

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person at 5300 Bishop Blvd., Cheyenne, WY on March 17, 2022. Chairman Schmidt convened the meeting at 8:30 a.m. The following members were present constituting a quorum:

Chairman Phil Schmidt, Casper *via Zoom*
Vice Chairman Greg Venable, Worland *via Zoom*
Commissioner Patrick Crank, Cheyenne
Commissioner Jon Dolezal, Evanston *via Zoom*
Commissioner Susan Holmes, Sheridan *via Zoom*
Commissioner Mark Hughes, Sundance *via Zoom*
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; Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Lieutenant Colonel Joshua Walther, Wyoming Highway Patrol (WHP) Operations Commander; Taylor Rossetti, Support Services Administrator; Troy Babbitt, Chief Technology Officer (CTO); Mike Kahler, Senior Assistant Attorney General; and Monica Gourdine, Interim Division Administrator, Federal Highway Administration (FHWA).

Other meeting attendees: Jordan Achs, Public Affairs; Mark Horan, Public Affairs; John Davis, Management Services Program Manager; Kacey Brown, Management Services; Erica Legerski, Senior Policy Analyst, Doug Jensen, Contracts and Estimates Program Manager; Mattie Bray, Financial Services Accounting Manager; Cori Schrinar, Procurement Services Manager; Greg Milburn, State Materials Engineer; Phillip Hearn, Engineering and Construction Manager-Aeronautics; Rhonda Holt, Financial Services Program Manager; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary; Mark Ayen, District 2 Engineer; Melissa DeFratis, Legislative Coordinator; Gary Schneider, Land Ferry; Katie Legerski, Association of General Contractors-Wyoming; Justin Beach, S&S Builders; Rep. Mark Baker; and Sen. John Kolb.

Commissioner Jim Espy, Savery was absent.

1. Pledge of Allegiance: Chairman Schmidt led the attendees in the Pledge of Allegiance.
2. Changes/Additions to Agenda: Chairman Schmidt requested Agenda Item 16 be moved to directly after Agenda Item 13, the Chief Technology Officer's report.
3. Approval of Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes, seconded by Commissioner Venable, and carried to approve the minutes from the March 17, 2022, business meeting with corrections made to voting by Chairman Schmidt.

It was recommended by Secretary Casner, moved by Commissioner Dolezal, seconded by Commissioner Venable, and carried to approve the minutes from the January 20, 2022 Executive Session.

5. Old Business.

2022 Meeting Schedule: Chairman Schmidt presented the proposed 2022 Transportation Commission meeting. Commissioner Crank requested the June 2022 be moved from Cheyenne to Rock Springs to allow for public attendance and comment. In addition, Chairman Schmidt requested that the proposed October meeting in Jackson be moved to the Pinedale area in consideration of expenses.

Mr. Kahler advised the Commission of best practices setting Commission meetings, including the difference between special and regular meetings.

It was moved by Commissioner Crank, seconded by Commissioner Hughes, and carried to move the June 2022 meeting to Rock Springs.

2023 Meeting Schedule: Chairman Schmidt suggested that the 2023 meeting schedule be completed by staff and reviewed by the Commission in September 2022 and ratified at the December 2022 Commission meeting. Chairman Schmidt directed Secretary Casner prepare the 2023 meeting schedule with July and December's meetings being held virtually and two meetings held outside of Cheyenne.

Director Review: It was suggested at the February 2022 meeting that a Director review be completed by the Transportation Commission. Chairman Schmidt reviewed the Commission handbook and reminded the Commission that the Director is appointed by the Governor and the appointment process. Chairman Schmidt previously consulted with Governor Gordon's office and was advised that there was not a need for a review of the Director by the Commission, but if there was a concern by the Commissioners, they are welcome to contact the Governor's office.

Commissioner Holmes suggested that an annual meeting between the Commission and Director would be beneficial to strengthen communication and would be held in lieu of a formal review. Director Reiner stated that he always values input from Commissioners and welcomes suggestions and open communication.

Secretary Casner advised that Erica Legerski, Senior Policy Advisor for Governor Gordon, is also available for Commissioner contact.

A+B Bidding: Chairman Schmidt referenced previous Commission discussions regarding no longer utilizing A+B bidding. Commissioner Crank advised that Mr. Gillett had stated at the February 2022 meeting A+B bidding would not be used until further education was provided to the Commission. Commissioner Crank suggested that further review regarding specific contracts be held at a future meeting. Commissioner Holmes reminded the Commission that the contract is

only one part of relevant documents, and that there are other items such as the Specification Book that is referenced in contracts. Director Reiner advised that A+B bidding is considered innovative by FHWA, and innovative processes are very important to the success of the agency. Director Reiner recommended that A+B bidding continue to be used, but if more education or review is needed, it would be made available.

Rest Areas: In 2020, nine rest areas were closed due to funding. Previously, it was proposed that WYDOT and Wyoming Tourism utilize CARES or ARPA funding to fund rest areas. However, the funding was not available, but the rest areas were reopened at the Governor's request.

Commission adjourned to break at 9:49 a.m.

Commission returned to public session at 9:59 a.m.

6. Delegation: Gary Schneider, CEO of Land Ferry, presented to the Commission regarding Land Ferry's operations and proposal to utilize railroads to assist in nationwide transport of freight. Mr. Schneider provided examples of historical Land Ferry studies regarding I-80 and provided a summary of what the efficiencies Land Ferry hopes to bring to the east-west corridor in the U.S. Mr. Schneider discussed public and private economic advantages as well as the possible decrease in environmental factors, traffic congestion, and crashes. Land Ferry will be conducting a market study and carrier survey in the coming months.

Mr. Schneider requested that the Transportation Commission consider drafting a letter of support for Land Ferry as well as assisting with organizing a summit with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), National Highway Traffic Safety Administration (NHTSA), and Surface Transportation Board (STB).

Commissioner Crank advised the Commission that utilization of Land Ferry may fall under the Railroad Revitalization and Regulatory Reform Act, which could possibly impact the amount of taxes collected. Mr. Schneider stated that Land Ferry would be able to provide a cost savings analysis as well as a revenue impact analysis if requested.

7. Director Reiner presented the Director's Report.

Bi-Partisan Infrastructure Law (BIL): The 1,068 page law was signed recently by President Biden. Guidance and official documents regarding funding allocations have begun to be released. Original estimates of funding have fluctuated, however funding for road and bridges should be approximately \$68 million higher than previous years and local government/transit programs will also see approximately \$24 million in funding. There is also a large increase in discretionary grants and programs. In order to ensure that operations are successful and synchronized, the second WYDOT staff call of the month will now focus on local programs. However, there is not enough WYDOT staff currently to address the available funding, so it is possible that consultants will be used to take advantage of the available money and programs. Director Reiner reminded the Commission that the federal fund will require a match, and state funding has not increased,

so WYDOT will need to re-examine the management of fiscal resources to maximize opportunities.

Wyoming Legislative Session: The 2022 Legislative Budget Session ended March 11th, and Director Reiner thanked WYDOT staff for their hard work during the session. The proposed fuel tax increase and the diversion of severance tax did not pass the introduction process and so were not considered by the Legislature. However, HB0007, which disqualifies a person from holding a commercial driver's license if they are committing any felony involving human trafficking, was passed and brought Wyoming in line with FMCSA regulations. SF0041 regarding the funding of the next generation 911 emergency communications also passed, and WYDOT can begin to apply for permits and grants. The bill regarding using Interstate ROW for off-road vehicles did not pass, however, Director Reiner believes that the bill will be re-introduced at a later session. Director Reiner advised that the Governor's proposed compensation package with an increase added by the Legislature passed as well and will go into effect July 1, 2022. The passage of the compensation package should greatly assist in WYDOT's ability to recruit and retain employees, and thanked the Legislature for their assistance.

Governor Gordon included \$75 million in his proposed budget for state match for BIL grants, and WYDOT will work closely with the Governor's office for proper grant management. Governor Gordon also included \$10 million for wildlife crossing and game fences project fund matching.

The Management Council will meet in early April to discuss and approve interim legislative topics. WYDOT submitted requests regarding electric vehicles, autonomous vehicles, towing, and right of way issues. The next session is not a budget session so a two-thirds majority will not be required for bill introduction.

Teton County Memorandum of Understanding (MOU): The MOU regarding the pathway parallel to WYO 22 is being finalized, and Director Reiner thanked the involved staff.

Zoning: WYDOT's zoning request to construct employee housing behind the Jackson shop was recently approved.

Amtrak: Director Reiner recently met with Amtrak representatives and representatives from Colorado and New Mexico regarding light rail travel between Cheyenne and the front range.

Electric Vehicle Plan: Director Reiner will brief the Governor regarding WYDOT's electric vehicle plan on March 21st, and will present the plan to the Transportation Commission at the March 24th Education Session. Public meetings regarding the plan will be held around the state the first full week of April. The finalized plan is due to FHWA in August, and WYDOT is on track to meet this deadline. No federal money will be allocated until the plan is approved.

Director Travel: Director Reiner will be meeting with the Evanston Mayor and Uinta County Commissioners on March 22nd to discuss truck parking along the interstate, which continues to be an issue.

8. 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 38 percent expended, and the legislative budget was 40 percent expended in Fiscal Year (FY) 2022.

7B. It was recommended by Mr. Byrne, moved by Commissioner Holmes, seconded by Commissioner Venable, and carried to move Bid Numbers 22-071NG, 22-072NG, and 22-099CS to a consent list.

It was recommended by Mr. Byrne, moved by Commissioner Dolezal, seconded by Commissioner Venable, and carried to approve, by consent, the following:

- Bid 22-071NG to furnish 12,000 tons of unmodified performance graded asphalt binder for departments located in districts 1 and 2. The bid was awarded to Jebro, Inc. of Sioux City, Iowa for the sum of \$385,800.00.
- Bid 22-072NG to furnish 343 tons of unmodified emulsified asphalt, 2,285 tons of modified emulsified asphalt, and 167 tons of dilute emulsified asphalt for departments located in districts 1, 2, 3, 4, and 5. The bid was awarded to Peak Asphalt, LLC of Rawlins, Wyoming for the sum of \$215,960.00.
- Bid 22-099CS to manufacture and furnish high risk rural road signs and posts to seven (7) counties in Wyoming. The bid was awarded to S&L Industrial of Cowley, Wyoming for the sum of \$247,460.56.

Commissioner Crank declared a personal conflict and did not vote on the consent list.

Commissioner Hughes left the meeting at 10:50 a.m.

8. Mr. Gillett presented the Chief Engineer's Report.

Follow-up from March 2022 Commission Meeting: As requested, Mr. Gillett reviewed change orders from calendar year 2021 and advised that there were 32 contracts that had change orders which increased the bid amount. There were seven contracts in calendar year 2021 that had liquidated damages were assessed against the contractor, in the amount of approximately \$135,000. Also in calendar year 2021, there were nine contracts that had overpayment requiring a refund from WYDOT due to the lack of a retention policy. The refund amount totaled \$334,722. However, one of the refunds was \$320,000, so the majority of refunds were small dollar amounts. As of December 2021, there were 141 active projects. Mr. Gillett presented maps showing which roads are not eligible for federal funding also in response to a Commission question from the March 2022 meeting. In several districts, areas not eligible for federal funding are segments of old highways that were built before interstates and are primarily used as a frontage road.

District Four Culvert Collapse: Within the last two days, over 700 irrigation culvert in the right of way near Sheridan collapsed due to rust. WYDOT maintenance crews responded quickly and are in the process of purchasing replacement culvert.

9A. Monica Gourdine advised that at this time, there will no longer be restrictions on new programs due to the passage of the BIL. Guidance and funding for new programs will be made available soon, and Ms. Gourdine asked for patience while the new guidelines are distributed.

FHWA Director Tom Everett, who is the highest ranking federal employee for federal highways, will be retiring at the end of May 2022. A new Director will hopefully be in place this summer.

9Bi. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the March 10, 2022, letting in Casper.

Federal Project NHPPI-SIB-I904143 involving bituminous surfacing (recycle), surfacing, bridge rehabilitation, traffic control, fencing, grading and miscellaneous work on approximately 18.50 miles on both eastbound and westbound lanes of I-90 beginning at RM 185.74 at the Sundance Marginal in Crook County. Completion Date: November 30, 2023.

<i>Engineer's Estimate</i>	\$25,018,806.75	
Croell, Inc., Sundance, WY	\$26,943,160.60	7.7%
Riverside Contracting, Inc., Missoula, MT	\$30,377,248.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that Croell, Inc., of Sundance, 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 HSIP-GM-B222016, HIP-B222034, and SCP-TCB222012 combined involving bridge rehabilitation, grading, traffic control, bituminous surfacing, guardrail, surfacing and miscellaneous work at various locations in Transportation District 2 in Converse County. Completion Date: December 31, 2023.

<i>Engineer's Estimate</i>	\$10,102,744.75	
S&S Builders, LLC, Gillette, WY	\$9,474,611.09	-6.2%
Reiman Corp., Cheyenne, WY	\$10,806,972.72	

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Venable, and carried unanimously that S&S Builders, LLC, of Gillette, 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-N303062 involving bituminous surfacing (recycle), traffic control, chip seal, milling, grading, surfacing and miscellaneous work on approximately 12.10 miles on US 26 beginning at RM 112.98 between Diversion Dam and Riverton in Fremont County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$5,911,312.00	
Mountain Construction Company, Lovell, WY	\$5,849,123.83	-1.1%
Avail Valley Construction-WY, LLC, Afton, WY	\$6,604,354.65	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Venable and carried unanimously that Mountain Construction Company, of Lovell, 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 STP-P292003 and STP-E-P292004 combined involving bituminous surfacing, electrical, traffic control, sidewalk, curb and gutter, grading, surfacing, milling and miscellaneous work on approximately 1.40 miles on US 14A beginning at RM 38.00 just west of the Town of Byron in Big Horn County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$3,422,913.00	
Mountain Construction Company, Lovell, WY	\$3,631,219.17	6.1%
Century Companies, Inc., Lewistown, MT	\$3,999,580.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that Mountain Construction Company, of Lovell, 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 STP-BR-B221021 involving bridge rehabilitation, traffic control, grading and miscellaneous work at various locations in Transportation District 1 in Laramie County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$2,514,484.00	
S&S Builders, LLC, Gillette, WY	\$3,233,631.33	28.6%
Reiman Corp., Cheyenne, WY	\$3,515,072.50	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that S&S Builders, LLC, of Gillette, 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 STPU-SH-1704017 involving electrical, landscaping, traffic control, sidewalk, curb and gutter, irrigation, drainage, grading, surfacing (concrete), and miscellaneous work on approximately 0.40 mile on WYO 336 beginning at Sta. 3+94.87 at the East 5th Street Corridor in the City of Sheridan in Sheridan County. Completion Date: November 30, 2022.

<i>Engineer's Estimate</i>	\$2,487,766.00	
DELTA WYE, Inc., Gillette, WY	\$2,354,886.75	-5.3%
Simon Contractors, Cheyenne, WY	\$4,541,728.00	

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Dolezal, and carried unanimously that DELTA WYE, Inc., of Gillette, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State Projects SCP-TC-B222013 and SCP-B222023 combined involving bituminous surfacing, chip seal, traffic control and miscellaneous work at various locations in Transportation District 2 in Carbon, Goshen, Natrona, and Sweetwater Counties. Completion Date: August 31, 2022.

<i>Engineer's Estimate</i>	\$1,418,150.00	
Bituminous Paving, Inc., Ortonville, MN	\$1,495,825.00	5.5%
<i>Plus 5% for Comparison</i>	\$1,570,616.25	
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$1,512,650.00	
<i>Plus 5% for Comparison</i>	\$1,588,282.50	
71 Construction, Casper, WY	\$1,846,707.10	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,924,403.10	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that Bituminous Paving, Inc., of Ortonville, Minnesota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal Project STP-0109027 involving bituminous surfacing, chip seal, traffic control, milling, signing, and miscellaneous work on approximately 7.10 miles on WYO 34 beginning at RM 45.10 between Bosler and Wheatland in Platte County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$1,376,531.00	
McGarvin-Moberly Construction Co., Worland, WY	\$1,287,078.89	-6.5%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,419,563.48	
Simon Contractors, Cheyenne, WY	\$1,550,226.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Venable, 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 STP-BR-B221005 involving bridge rehabilitation, bituminous surfacing, traffic control and miscellaneous work at various locations in Transportation District 1 in Carbon County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$703,705.00	
S&S Builders, LLC, Gillette, WY	\$718,660.40	2.1%
Reiman Corp., Cheyenne, WY	\$917,202.50	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that S&S Builders, LLC, of Gillette, 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 STP-P113030 involving grading, traffic control, erosion control and miscellaneous work on approximately 1.20 miles on US 189/WYO 89 beginning at RM 73.05 by the Fontenelle Reservoir between Kemmerer and LaBarge in Lincoln County. Completion Date: August 31, 2022.

<i>Engineer's Estimate</i>	\$667,630.00	
Avail Valley Construction-WY, LLC, Afton, WY	\$502,914.50	-24.7%
S&L Industrial, Cowley, WY	\$691,897.50	
High Country Construction, Inc., Lander, WY	\$752,405.00	
McMillen LLC, Boise, ID	\$785,410.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Holmes, and carried unanimously that Avail Valley Construction-WY, LLC, of Afton, 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 personal conflict and did not participate in discussion or vote.*

State Project DR18041 involving traffic control, bridge repair, grading and miscellaneous work at RM 316.70 at the I-80 and Grand Avenue Interchange southeast of the City of Laramie in Albany County. Completion Date: May 31, 2022.

<i>Engineer's Estimate</i>	\$304,170.00	
S&S Builders, LLC, Gillette, WY	\$426,378.50	40.2%
Reiman Corp., Cheyenne, WY	\$473,254.50	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that S&S Builders, LLC, of Gillette, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

9Bii. Addendum to the FY 2022 State Transportation Improvement Program (STIP): Mr. Fulton presented the March addendum to the FY 2022 STIP.

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

Commission adjourned to break at 11:21 a.m.

Commission returned to public session at 11:30 a.m.

9C. Mr. DeHoff presented the Operations Report.

FY 2023 Budgets: Departments are beginning to construct FY 2023 budgets.

Freedom Truck Convoy: WHP and maintenance crews worked along I-80 and I-90 to make sure this event went smoothly and any signs were cleared from the right of way.

Carbon County Emergency Management: WYDOT recently assisted with the water shortage in Rawlins. Crews hauled 6,000 gallons of water from Laramie to Rawlins and stored a 5,000 gallon water tank in the Rawlins shop to avoid freezing.

Aquatic Invasive Species Inspection Sites: WYDOT and the Wyoming Game and Fish continue to work together with Aquatic Invasive Species Inspection Sites being located on WYDOT property.

Snow Plow Damage: Seven snow plows have been hit since February 17, 2022. Six of those hit were in District 2 and one was hit in District 1, bringing the total of snow plows hit to 18.

Construction: At present, there are 16 active construction projects across the state.

Traffic: Normal operations continue, but slow delivery times for parts and supplies are being seen statewide.

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.

WYDOT and AGC-Wyo: WYDOT and the AGC-Wyo recently held three committee meetings which included the Asphalt Committee, the Structures and Drill Shafts Committee, and the Partnering Committee.

10. Lieutenant Colonel Walther presented the Highway Patrol Report.

The Fatal Crash Summary through February 28, 2022, includes 11 fatal crashes involving 12 deaths. The fatalities include 2 rollover crashes, 5 multi-car crashes, 0 fixed-object crashes, 0 motorcycle crashes, 0 all-terrain vehicle crashes, and 2 pedestrian crashes. Of the 3 fatal crashes that have occurred in 2022, 0 involved commercial vehicles.

There were 0 fatal crashes deemed drug or alcohol related, resulting in 0 deaths in February 2022.

Of the 12 deaths this year, 2 were attributed to not using occupant restraints, with 9 involving rollover crashes, 2 involving multi-car collisions, and 0 involving fixed objects. Two of those who died from the non-use of occupant restraints were Wyoming residents. One perished that were under 21 years old.

Of the 11 fatal crashes so far this year, 3 of those drivers had no distractions. In 2 of those crashes, it was unknown whether a distraction caused the incident.

Of the 11 fatal crashes that have occurred this year, 5 occurred on primary/secondary highways, 6 occurred on interstate highways, and 0 occurred on city/county roads.

There was 1 multiple-fatality crash in February 2022.

In locations where rumble strips/stripes were present, there were 5 crashes. There were 0 crashes where rumble strips/stripes were not present.

Inclement weather or road conditions contributed to 4 vehicle crashes in February 2022, which resulted in 4 deaths.

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

Sunday	2 crashes
Monday	2 crashes
Tuesday	2 crashes
Wednesday	3 crashes
Thursday	0 crashes
Friday	2 crashes
Saturday	2 crashes

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

12:00 a.m. to 6:00 a.m.	1 crash
6:00 a.m. to 12:00 p.m.	7 crashes
12:00 p.m. to 6:00 p.m.	2 crashes
6:00 p.m. to 12:00 a.m.	1 crashes

The Commission also heard the following statistics:

- 50 percent of those who died in rollover crashes were unbelted.
- 50 percent of those who died in multi-vehicle crashes were unbelted.
- 0 percent of those who died in fixed-object crashes were unbelted.
- 67 percent of the fatalities in 2022 were drivers.
- 17 percent of the fatalities in 2022 were passengers.
- 60 percent of the resident fatalities were unrestrained.
- 40 percent of non-resident fatalities were unrestrained.
- 8 percent of fatalities involved alcohol and/or drug impairment.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 940 crashes statewide, of which 356 involved commercial vehicles.

Staffing Levels: WHP leadership is optimistic that the recent increases in compensation will assist with recruitment levels. Currently, there are several vacancies in patrol, ports of entry, and dispatch.

Commissioner Hughes rejoined the meeting at 11:57 a.m.

11. Mr. Rossetti presented the Aeronautics Report on behalf of Brian Olsen, beginning with the February 2022 Aeronautics Flight Operations Passenger Summary Report.

ARPA Funding: The WY legislature recently approved \$8.8 million in ARPA funds for the capacity purchase agreement, which assists in the state share that will be expended due to the decrease in air traffic caused by COVID.

Air Service: Staffing continues to be an issue for airlines at all levels. In the last week, SkyWest Airlines gave a 90 day notice to 29 of the essential air service markets across the country that they would be pulling their services. However, the USDOT issued an order preventing SkyWest from leaving the 29 markets.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,823 personnel as of March 7, 2022, compared to 1,846 a month ago and 1,924 one year ago.

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

ETS: WYDOT and ETS are working together to monitor the state network after several technology security agencies issued postings regarding Russian state sponsored malicious activity.

RIS Replacement Update: Authorization to move forward with the RIS replacement has been granted. Mr. Babbitt and Mr. Rossetti continue to work with Enterprise Technology Services (ETS) through the replacement process. A pre-solicitation virtual meeting will be held April 5th

to allow all vendors to ask questions regarding the project. In addition, a quarterly report will be submitted to the Legislature regarding project status.

WyoLink Update: Mr. Babbitt reported that there is ARPA funding in the amount of \$35 million for WyoLink updates. Priority of distribution is currently being discussed and it is anticipated that there may be a delay in fulfillment of orders due to supply chain issues.

911: Senate file 0041 was recently signed by Governor Gordon, which would place 911 governance under the Public Safety Communications Commission (PSCC) and add additional members to the PSCC. This would also allow the State of Wyoming to apply for available grants in the future.

14. I-25 Wildlife Fencing Project Discussion: Chairman Schmidt recently visited with the Governor's office regarding the wildlife fencing project and inter-agency involvement.

Director Reiner presented information on WYDOT wildlife involvement and practices, including funds in the wildlife conservation account, leveraging all available resources, WYDOT priorities, background on wildlife spending by WYDOT, standard procedure for inter-agency billing, WYDOT design capacity, projects eligible for federal monies, and potential courses of action including seeking input from the Governor's office and collaboration with the Game and Fish.

Commissioner Crank addressed estimates provided to cities for state projects and funds collected by WYDOT. Mr. Freier explained the WYDOT billing process for local projects and funding distribution. Commissioner Crank requested a listing of billings and expenses for projects for one year, which will be provided by Mr. Byrne and Mr. Freier.

Commissioner Crank moved that the Transportation Commission specifically authorize the expenditure of money from H03. This motion failed due to lack of a second. Commissioner Crank then requested that no money be expended from H03 until rules and regulations regarding the wildlife conservation account are established. Commissioner Crank expressed concern that donations to the wildlife conservation account may decrease if expenditures are for anything other than tangible assets.

Governor Gordon's office has requested that Director Reiner begin the process of drafting rules and regulations for the wildlife conservation account.

Commission adjourned to break at 1:17 p.m.

Commission returned to public session at 1:30 p.m.

15. April 2022 Commission Meeting: Secretary Casner advised that the April 20-21 2022 is currently scheduled to be held in person in Cheyenne. There will also be a service award luncheon at the Cheyenne Country Club on the 21st.

Commissioner Holmes requested A+B bidding as a topic for a future Education Session. Commissioner Hughes asked Mr. Kahler to analyze the process and associated documents before the Education Session.

16A. Legislator Comments: State Representative Mark Baker and State Senator John Kolb shared remarks regarding the recent legislative session, the recently passed state budget, and interim topics.

16B. Commissioner Comments: Commissioners Dolezal and Venable commended snowplow and Highway Patrol employees for their hard work. Commissioner Holmes thanked the Commission for their communication during the meeting, and encouraged communication to continue in a public venue.

Chairman Schmidt requested the Commission consider returning to holding official breakfast meetings including staff prior to the Commission meeting. The meetings are publicly posted and minutes are taken. Commissioner Crank expressed his opposition to restarting breakfast meetings. Commissioner Dolezal advised he supports the breakfast meetings as long as they are compliant with the Open Meetings Act.

17. Executive Session.

It was moved by Commissioner Dolezal, seconded by Commissioner Holmes, and carried to enter into Executive Session for legal advice in accordance with W.S. 16-4-405 (a)(ix).

Commission adjourned to Executive Session at 1:49 p.m.

It was moved by Commissioner Crank, seconded by Commissioner Hughes, and carried to return to Public Session.

Commission returned to Public Session at 2:38 p.m. No action was taken during Executive Session.

17. It was moved by Commissioner Crank, seconded by Commissioner Dolezal, and carried to adjourn the meeting. Chairman Schmidt adjourned the meeting at 2:42 p.m., on Thursday, February 17, 2022.