, involving rumble strip installations and miscellaneous work at various locations statewide. Completion date: October 31, 2021

Engineer's Estimate	\$ 886,075.00	
S & L Industrial, Cowley, WY	\$ 748,630.00	-15.5%
Surface Preparation Technologies, LLC, New Kingstown, PA	\$ 849,961.00	
Allstates Pavement Recycling & Stabilization, Inc., Rogers, MN	\$1,097,375.00	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Vice Chairman Venable, 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.

Federal projects HSIP-B219029 and HRRR-HR21501 combined, involving rumble strip installations and miscellaneous work at various locations statewide. Completion date: October 31, 2021

Engineer's Estimate	\$711,940.00	
S & L Industrial, Cowley, WY	\$576,170.00	-19.1%
Surface Preparation Technologies, LLC, New Kingstown, PA	\$626,602.00	
Allstates Pavement Recycling & Stabilization, Inc., Rogers, MN	\$800,000.00	

It was recommended by Mr. Fulton, moved by Commissioner Filer, seconded by Commissioner Hughes, 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.

Federal project HSIP-B212037, involving sign installations and miscellaneous work at various locations along I-25, beginning at RM 90.09, in Transportation District 2, including Converse and Platte counties. Completion date: October 31, 2021

Engineer's Estimate	\$601,453.00	
S & L Industrial, Cowley, WY	\$649,645.00	+8.0%

It was recommended by Mr. Fulton, moved by Vice Chairman Venable, seconded by Commissioner Hughes, 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.

13. Mr. Fulton presented the April 2021 addendum to the FY 2021 STIP.

District Engineer Scott Taylor shared information about the Weston County Commission Road Improvement Program (CRIP) project CN21013 on County Road 1, south of Newcastle. The project includes full-depth reclamation on a portion of the road and extending the road surface northbound to tie the road back into the town of Newcastle. The estimated project cost is about

\$750,000. Upon completion of the project, Weston County will assume responsibility for maintaining about 5 miles of Highway 451, Oil City Road, west of Newcastle.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Vice Chairman Venable, and carried to approve the April 2021 STIP addendum.

14. It was recommended by Mr. Fulton, moved by Commissioner Filer, seconded by Commissioner Espy, and carried to approve the following resolution for relinquishment.

RESOLUTION FOR RELINQUISHMENT

WHEREAS, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of a state highway upon reconstruction or relocation of an existing state highway; and

WHEREAS, a portion of Wyoming Department of Transportation's right-of-way for Sheridan Marginal / North Sheridan at I-90 reference marker 21.97, Sheridan County, Wyoming, established under Wyoming State Highway Federal Aid Project No. I-90-1(1)18 is no longer needed for state highway or public use purposes. Said portion being described as follows:

Parcel No. 1

WYDOT PROJECT NO. I-90-1(1)18

All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T56N, R84W of the 6th P.M., Sheridan County, Wyoming, described by metes and bounds as follows:

Beginning at the quarter corner common to Sections 23 and 14 from which the corner common to Sections 14, 15, 22, and 23 bears S. 89°54'53.8" W. a distance of 2,649.10 feet monumented by a 3 $\frac{1}{4}$ " aluminum cap PLS 6812, and the corner common to Sections 13, 14, 23, and 24 bears N. 89°54'31.3" E. a distance 2,648.75 feet monumented by a 3 $\frac{1}{4}$ " aluminum cap PLS 6594, as shown on Record of Survey, done by Daniel Rederth, PLS 6594, recorded March 2, 2011, Plat Book A, Page 429, Document No. 2011-686534, of the Sheridan County Records;

Thence S. 01°31'49.8" W. a distance of 363.99 feet to a 2" Alum. Cap, PLS 2615;

Thence S. 89°55'05.1" W. a distance of 114.93 feet to a Highway right of way marker;

Thence N. 00°11'14.1" W. a distance of 214.60 feet to a Highway right of way marker;

Thence N. 45°16'32.2" W. a distance of 142.58 feet to a Highway right of way marker;

Thence S. 89°41'30.0" W. a distance of 214.73 feet to a Highway right of way marker;

Thence N. 00°19'25.9" W. a distance of 49.59 feet to a point on the northerly boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23;

Thence N. 89°54'53.8" E. a distance of 441.66 feet along said boundary to the point of beginning.

The above described parcel contains 64,360 square feet (1.48 acres), more or less.

Being all the easement interest recorded May 14, 1959, in Book 121, at Page 334, of the Sheridan County Records.

Parcel No. 2

WYDOT PROJECT NO. I-90-1(1)18

All that portion of the SE¹/₄SW¹/₄ of Section 14, T56N, R84W of the 6th P.M., Sheridan County, Wyoming, described by metes and bounds as follows:

Commencing at the quarter corner common to Sections 14 and 23 from which the corner common to Sections 14, 15, 22, and 23 bears S. 89°54'53.8" W. a distance of 2,649.10 feet monumented by a 3¹/₄" aluminum cap PLS 6812, and the corner common to Sections 13, 14, 23, and 24 bears N. 89°54'31.3" E. a distance 2,648.75 feet monumented by a 3¹/₄" aluminum cap PLS 6594, as shown on Record of Survey, done by Daniel Rederth, PLS 6594, recorded March 2, 2011, Plat Book A, Page 429, Document No. 2011-686534, of the Sheridan County Records;

Thence, along the southerly boundary of said SE¹/₄SW¹/₄ of Section 14, S. 89°54'53.8" W. a distance of 29.89 feet, to a point on the right of way line of Interstate Highway 90, THE TRUE POINT OF BEGINNING;

Thence continuing along said southerly line, S. 89°54'53.8" W. a distance of 411.77 feet;
Thence N. 00°19'25.9" W. a distance of 100.33 feet to a Highway right of way marker;
Thence N. 89°52'08.4" E. a distance of 275.65 feet to a Highway right of way marker;
Thence N. 00°52'32.7" W. a distance of 103.40 feet to a Highway right of way marker, and a point on the westerly right of way boundary of Interstate Highway 90, said point being on a non-tangent curve, concave southwesterly, having a radius of 3,558.30 feet and a line tangent to said curve bears S. 36°08'44.8" E.;

Thence southeasterly along said curve, along the right of way line of Interstate Highway 90 through a central angle of 03°57'55.5" an arc distance of 246.27 feet and a chord bearing of S. 34°09'47.1" E., a chord distance of 246.22 feet to the point of beginning.

The above described parcel of land contains 41,864 square feet (0.96 of an acre), more or less.

Being a portion of that Parcel 2 recorded September 11, 1961, in Book 132, at Page 269, Document No. 455160 of the Sheridan County Records.

Parcel No. 4

WYDOT PROJECT NO. I-90-1(1)18

All that portion of the SE¹/₄SW¹/₄, and SW¹/₄ SE¹/₄ of Section 14, T56N, R84W of the 6th P.M., Sheridan County, Wyoming, described by metes and bounds as follows:

Commencing at the quarter corner common to Sections 14 and 23 from which the corner common to Sections 14, 15, 22, and 23 bears S. 89°54'53.8" W. a distance of 2,649.10 feet

monumented by a 3¼" aluminum cap PLS 6812, and the corner common to Sections 13, 14, 23, and 24 bears N. 89°54'31.3" E. a distance 2,648.75 feet monumented by a 3¼" aluminum cap PLS 6594, as shown on Record of Survey, done by Daniel Rederth, PLS 6594, recorded March 2, 2011, Plat Book A, Page 429, Document No. 2011-686534, of the Sheridan County Records;

Thence, along the southerly boundary of said SW¼SE¼ of Section 14, N. 89°54'31.3" E. a distance of 437.13 feet to a point on the northeasterly right of way boundary of Interstate 90, said point being a point on a curve, concave southwesterly, having a radius of 4017.45 feet having a tangent of S. 28°43'08.7" E.;

Thence, northwesterly, along said curve and right of way boundary, through a central angle of 00°05'38.9", an arc distance of 6.60 feet, the chord being N. 28°45'58.2" W., and a chord distance of 6.60 feet to the TRUE POINT OF BEGINNING;

Thence along the right of way line of Interstate 90, continuing along said curve having a tangent of N. 28°48'47.7" W., through a central angle of 06°16'37.8", an arc distance of 440.14 feet, the chord being N. 31°57'06.6" W., and a chord distance of 439.92 feet;

Thence, along said right of way line and fence line, N. 12°05'24.6" E. a distance of 57.64 feet to a point on a non-tangent curve concave southwesterly, having a radius of 3,844.83 feet having a tangent of N. 35°02'58.5" W.;

Thence northwesterly, along said curve and right of way line, through a central angle of 08°05'19.2", an arc distance of 542.79 feet, the chord being N. 39°05'38.1" W. a chord distance of 542.34 feet to a Highway right of way marker;

Thence N. 00°09'08.1" W. a distance of 462.28 feet to a Highway right of way marker;

Thence N. 89°48'05.4" E. a distance of 149.76 feet to a Highway right of way marker;

Thence S. 00°09'28.7" E. a distance of 319.09 feet to a Highway right of way marker;

Thence S. 37°00'55.8" E. a distance of 681.85 feet to a Highway right of way marker;

Thence S. 00°21'38.1" E. a distance of 449.82 feet to the point of beginning.

The above described parcel of land contains 230,614 square feet (5.29 acres), more or less.

Being all of Parcel 1 recorded September 11, 1961, in Book 132, at Page 269, Document No. 455160 of the Sheridan County Records, and part of SW¼SE¼ of Section 14.

Parcel No. 8

WYDOT PROJECT NO. I-90-1(1)18

All that portion of the NW¼NE¼ of Section 23, T56N, R84W of the 6th P.M., Sheridan County, Wyoming, described by metes and bounds as follows:

Beginning at the quarter corner common to Sections 14 and 23 from which the corner common to Sections 14, 15, 22, and 23 bears S. 89°54'53.8" W. a distance of 2,649.10 feet monumented by a 3¼" aluminum cap PLS 6812, and the corner common to Sections 13, 14, 23, and 24 bears N. 89°54'31.3" E. a distance 2,648.75 feet monumented by a 3¼" aluminum cap PLS 6594, as shown on Record of Survey, done by Daniel Rederth, PLS 6594, recorded March 2, 2011, Plat Book A, Page 429, Document No. 2011-686534, of the Sheridan County Records;

Thence, along the northerly boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, N. 89°54'31.3" E. a distance of 30.96 feet, to a point on the proposed westerly right of way line of Interstate Highway 90, said point being on a curve concave southwesterly, having a radius of 3,669.70 feet and having a tangent to curve bearing S. 31°49'38.0" E.;

Thence southeasterly along said curve and right of way line through a central angle of 06°27'46.7" an arc distance of 413.94 feet, a chord bearing of S. 28°35'44.7" E., a chord distance of 413.72 feet, to a right of way marker;

Thence S. 89°50'33.1" W. a distance of 238.70 feet to a 2" Alum. Cap, PLS 2615;

Thence N. 01°31'49.8" E. a distance of 363.99 feet to the point of beginning.

The above describe parcel of land contains 50,661 square feet (1.16 acres), more or less.

Being a portion of that certain Parcel No. 2 recorded June 5, 1959, in Book 121, Page 502, Document No. 425891, and that certain Parcel No. 2 recorded April 14, 1961, in Book 129, Page 482, Document No. 449402 of the Sheridan County Records.

Said parcels containing a total of 387,684 square feet (8.90 acres), more or less.

NOW, THEREFORE, BE IT RESOLVED, the Transportation Commission of Wyoming hereby relinquishes the above-described land to the County of Sheridan, Wyoming, as provided for under provisions and authority of W.S. 24-3-126.

15. Resolution for the Exercise of Eminent Domain, Worland, West River Road: Mr. Fulton presented a resolution for the exercise of eminent domain for Project 2202021, Worland, West River Road, in Washakie County.

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift.

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801 and 24-2-102, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project 2202021, the Worland Road/South Flat Road/Structure, in Washakie County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Tracts 69A and 69B, T47N, R92½W, of the 6th P.M., Washakie County, Wyoming and constitute approximately 0.30 of an acre of property for additional right-of-way and approximately 4.78 acres of property for temporary construction easements.

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

16. Resolution for the Exercise of Eminent Domain, Casper Streets, 1st Street Intersection: Mr. Fulton presented a resolution for the exercise of eminent domain for Project N212121, Casper Streets, 1st Street and Poplar Street intersection, in Natrona County.

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Espy, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift.

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN FOR ACCESS FACILITY

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801, 24-2-102 and 24-6-106, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project N212121, Casper Streets, 1st Street Intersection, in Natrona County, that the property shown on the right-of-way plans for this project be acquired for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in E½NE¼ and NE¼SE¼ of Section 8, Lots 3 and 4, Wilson Addition, Lots 7, 8 and 9, Block 1, Crossroads Plaza II, and Lot 16A, Block 112, Casper Addition, Section 9, all in T33N, R79W, 6th P.M., Natrona County, Wyoming, and constitute approximately 0.02 of an acre of property for additional right of way and approximately 7.55 acres of property for temporary construction easements and 0.18 of an acre of property for permanent right of way easement.

NOW, THEREFORE BE IT RESOLVED that the property sought for acquisition is necessary for the proposed project and in the event successful negotiations can not be effectuated with any of the owners thereof, condemnation proceedings are authorized to be commenced and

prosecuted to acquire the necessary additional right-of-way and/or temporary construction easements.

17. Mr. DeHoff presented the Operations report.

Maintenance Update: Maintenance crews continue to work winter operations, and they are preparing equipment to begin opening the three seasonal road closures.

Crews are transitioning to summer operations, including cleaning, fence repairs, and performing road surface repairs.

Three more snowplows were hit since the March 16, 2021, Commission meeting. There were no reported injuries from those crashes. So far this winter, District 1 has experienced seven snowplow strikes, District 2 has had six, District 3 has had two, District 4 has had four, and District 5 has had two plows damaged, bringing the statewide total snowplow hits to 21 this winter.

COVID-19 Update: Mr. DeHoff reported no positive COVID-19 cases among field personnel. Employees are encouraged to continue to social distance, wear masks, and frequently wash their hands to prevent the spread of the disease.

Construction Update: Although construction season has not officially begun, some districts have been able to begin a few projects. The summer construction season will bring several large projects that will enhance Wyoming’s infrastructure.

Currently, District 1 has five active projects, District 2 has four, District 3 has five, District 4 has four, and District 5 has six projects underway.

WYDOT recently imposed a weight restriction on WYO 130 in Albany County, but the Department worked diligently to complete the shoring and that restriction was lifted.

Flooding Update: Wyoming is experiencing its worst drought conditions since 2012-2013. Wyoming’s current snow-water equivalent totals are:

Northwest Wyoming	Less than 45 percent to 50 percent of normal
Southwest Wyoming	Within 70 percent to 87 percent of normal
North, Central and Southeast Wyoming	Within 100 percent to 110 percent of normal

Flooding concerns are light to moderate for most areas, but rapid snowmelt or sudden, large storm event could change the outcome. WYDOT will closely monitor the situation throughout the spring.

Traffic Update: The Traffic Program conducted a speed study on I-80 between Milepost 290 to 310, between Laramie and Quealy Dome. The study resulted in the speed limit increasing from 75 to 80 miles per hour.

Equipment Update: The Equipment Program is finalizing specifications to receive bids on lift trucks and the light duty fleet.

Facilities Update: All active Wyoming rest areas are currently open.

18. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through March 31, 2021, includes 20¹ fatal crashes involving 23¹ deaths. The fatalities include 10 rollover crashes, 6 multi-car crashes, 3 fixed objects, and 4 pedestrians. Of the 20 fatal crashes that have occurred in 2021, 4² involved commercial vehicles.

There were 7³ fatal crashes deemed drug or alcohol related, resulting in 10³ deaths, of which 8³ were attributed to not using occupant restraints. Four of those deaths were rollover crashes, 2 were multi-car crashes, 3 involved fixed objects, and 1 involved a pedestrian. None² of the drug- or alcohol-related fatalities involved commercial vehicles.

Colonel Haller noted that drug impairment exceeds alcohol impairment in Wyoming today.

Of the 23 deaths this year, 12 were attributed to not using occupant restraints, with 6 involving rollover crashes, 3 involving multi-car collisions, and 3 involving fixed objects. Nine of those who died from the non-use of occupant restraints were Wyoming residents. Two of those who perished were under 21 years old, and one of those fatalities was attributed to the failure to use proper occupant restraints.

Of the 20 fatal crashes so far this year, 4⁴ of the crash investigations determined that a distraction was not the cause of the crash. In 7 of the 20 fatal crashes, it was unknown whether distractions caused the accident.

Of the 20 fatal crashes that have occurred this year, 8 occurred on primary/secondary highways, 7 occurred on interstate highways, and 5 occurred on city/county roads.

Of the multiple-fatality crashes in 2021, two were rollovers, one involved a fixed object, and three were drug and/or alcohol related. None of the fatalities so far this year have involved multiple vehicles or commercial vehicles.

In locations where rumble strips/stripes were present, there were eight⁵ crashes. There were four⁴ crashes where rumble strips/stripes were not present.

¹ Numbers at the time of reporting; final numbers may change.

² Number not included in total deaths (sub-crash data).

³ Not all chemical tests were available at the time of reporting.

⁴ Data only available from submitted crash reports.

⁵ Numbers at the time of reporting from submitted crash reports.

Inclement weather or road conditions contributed to three vehicle crashes in 2021, resulting in three deaths. Speed was considered a factor in four of the vehicle crashes, causing six deaths.

The days of the week for fatal crashes in 2021 were as follows:

Sunday	2 crashes
Monday	0 crashes
Tuesday	1 crash
Wednesday	4 crashes
Thursday	5 crashes
Friday	6 crashes
Saturday	2 crashes

The times of day for fatal crashes in 2021 were as follows:

12:00 a.m. to 6:00 a.m.	3 crashes
6:00 a.m. to 12:00 p.m.	5 crashes
12:00 p.m. to 6:00 p.m.	7 crashes
6:00 p.m. to 12:00 a.m.	5 crashes

The Commission also heard the following statistics:

- 60 percent of those who died in rollover crashes were unbelted.
- 50 percent of those who died in multi-vehicle crashes were unbelted.
- 100 percent of those who died in fixed-object crashes were unbelted.
- 57 percent of the fatalities in 2021 were drivers.
- 17 percent of the fatalities in 2021 have been passengers.
- 75 percent of the resident fatalities were unrestrained.
- 43 percent of non-resident fatalities were unrestrained.
- 43 percent of fatalities involved alcohol and/or drug impairment.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 1,363⁶ crashes statewide, of which 459⁽⁵⁾⁽⁷⁾ involved commercial vehicles.

WHP Recruiting Efforts: Testing begins next week to fill 19 trooper vacancies. WHP has received about 100 applications for that class so far, and they anticipate up to 50 percent of those applicants will appear for testing.

The WHP has a 22 percent retirement-eligibility rate today.

Colonel Haller has started his annual statewide travel to WHP sites, beginning with District 5 last week and District 3 next week.

⁶ Does not include all crashes worked; some reports are still pending.

⁷ Total number of commercial vehicles involved; some crashes may contain multiple commercial vehicles.

19. Mr. Olsen presented the Aeronautics report beginning with the March 2021 Aeronautics Flight Operations Passenger Summary Report.

Federal Legislative Update: The federal government passed the federal rescue plan on March 11, 2021. Mr. Olsen hopes to hear soon from the Federal Aviation Administration (FAA) about how much funding will come to Wyoming airports.

The federal government has also included aviation funding in the proposed federal infrastructure bill.

U.S. Congress passed the Federal Aviation Administration Reauthorization Act in 2018. That funding expires in 2023, and the Aeronautics Division is closely watching for what will replace that act into the future.

State Legislative Update: Mr. Olsen briefed the Commission about the outcome of Aeronautics-related bills from the 2021 legislative session.

Commercial Air Service Update: Commercial air service is improving. Transportation Safety Administration (TSA) screenings remain about 40 percent lower than pre-COVID-19 screenings. Airlines appear to be slowly rebounding from the pandemic. International travel is returning, which benefits domestic travel.

Air cargo in 2020 increased to an all-time high because of the pandemic.

Wyoming airport bookings appear to be strong in May, June, and July, and most capacity-purchase-agreement airports will soon resume two flights daily.

Airport Construction Update: Cheyenne Regional Airport is beginning a three-to-four-year, \$50 million runway reconstruction. The main runway closes today and is expected to reopen by mid-July 2021.

20. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT employed 1,912 personnel as of April 1, 2021, compared to 1,924 a month ago and 1,943 one year ago. WYDOT currently has 78 jobs advertised, and 56 of those are field positions. Of the 56 field positions posted, 23 are temporary worker positions for the upcoming construction season.

Human Resources' Consolidation: In March, WYDOT officially transferred its Human Resources (HR) positions to the Department of Administration and Information (A&I) Human Resource Division (HRD), in accordance with a legislative mandate to consolidate all agency human resources personnel under A&I-HRD. Of WYDOT's 18 positions that were considered, 14 were transferred under HRD, and 3 will most likely never be filled. Ten HR personnel will remain dedicated to WYDOT for HR transactions, including one in each district office and five

at Headquarters in Cheyenne. The Department's Payroll personnel will remain at Headquarters because of WYDOT's unique payroll functions.

Director Reiner left the meeting.

21. Mr. Babbitt presented the Chief Technology Officer's report.

Legislative Update: Mr. Babbitt briefed the Commission about various technology-related bills that affect WYDOT.

HB0014 - WYDOT will develop a stakeholder group to address the logistics of sharing Wyoming rights-of-way with internet service providers (ISP) for broadband placement. WYDOT will identify connection points as new broadband is established in right-of-way.

HB0015 – State-owned radio towers will be shared with ISP, as space allows, if the added technology does not compromise the integrity of WyoLink. Security, safety, and frequency interference will also be considered when sharing tower space.

HB0254 – Beginning July 1, 2021, WYDOT will begin collecting an additional \$5 from driver license applicants for the RIS replacement. The Department will work with the Enterprise Technology Services (ETS) to convert 40 years of data from the old to the new RIS.

WyoLink Update: Seven of the 16 new WyoLink towers are now operational. The Lusk tower is in the testing phase. Other new towers are being built in Rock Springs, the Big Horn Mountains, Goshen County, Newcastle, Sublette County, and Evanston.

Mr. Babbitt is collaborating with the WCCA to gather ideas for future WyoLink maintenance and operations. WYDOT will issue a request for proposals to gain a better price for future WyoLink radio and equipment purchases for all users.

Mr. Babbitt and his staff are working on the WyoLink biennial report, which is due to the Governor's office by May 31, 2021.

Next Generation 9-1-1 (NG9-1-1) Update: The annual NH9-1-1 report is due to the Governor's office by June 30, 2021. The report includes the number of public safety answering points, 9-1-1 calls received, and details about the current and next generation systems. Having this information in a compiled report will allow Wyoming to apply for a grant for future WyoLink upgrades and possibly other emergency communications needs.

Geographical Information Systems/Intelligent Transportation Systems (GIS/ITS) Update: The GIS/ITS Program is working to address the challenges that come with spring snowstorms.

WYDOT is reviewing alternative options to replace the 5.9 GHz spectrum to continue the Connected Vehicle (CV) project. The Federal Communications Commission (FCC) released the

5.9 GHz technology to other non-safety-related entities last year, leaving the CV project without a dedicated resource for its specialized needs.

TriHydro Corporation in Laramie is utilizing WYDOT's 5-1-1 application data to convert real-time information to audio format. The audio format will eventually be used to advance voice technology in new vehicles.

22. It was moved by Commissioner Espy, seconded by Vice Chairman Venable, and carried to adjourn the meeting. Chairman Schmidt adjourned the meeting at 12:20 p.m., on Thursday, April 15, 2021.