

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person at WYDOT Headquarters in Cheyenne, Wyoming, on November 17, 2022. Acting Chairman Dolezal convened the meeting at 8:32 a.m. The following members were present constituting a quorum:

Commissioner Patrick Crank, Cheyenne  
Acting Chairman Jon Dolezal, Evanston  
Commissioner Jim Espy, Savery *via Zoom*  
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; Mark Gillett, Chief Engineer; Tom DeHoff, Assistant Chief Engineer for Operations; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Interim Administrator/Lieutenant Colonel Shannon Ratliff, Wyoming Highway Patrol; Brian Olsen, Aeronautics Administrator; Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Nate Smolinski, Interim Chief Technology Officer; Carlos Machado, Incoming Division Administrator, FHWA; Hank Rettinger, FHWA; Representative Mark Baker; and Senator John Kolb.

Other meeting attendees: Doug McGee, Public Affairs Manager; Jordan Achs, Public Affairs; Mark Horan, Public Affairs; Carlie Vanwinkle, Public Affairs; Matt Groth, Public Affairs; Kacey Brown, Senior Policy Analyst, Management Services; John Davis, Management Services Manager; Doug Jensen, Contracts and Estimates Program Manager; Mark Ayen, District Two Engineer; Scott Taylor, District Four Engineer; Pam Fredrick, Senior Budget Analyst; Chelsey Lindsay, Senior Budget Analyst; DJ Weekly, Senior Budget Analyst; Mattie Bray, Financial Services Accounting Manager; Nicholas Gronski, Procurement Officer; Ali Ragan, Grants and Contracts Policy Program Manager; Katie Legerski, Executive Director-Association of General Contractors-Wyoming; Susan Elliott, Executive Assistant; and Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary.

1. Pledge of Allegiance: Acting Chairman Dolezal led the attendees in the Pledge of Allegiance.

3A. October 20, 2022 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried to approve the October 20, 2022 Business Meeting minutes.

3B. November 4, 2022 Special Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried to approve the November 4, 2022 Special Business Meeting Minutes.

5. Findings of Fact and Conclusions of Law: Denial of Access Request at September 2022 Commission Meeting: Mr. Kahler presented the findings of fact and conclusions of law regarding the denial of the access request at the September 2022 Commission meeting.

It was recommended by Mr. Kahler, moved by Commissioner Crank, seconded by Commissioner Holmes, and carried to approve the findings of fact and conclusions of law regarding the denial of the access request at the September 2022 Commission meeting.

6. Director Reiner presented the Director's Report.

Continuing Resolution: The current Continuing Resolution is scheduled to go through December 16, 2022.

National Electric Vehicle Infrastructure (NEVI) Plan: WYDOT is currently in the process of contracting with a vendor to implement the approved NEVI plan.

Broadband: Director Reiner and Right of Way Administrator Kevin Lebeda recently spoke with [REDACTED] the National Telecommunications and Information Administration (NTIA), which is the lead federal agency administering the funding for broadband expansion through Infrastructure Investment and Jobs Act (IIJA). The discussion was to understand how the National Environmental Policy Act (NEPA) process would be instituted during development. Director Reiner anticipates WYDOT being a supporting agency while the NTIA is administering the funding.

WY Legislature: WYDOT continues to prepare for the upcoming Legislative season and is appearing in front of several committees, including the Joint Judiciary Committee regarding penalties for striking a pedestrian in the crosswalk. Ten million dollars in funding was discussed as possibly being allocated to WYDOT to enhance crosswalk safety statewide.

Director Reiner and several Executive Staff members recently also appeared in front of the Joint Transportation Committee. All WYDOT-supported bills were passed during the Committee meeting, including WyoLink funding into the future and High Occupancy Vehicle (HOV) lane enforcement, specifically in Teton County. Alternate routes between Green River and Rock Springs were also discussed during the recent Joint Transportation Committee meeting.

On-call pay was also discussed at a Legislative meeting, with a proposed increase for all those affected. In order to alleviate some staffing issues, the re-employment of retired Troopers was also introduced and would remove the required age of retirement.

Director Reiner also noted that the Joint Transportation Commission also discussed the fuel tax equivalent for electric vehicles. WYDOT is in the process of implementing fees for out-of-state electric vehicles that use chargers in Wyoming. The plan will be formalized and implemented in Spring 2023.

Cooke City, MT Plowing: All roads are open surrounding Yellowstone National Park, and WYDOT has officially been relieved of the duty to plow to Cooke City, MT as of the end of October.

Director Reiner recently attended the ribbon-cutting ceremony for the road opening and thanked all involved WYDOT employees and Oftedal Construction for their assistance in the project.

Town Halls: All seven employee Town Hall meetings across Wyoming have been completed. Several levels of employees participated, and follow-up by WYDOT Executive Staff is occurring to address issues raised.

Employee Recruitment and Retention: Director Reiner and WYDOT staff continue to make efforts to improve employee recruitment and retention. Staffing levels will be flexed around the state depending on need and weather events. Volunteers with Commercial Driver Licenses (CDL) have also been requested to assist with plowing when necessary.

Governor's Business Forum: WYDOT was recognized at the recent Governor's Business Forum in Laramie for assisting in material distribution and transport across the state during COVID.

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 10 percent expended, and the legislative budget was 15 percent expended in Fiscal Year (FY) 2023.

7B. Procurement Services Bids: Mr. Byrne presented the Procurement Services Bids for November.

It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried to approve 23-006RE.

- Bid 23-006RE to furnish 37 new current model all-wheel drive/four-wheel drive four-door pursuit-rated mid-size SUVs for use by Highway Patrol statewide. The bid was awarded to Bob Ruwart Motors, of Wheatland, Wyoming, for the sum of \$1,518,665.00.

Mr. Byrne explained that the low bid for 23-006RE is considered irregular as it was not signed by the bidder. Commissioner Crank expressed concern that the vehicles may not be delivered and referenced past bids that have gone unfulfilled. Commissioner Crank does not feel comfortable approving the bid until the Commission is presented with an internal supply chain analysis. Mr. Byrne explained that if the bid is not approved, it could exacerbate WYDOT vehicle issues in the near future.

Commissioner Crank stated that he also disagrees with obligating large amounts of money with no guarantee that the product will be delivered when there are other pressing issues for WYDOT, including housing in the Jackson area.

It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried to approve 23-027NG. *Commissioner Dolezal declared a conflict and did not vote.*

- Bid 23-027NG to furnish 955 Mikrotik radios and accessories for use by departments statewide. The bid was awarded to Communication Technologies, Inc., of Rock Springs, Wyoming, for the sum of \$230,741.60.

*Commission adjourned to break at 9:44 a.m.*

*Commissioned returned to public session at 9:55 a.m.*

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

Notice of Funding Opportunity (NOFO): Mr. Gillett reported that a wildlife crossing pilot program NOFO from the FHWA is expected in early 2023.

Vulnerable Road Safety Assessment: WYDOT recently received notice from the USDOT that a vulnerable road safety assessment is required in 2023. Guidance has been received from USDOT on the implementation of the assessment.

Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant: The Union Pacific Railroad recently submitted a letter of support for WYDOT's application for a CRISI grant. This grant would help fund the reconstruction of two bridges over railroad crossings. WYDOT has a meeting with the Federal Railroad Administration regarding the grant application in the next week.

Buy America Requirements: The USDOT recently published two new sets of proposed waivers for Buy America requirements for construction materials. WYDOT has submitted comments regarding the proposed documents.

Tribal Trails: Mr. Gillett explained that Tribal Trails is a county road project in Teton County. WYDOT recently held a meeting with Teton County engineers, where it was offered to combine the Tribal Trails project with the WYO 22 project at least through the NEPA process. A workshop to discuss the pros and cons of combining the projects in early December and a decision will be made after this by Teton County. If Teton County chooses not to partner with the WYDOT WYO 22 project, both projects would be continued independently.

8Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the November 10, 2022 letting.

Federal Project NHPPI-I806207 involving bituminous surfacing, traffic control, surfacing (concrete), milling and miscellaneous work on approximately 7.10 miles on I-80 (eastbound and westbound lanes) beginning at RM 393.40 between Cheyenne and Pine Bluffs in Laramie County. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$12,456,940.00	
Simon Contractors, Cheyenne, WY	\$11,981,285.00	-3.8%

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Holmes, and carried that Simon Contractors, of Cheyenne, Wyoming, having qualified 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-E-P511020 and SCP-TC-BR-B233008 combined involving bridge rehabilitation, traffic control, surfacing (concrete) and miscellaneous work at various locations in Transportation District Three in Lincoln and Uinta Counties. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$6,965,411.00	
Reiman Corp., Cheyenne, WY	\$11,044,423.95	58.6%

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried to reject all bids and split the projects for letting at a future date.

Federal Project NHPP-N345109 involving bituminous surfacing (recycle), traffic control, milling, chip seal and miscellaneous work on approximately 7.50 miles on US 310/WYO 789 beginning at RM 249.49 between Deaver and the Montana State Line in Big Horn and Park Counties. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$4,182,754.00	
Mountain Construction Company, Lovell, WY	\$4,166,295.80	-0.4%
McGarvin-Moberly Construction Co., Worland, WY	\$4,690,277.80	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Holmes, 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 HSIP-B231014 involving guardrail, traffic control, grading and miscellaneous work at various locations in Transportation District One in Albany, Carbon, and Laramie Counties. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$2,217,698.00	
S&L Industrial, Cowley, WY	\$2,797,566.65	26.1%

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Espy, 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. FHWA concurred with this decision. *Commissioner Crank declared a conflict and did not vote.*

Federal Project HSIP-N343045 involving grading, drainage, traffic control, bituminous surfacing, surfacing and miscellaneous work on approximately 3.70 miles on US 20/WYO 789 beginning at RM 141.78 between Thermopolis and Worland in Hot Springs County. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	<i>\$1,439,198.00</i>	
Barnum, Inc., Buffalo, WY	\$1,067,063.65	-25.9%
Wilson Bros. Construction, Inc., Cowley, WY	\$1,320,480.00	
Oftedal Construction, Inc., Casper, WY	\$1,489,410.00	
71 Construction, Casper, WY	\$1,857,527.75	

It was recommended by Mr. Fulton, moved by Commission Holmes, seconded by Commissioner Hughes, and carried unanimously that Barnum, Inc., of Buffalo, 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.

State Projects PEG2331 and ARSCT-PEG2A01 combined involving stockpiling and miscellaneous work at various locations in Transportation District Three in Lincoln, Sublette, Sweetwater and Uinta Counties. Completion Date: April 30, 2023.

<i>Engineer's Estimate</i>	<i>\$1,118,425.00</i>	
Avail Valley Construction-WY, LLC, Afton, WY	\$1,266,626.00	13.3%
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$1,678,629.01	

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

Federal Projects CM-GM-B235024 involving drainage, grading, traffic control, surfacing, fencing, bituminous surfacing, seeding, erosion control and miscellaneous work at various locations in Transportation District Five in Big Horn and Washakie Counties. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	<i>\$1,017,086.00</i>	
Wilson Bros. Construction, Inc., Cowley WY	\$833,424.00	-18.1%
71 Construction, Casper, WY	\$987,497.10	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Hughes, and carried unanimously that Wilson Bros. Construction, Inc., 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. FHWA concurred with the decision.

Federal Project HSIP-GM-B235025 involving guardrail, traffic control, grading and miscellaneous work at various locations in Transportation District Five in Washakie County. Completion Date: September 30, 2023.

<i>Engineer's Estimate</i>	\$678,607.00	
S&L Industrial, Cowley, WY	\$648,397.13	-4.5%

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Hughes, 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. FHWA concurred with the decision. *Commissioner Crank declared a conflict and did not vote.*

8Aii. November 2022 State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the October 2022 STIP Addendum.

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

8B. Mr. DeHoff presented the Operations Report.

Construction: Mr. DeHoff thanked all construction companies and crews that worked on projects throughout the summer. Minor items are now being completed as the weather allows. There are currently ten minor active construction projects across the state.

Maintenance: Crews are prepared for the upcoming winter season. There have been two plow hits this season with no injuries reported.

Seasonal Closures: WYO 130 over the Snowy Mountain Range was recently closed for the season. US 14A over the Big Horn mountains is currently closed due to snow, but the planned closure date originally was set for Monday, November 21. WYO 70 over Battle Pass continues to be monitored.

The northeast and east gate to Yellowstone National Park are also closed for the season.

Striping: Striping crews have finished for the season.

Electrical: Crews are performing routine maintenance and working on devices as needed.

Equipment: Mechanics are busy conducting annual inspections. Several bids are also being let for equipment that will be approved at a later Commission meeting.

Facilities: All facilities and rest areas are open at this time.

Vacancies: There are several vacancies across WYDOT in Operations, including in maintenance, mechanic shops, traffic, and construction. Districts have moved personnel around to different locations to meet project needs. Mr. DeHoff advised that planning for staffing needs for the upcoming winter season has begun.

Commissioner Crank noted that in several areas, especially Central and Northeast Wyoming, there are several critical vacancies. He believes that the vacancies are due to several issues, including pay structure, the difficulty of the job, and the on-call availability needed. Commissioner Crank stated that the large amount of vacancies in the Highway Patrol and snowplow and maintenance operations is an issue of public safety, and he believes the Transportation Commission must take immediate action.

Commissioner Crank made a motion to ask the appropriate authorities, including the Governor and the Human Resources Division (HRD), to increase snowplow drivers' and Highway Patrolmen's salaries by \$5,000.00 per year beginning immediately. Commissioner Hughes seconded this motion. The motion carried unanimously.

Director Reiner advised that Executive Staff has been working on a memorandum that will be delivered to HRD requesting an immediate increase in pay for maintainers and Troopers. The pay increase is based on research completed by staff as well as comparisons with surrounding state's pay. This request will create equity in the pay system and will set WYDOT up for Phase Two of the Governor's proposed pay increases. The requested actions would adjust hourly rates and represent a significant salary increase for the two aforementioned groups. Commissioner Crank agreed to support staff efforts in his letter. Director Reiner stated that a supportive letter signed by the Commission would be welcome. Director Reiner noted that the increases must be sustainable and in accordance with HRD rules.

Commissioner Espy stated he feels Commissioner Crank's request of \$5,000.00 is most appropriate to solve critical staffing issues and shows a commitment to public safety and collaboration with other agencies.

Commissioner Crank stated that he feels sending a letter to the Governor requesting immediate action on the pay increase is different than sending a letter to HRD. Commissioner Crank stated that he believes the most recent pay increase for state employees is inadequate and did not address staffing issues. If the Governor feels that the \$5,000.00 increase is not appropriate, the Commission would be willing to entertain alternative suggestions.

Commissioner Crank agreed to draft the letter to Governor Gordon's office regarding the increase.



9. Lieutenant Colonel Ratliff presented the Highway Patrol Report.

The Fatal Crash Summary through October 31, 2022, includes 95 fatal crashes involving 111 deaths. The fatalities include 46 rollover crashes, 31 multi-car crashes, 4 fixed-object crashes, 20 motorcycle crashes, 3 all-terrain vehicle crashes, and 7 pedestrian crashes. Of the 95 fatal crashes that occurred in 2022, 19 involved commercial vehicles.

There were 7 fatal crashes deemed drug or alcohol related, resulting in 9 deaths in September 2022.

Of the 111 deaths this year, 57 were attributed to not using occupant restraints, with 38 involving rollover crashes, 13 involving multi-car collisions, and 4 involving fixed objects. Thirty-nine of those who died from the non-use of occupant restraints were Wyoming residents. Sixteen perished that were under 21 years old.

Of the 111 fatal crashes so far this year, 57 of those drivers had no distractions. In 43 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 111 fatal crashes that have occurred this year, 51 occurred on primary/secondary highways, 20 occurred on interstate highways, and 24 occurred on city/county roads.

Of the 111 fatal crashes that have occurred this year, sixteen had multiple fatalities.

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

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

Sunday	22 crashes
Monday	12 crashes
Tuesday	8 crashes
Wednesday	12 crashes
Thursday	9 crashes
Friday	14 crashes
Saturday	18 crashes

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

12:00 a.m. to 6:00 a.m.	17 crashes
6:00 a.m. to 12:00 p.m.	23 crashes
12:00 p.m. to 6:00 p.m.	28 crashes
6:00 p.m. to 12:00 a.m.	27 crashes

The Commission also heard the following statistics:

- 83 percent of those who died in rollover crashes were unbelted.
- 42 percent of those who died in multi-vehicle crashes were unbelted.
- 100 percent of those who died in fixed-object crashes were unbelted.
- 70 percent of the fatalities in 2022 were drivers.
- 21 percent of the fatalities in 2022 were passengers.
- 85 percent of the resident fatalities were unrestrained.
- 46 percent of non-resident fatalities were unrestrained.
- 39 percent of fatalities involved alcohol and/or drug impairment.

There have been 4,622 patrol investigated crashes in 2022.

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

FAA Reauthorization: Work continues by federal legislators to approve the FAA Reauthorization, and Senator Cynthia Lummis is advocating for solutions to issues Wyoming aviation faces.

Capital Improvement Plan: The Capital Improvement Plan is being reviewed by several agencies including the FAA. The usage of IJA funds is being especially scrutinized.

Construction Projects: All construction projects have either been completed or are on hold until 2023.

Design Reviews: Airport consultants are currently submitting design plans for review and potential approval by WYDOT in preparation for next year's construction projects.

Air Service: Third-quarter earnings are up, and the majority of airlines are operating at a profit. Demand for travel exceeded capacity, which affected fares. Bookings remain strong.

In order to increase staffing, several airlines are significantly increasing pilot wages. The shortage of pilots is expected to ease as a result of these efforts.

11. Director Reiner presented the Support Services Report.

Employment Summary: WYDOT employed 1,764 personnel as of November 2, 2022, compared to 1,747 a month ago and 1,838 one year ago.

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

WyoLink Update: Mr. Smolinski reported that there are eleven WyoLink sites operational at this time. The construction schedule for the remaining sites depends on weather and supply availability.

Highway Patrol Radio Purchases: Mr. Smolinski will be bringing information to the Commission in December for the approval of highway patrol radio purchases.

RIS Replacement Update: The replacement process for the Revenue Information System (RIS) continues. Oral vendor presentations have occurred, and committee review will begin in the coming days.

13. December 2022 Commission Meeting: Secretary Casner advised that the December 2022 meeting is currently scheduled to be held via Zoom only.

14A. Legislator Comments: Representative Mark Baker and Senator John Kolb shared remarks regarding pay increases, seatbelt requirements, WyoLink funding, and alternative routes.

14B. Commissioner Comments: Commissioner Hughes and staff for the November travel meeting in Pinedale and Jackson.

16. It was moved by Commissioner Crank, seconded by Commissioner Hughes, and carried to adjourn the meeting. Acting Chairman Dolezal adjourned the meeting at 11:15 a.m., on Thursday, October 20, 2022.