

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person at 900 Bryan Stock Trail, Casper, WY on May 12. Chairman Schmidt convened the meeting at 1:00 p.m. The following members were present constituting a quorum:

Chairman Philip Schmidt, Casper
Vice-Chairman Greg Venable, Worland
Commissioner Patrick Crank, Cheyenne
Commissioner Jon Dolezal, Evanston
Commissioner Jim Espy, Savery
Commissioner Susan Holmes, Sheridan
Commissioner Mark Hughes, Sundance
Director K. Luke Reiner
Commission Secretary Caitlin Casner

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Rodney Freier, Budget Program Manager; Tom DeHoff, Assistant Chief Engineer for Operations; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Lieutenant Colonel Joshua Walther, Wyoming Highway Patrol Operations Commander; Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Troy Babbitt, Chief Technology Officer (CTO); Mike Kahler, Senior Assistant Attorney General; Monica Gourdine, Interim Division Administrator, Federal Highway Administration (FHWA); Representative Mark Baker; Senator John Kolb; and Wayne Herr, McGee, Hearne, and Paiz.

Other meeting attendees: Jordan Achs, Public Affairs; Matt Groth, Public Affairs; John Davis, Management Services Program Manager; Doug Jensen, Contracts and Estimates Program Manager; Mark Ayen, District Two Engineer; Rhonda Holt, Financial Services Program Manager; Mattie Bray, Financial Services Accounting Manager; Ali Ragan, Grants and Contracts Policy Program Manager; Scott Taylor, District Four Engineer; Cori Schrinar, Procurement Services Manager; Nick Gronski, Purchasing Officer; Kirsten Rigg, Internal Review; Maria LaBorde, Internal Review; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary; Katie Legerski, Association of General Contractors-Wyoming.

1. Pledge of Allegiance: Chairman Schmidt led the attendees in the Pledge of Allegiance.
2. Changes/Additions to Agenda: There were no changes to the May 2022 agenda.
3. Approval of Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes, seconded by Commissioner Venable, and carried to approve the updated minutes from the April 17, 2022, business meeting.

4. Correspondence: Secretary Casner summarized the Wyoming Transit newsletter received at WYDOT Headquarters.

5. Old Business.

Work Sessions versus Education Sessions: Chairman Schmidt reminded the Commission of prior practices regarding breakfast meetings and compliance with the Open Meetings Act. Mr. Kahler advised that if there is a quorum of the Commission receiving or discussing public business, the Open Meetings Act must be adhered to. Commissioner Holmes questioned if a gathering of commissioners for meals would need to comply with the Open Meetings Act even though no business was being discussed. Mr. Kahler stated that it is acceptable for Commissioners to gather for a meal or other social event as long as no public information is received or discussed. Commissioner Dolezal thanked Mr. Kahler for the advice, and stated that there may be topics in the future that may require further information and it may be beneficial to hold a work session or breakfast meeting. Commissioner Espy stated that he would be in favor of breakfast meetings in the future on an as needed basis only. Commissioner Crank advised that he would not be in favor of breakfast meetings and would prefer that discussions between WYDOT staff and Commissioners be held during the business meeting only, although he would not be opposed to gatherings with the purpose of eating as a group. Commissioner Venable stated that he believes breakfast meetings are beneficial and would like to see them continue. Commissioner Hughes added that he believes education has been provided and that the Commission is able to adhere to the Open Meetings Act. Commissioner Holmes suggested that events be clearly notated on the monthly agenda and listed as a social event or work session with WYDOT staff in attendance. Any work sessions would be noticed in most cases a week in advance.

6. Director Reiner presented the Director's Report.

Construction: Construction projects have begun across the state, and supply chain issues are affecting projects. WYDOT is working with contractors on extensions if needed due to supply chain issues. Contractors have been using cost escalation clauses in contracts especially due to rising fuel and steel prices.

Wildlife: The groundbreaking ceremony for the Dry Piney project was held recently, and when finished, will have approximately 20 miles of fencing and nine underpasses. Coordination continues between WYDOT, Game and Fish, and the Wyoming Wildlife and Natural Resource Trust on wildlife projects. Rules are being drafted for the conservation plate account for funding allocation.

Award from FHWA: WYDOT was the recipient of an FHWA award recently for the Snake River reconstruction and wildlife crossing integration. The award was for environmental excellence, stewardship, and partnerships that extend beyond typical transportation project outcomes. Director Reiner commended Mr. Gillett, Mr. Fulton, Mr. DeHoff for their leadership on this project.

Infrastructure Investment and Jobs Act (IIJA): Notice of Funding Opportunities (NOFOs) are being published by the FHWA, which WYDOT is currently reviewing and working on an implementation plan. WYDOT also continues to meet with the Governor's Office regarding funding allocations.

Buy America is currently a requirement of IIJA, but due to availability, a 180 day waiver will most likely be approved so that materials can be sourced and projects can progress.

Bridge Funding Program (BFP): This program continues to progress well, and approximately half of all counties in Wyoming have responded to the program. The BFP will provide \$45 million in funding per year for the next five years, with 15% of the funding going to local projects. All counties and municipalities were notified of this program, which is to replace poor and critical bridges.

Electric Vehicles: WYDOT continues to work on the National Electric Vehicle Infrastructure (NEVI) plan, and two meetings have been held with the Wyoming Association of Municipalities and the Wyoming County Commissioners Association to ensure local government officials are aware of developments and communication is open and transparent.

Joint Transportation Committee: Director Reiner and several Executive Staff members recently attended the Joint Transportation Committee meetings held in Casper. Draft bill topics were discussed, including towing, right of way and ORVs, trailer registration, trooper spouse benefits in the case of line of duty deaths, and road closure issues.

Plowing to Cooke City, Montana: WYDOT is currently working on requests to plow Highway 212 from Junction 212 to Cooke City, Montana, and discussions are occurring with the Governor's office and the Superintendent of Yellowstone.

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

Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 52 percent expended, and the legislative budget was 54 percent expended in Fiscal Year (FY) 2022.

7B. It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried to approve bid 22-121RE to furnish 16 new 35 series two (2) wheel drive crew cab and chassis for body for departments located statewide. The bid was awarded to Fremont Chevrolet Buick GMC of Riverton, Wyoming, for the sum of \$664,208.00. *Commissioner Venable declared a conflict and did not vote.*

It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Venable, and carried to approve bid 22-133RE to furnish two (2) new articulated four (4) yard front end loaders for departments located in Cheyenne and Afton. The bid was awarded to Wyoming Machinery Company of Cheyenne, Wyoming for the sum of \$483,120.00.

This bid was not awarded to the lowest bidder due to the bid being irregular and not meeting specifications.

7C. Wayne Herr of McGee, Hearne, and Paiz presented the audit results for the fiscal year ending September 30, 2021.

8A. Monica Gourdine congratulated WYDOT on receiving the Environmental Excellence award, and stated that several states across the nation were competing for this award.

Ms. Gourdine advised that she will be assigned to Wyoming until August instead of June as previously thought and she will continue to assist WYDOT with construction projects.

Chairman Schmidt asked Ms. Gourdine if a waiver may be available for the 50 mile requirement for electric vehicles. Ms. Gourdine advised that the exemption process is being drafted and administrators are aware of issues rural states may face.

Commissioner Venable left the meeting at 2:11 p.m.

8Bi. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the May 5, 2022, letting.

Federal Project NHPP-N401018 involving bituminous surfacing, milling, traffic control, grading, chip seal, surfacing and miscellaneous work on approximately 16.90 miles on US 18/20 beginning at RM 0.00 between Orin Junction and Lusk in Converse County. Completion Date: July 31, 2023.

<i>Engineer's Estimate</i>	\$9,006,355.00	
Northern Improvement Company, Fargo, ND	\$6,963,931.50	-22.7%
McGarvin-Moberly Construction Co., Worland, WY	\$6,970,659.29	
Croell, Inc., Sundance, WY	\$7,513,051.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$7,850,294.34	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Espy, and carried unanimously that Northern Improvement Company, of Fargo, North Dakota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project STP-P113031 involving bituminous surfacing, surfacing (cold in-place recycling), traffic control, grading and miscellaneous work on approximately 7.70 miles on US 189 beginning at RM 53.50 between Kemmerer and LaBarge in Lincoln County. Completion Date: September 30, 2023.

<i>Engineer's Estimate</i>	\$8,494,010.00	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$7,176,298.65	-15.5%

H-K Contractors, Inc., Idaho Falls, ID	\$7,487,769.00
Avail Valley Construction-WY, LLC, Afton, WY	\$7,659,188.86

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Holmes, and carried unanimously that Kilgore Companies, LLC dba Lewis & Lewis, Inc., of 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. FHWA concurred with this decision. *Commissioner Crank declared a conflict and did not vote.*

Federal Project NHPP-N302056 involving bituminous surfacing, milling plant mix, surfacing, chip seal, traffic control and miscellaneous work on approximately 12.90 miles on US 287/26 beginning at RM 72.13 between Dubois and Diversion Dam in Fremont County. Completion Date: August 31, 2023.

<i>Engineer's Estimate</i>	\$7,055,295.00
McGarvin-Moberly Construction Co., Worland, WY	\$5,815,998.57 -17.6%
Mountain Construction Company, Lovell, WY	\$6,813,861.22
Avail Valley Construction-ID, LLC, Victor, ID	\$6,877,600.00

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Holmes and carried unanimously that McGarvin-Moberly Construction Co., of Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Projects NHPP-N362039 and ARSCT-N362A06 combined involving bituminous surfacing, guardrail, surfacing, milling, traffic control, grading and miscellaneous work on approximately 5.70 miles on US 16 beginning at RM 63.37 between Ten Sleep and Buffalo in Johnson County. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$5,571,833.00
McGarvin-Moberly Construction Co., Worland, WY	\$4,492,307.67 -19.4%
Mountain Construction Company, Lovell, WY	\$5,927,353.45

It was recommended by Mr. Fulton, moved by Commissioner Crank, seconded by Commissioner Holmes, and carried unanimously that McGarvin-Moberly Construction Co. of Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project NHPP-N854076 involving bituminous surfacing, traffic control, chip seal, grading, surfacing and miscellaneous work on approximately 6.60 miles on US 86 and US 16 beginning at RM 195.76 between Mule Creek Junction and Newcastle in Niobrara and Weston Counties. Completion Date: July 31, 2023.

<i>Engineer's Estimate</i>	\$5,246,995.00	
Northern Improvement Company, Fargo, ND	\$4,108,468.10	-21.7%
McGarvin-Moberly Construction Co., Worland, WY	\$4,539,086.46	
Simon Contractors, Cheyenne, WY	\$4,996,575.96	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Hughes, and carried unanimously that Northern Improvement Company, of Fargo, North Dakota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project STP-PM-B221019 involving bituminous surfacing, traffic control, milling, sidewalk, curb and gutter, surfacing and miscellaneous work at various locations in Transportation District 1 in Laramie County. Completion Date: June 30, 2023.

<i>Engineer's Estimate</i>	\$3,952,986.00	
Simon Contractors, Cheyenne, WY	\$3,493,378.27	-11.6%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$3,699,217.40	

It was recommended by Mr. Fulton, moved by Commissioner Crank, seconded by Commissioner Holmes, and carried unanimously that Simon Contractors, of Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State Project SCP-TRFSN21 involving signing, traffic control and miscellaneous work at various locations in Transportation District 4 in Campbell and Sheridan counties. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$191,150.00	
S&L Industrial, Cowley, WY	\$175,533.00	-8.2%

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Dolezal, and carried unanimously that S&L Industrial, of Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. *Commissioner Crank declared a conflict and did not vote.*

8Bii. Addendum to the FY 2022 State Transportation Improvement Program (STIP): Mr. Fulton presented the May addendum to the FY 2022 STIP.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Holmes, and carried unanimously to approve the May addendum to the FY 2022 STIP.

9C. Mr. DeHoff presented the Operations Report.

Project Tour: Mr. DeHoff thanked District 2 Engineer Mark Ayen, Resident Engineer Brooke Allen, and AIMS Construction Manager Rob Wilson for the Commission project tour on May 11, 2022.

Maintenance: A major winter storm at the end of April caused several roads to be closed in Districts 2 and 4. No major accidents or equipment damage occurred during this storm, and Mr. DeHoff thanked the district maintenance crews for their hard work during and after the storm.

Snow Plow Damage: No snow plows were damaged in the last month. However, there have been 18 total plow hits this year.

Seasonal Pass Openings: Districts 1, 4, and 5 are on track to have all seasonal passes open by Memorial Day. It is being reported that snow depth is lower than usual, but crews are still mindful of possible storms.

Maintenance: Crews are transitioning to summer projects, including litter control, fence work, repairs, and striping.

Wind River Canyon Rock Slide: On April 23rd, a rock slide between Shoshoni and Thermopolis in the Wind River Canyon caused the road to be closed. There were no injuries, and District 5 crews had the road cleared and open within four hours. Mr. DeHoff extended his thanks to Oftedal Construction and Midwest Rockfall for their help during this emergency.

U.S. 14 Slide: The Little Tongue River slide on U.S. 14 continues to be monitored and will need to be addressed in the near future. Mr. DeHoff advised that Mr. Fulton will most likely present this project in a future award of highway contracts.

O'Bellx Equipment: The O'Bellx avalanche mitigation equipment has been removed for the season and the unit that was borrowed from Colorado has been returned.

Construction: The construction season has begun and some contractors have started paving on projects. There are several active projects already underway. There are a total of 50 active projects across the state.

Traffic: Crews have started their summer striping projects, and there are two stripers in each district. Paint production appears to have reached near normal levels, so emergency striping plans have been canceled.

Maintenance Shops: Mechanics are transitioning from winter to summer repairs. WYDOT maintenance shops were extremely busy this past winter, and Mr. DeHoff thanked all mechanics for their hard work.

Facilities: All rest areas are open at this time. The Independence Rock rest area continues to operate with port-a-johns while repairs are made.

9. Lieutenant Colonel Walther presented the Highway Patrol Report.

The Fatal Crash Summary through April 30, 2022, includes 25 fatal crashes involving 22 deaths. The fatalities include 9 rollover crashes, 8 multi-car crashes, 4 fixed-object crash, 1 motorcycle crash, 0 all-terrain vehicle crashes, and 3 pedestrian crashes. Of the 25 fatal crashes that have occurred in 2022, 6 involved commercial vehicles.

There were 6 fatal crashes deemed drug or alcohol related, resulting in 7 deaths in April 2022.

Of the 25 deaths this year, 16 were attributed to not using occupant restraints, with 7 involving rollover crashes, 5 involving multi-car collisions, and 4 involving fixed objects. Seven of those who died from the non-use of occupant restraints were Wyoming residents. Nine perished that were under 21 years old.

Of the 25 fatal crashes so far this year, 16 of those drivers had no distractions. In of those 9 crashes, it was unknown whether a distraction caused the incident.

Of the 25 fatal crashes that have occurred this year, 8 occurred on primary/secondary highways, 10 occurred on interstate highways, and 4 occurred on city/county roads.

There was 4 multiple-fatality crashes in 2022.

In locations where rumble strips/stripes were present, there were 9 crashes. There were 8 crashes where rumble strips/stripes were not present.

Inclement weather or road conditions contributed to 6 vehicle crashes in 2022, which resulted in 6 deaths.

The days of the week for fatal crashes in 2022 were as follows:

Sunday	6 crashes
Monday	5 crashes
Tuesday	4 crashes
Wednesday	3 crashes
Thursday	1 crashes
Friday	2 crashes
Saturday	1 crashes

The times of day for fatal crashes in 2022 were as follows:

12:00 a.m. to 6:00 a.m.	3 crashes
6:00 a.m. to 12:00 p.m.	10 crashes
12:00 p.m. to 6:00 p.m.	3 crashes
6:00 p.m. to 12:00 a.m.	6 crashes

The Commission also heard the following statistics:

- 78 percent of those who died in rollover crashes were unbelted.
- 63 percent of those who died in multi-vehicle crashes were unbelted.
- 100 percent of those who died in fixed-object crashes were unbelted.
- 68 percent of the fatalities in 2022 were drivers.
- 20 percent of the fatalities in 2022 were passengers.
- 82 percent of the resident fatalities were unrestrained.
- 55 percent of non-resident fatalities were unrestrained.
- 28 percent of fatalities involved alcohol and/or drug impairment.

Quarterly Report: Commissioner Holmes requested a quarterly report from WHP addressing topics such as initiatives and events.

New WHP Colonel: Commissioner Crank asked the Director when a new Colonel will be appointed. Director Reiner advised that he estimates the end of September, but that date depends on applications received and hiring processes such as background checks. Commissioner Espy stated that he feels there are several qualified candidates within WHP and requested they be considered during the search for a new WHP Colonel.

10. Mr. Olsen presented the Aeronautics Report, beginning with the April 2022 Aeronautics Flight Operations Passenger Summary Report.

FAA Reauthorization: Mr. Olsen stated that the current authorization will be in effect until FY 2023, and work has begun on the next authorization with the Wyoming Airport Coalition to ensure Wyoming priorities are addressed.

Airport Updates: The Jackson Hole airport reconstruction project is progressing well and is on track to re-open on June 28th.

Air Service: There is a large demand for air service currently, but several airlines continue to struggle with crew resource issues. Many airlines had worse than 20% margins and rising fuel costs continue to impact fiscal outlooks.

Capacity Purchase Agreement Contract: Negotiations on the Capacity Purchase Agreement Contract continue, and the Aeronautics Commission will be addressing this issue at their next meeting.

11. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,781 personnel as of May 4, 2022, compared to 1,807 a month ago and 1,886 one year ago.

12. Mr. Babbitt presented the Chief Technology Officer's Report.

RIS Replacement Update: Mr. Babbitt and Mr. Rossetti continue to work with Enterprise Technology Services (ETS) through the replacement process. ETS staff has reviewed the Request for Proposal (RFP) and Mr. Babbitt anticipates the RFP will be released to the public on May 16th through Procurement.

911: The Public Safety Communications Commission (PSCC) recently held a quarterly meeting and discussed topics related to Next Gen 911. This meeting was the first for the PSCC since Senate File 41 was passed, which added two members to the Commission approved by the Governor. The tribal and EMS positions were also recently filled.

WyoLink Update: Mr. Babbitt reported that there were two new towers approved utilizing ARPA funding, and discussions have occurred with locals in the Sheridan and Saratoga areas regarding these towers.

Quantar to GTR Update: WYDOT is working with Motorola to complete upgrades, however, there are supply chain issues expected.

ETS: WYDOT and ETS are working together regarding statewide enterprise solutions, especially regarding the Technology Replacement Program (TRP).

13. June 2022 Commission Meeting: Secretary Casner advised that the June 2022 is currently scheduled to be held in person in Rock Springs at the District 3 offices. An education session regarding A+B bidding and dinner with Senator John Kolb will occur on June 15th, and the business meeting will occur on June 16th.

14A. Legislator Comments: State Representative Mark Baker shared remarks regarding the recent Joint Transportation Committee meeting and the upcoming June 2022 Transportation Commission meeting.

14B. Commissioner Comments: Commissioner Hughes thanked Director Reiner for his participation in the Association of General Contractors-Wyoming panel during their convention. Chairman Schmidt requested information regarding the audited financial statement requested by WYDOT from contractors.

16. It was moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried to adjourn the meeting. Chairman Schmidt adjourned the meeting at 3:04 p.m., on Thursday, May 12, 2022.