

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met via Zoom and in person in Cheyenne on March 16, 2023. Secretary Casner convened the meeting at 8:30 a.m. The following members were present constituting a quorum:

Chairwoman Susan Holmes, Sheridan  
Vice Chair Jon Dolezal, Evanston  
Commissioner Micheal Baker, Thermopolis  
Commissioner Patrick Crank, Cheyenne  
Commissioner Mark Hughes, Sundance  
Commissioner Jim Willox, Douglas  
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; Colonel Timothy Cameron, Wyoming Highway Patrol (WHP); Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Nate Smolinski, Chief Technology Officer (CTO); Hank Rettinger and Carlos Machado, Federal Highway Administration (FHWA); Drew Perkins, Chief of Staff for Governor Gordon; Rob Creager, Policy Advisor for Governor Gordon; and Representative Kevin O’Hearn and Senator Stephan Pappas.

Other meeting attendees: Doug McGee, Public Affairs Manager; Jordan Achs, Public Affairs; Mark Horan, Public Affairs; Kacey Brown, Senior Policy Analyst, Management Services; Ralph Tarango, District One Engineer; Mark Ayen, District Two Engineer; John Eddins, District Three Engineer; Scott Taylor, District Four Engineer; Pete Hallsten, District Five Engineer; Chelsey Lindsay, Senior Budget Analyst; Nicholas Gronski, Procurement Services Program Manager; Mattie Bray, Controller; Ali Ragan, Grants and Contracts Policy Program Manager; Pam Fredrick, Senior Budget Analyst; Kevin Lebeda, Right of Way Administrator; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary; Representative Landon Brown; Dustin Woods and Matthew Cortez, FHWA.

1. Pledge of Allegiance: Secretary Casner led the attendees in the Pledge of Allegiance.
2. Election of Chair and Vice Chair: It was moved by Commissioner Hughes, seconded by Commissioner Crank, and carried unanimously to elect Susan Holmes as Chairwoman and Jon Dolezal as Vice Chair.

*Chairwoman Holmes assumed control of the meeting after this vote.*

3. Changes/Additions to Agenda: Secretary Casner advised that the order of the agenda may need to be adjusted due to time constraints of Chief of Staff Perkins and Advisor Creager.

4A. February 16, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes, seconded by Commissioner Dolezal, and carried unanimously to approve the February 16, 2023 Business Meeting minutes as amended, with changes made to language regarding recessing to break and Executive Session.

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

7A. McGee, Hearne, and Paiz Fiscal Year 2022 Audit: It was recommended by Mr. Byrne, moved by Commissioner Baker, seconded by Commissioner Hughes, and carried unanimously to accept the Fiscal Year 2022 Audit.

7B. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 43 percent expended, and the legislative budget was 45 percent expended in Fiscal Year (FY) 2023.

7C. Award of Procurement Services Bids.

It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Dolezal, and carried unanimously to award Bid 23-083NG to furnish roof replacement at the Elk Mountain complex to the low bidder, Better Line Roofing, of Keenesburg, Colorado. The bid was awarded for the sum of \$244,524.28.

Mr. Byrne explained that the lowest bid received for bid 23-083NG was above the originally budgeted amount, but savings from another project would offset the overage.

It was recommended by Mr. Byrne, moved by Commissioner Willox, seconded by Commissioner Hughes, and carried unanimously to award Bid 23-090NG to furnish roof replacement at the Laramie mechanics shop to the low bidder, Gem City Roofing, of Laramie, Wyoming. The bid was awarded for the sum of \$210,845.58.

Mr. Byrne explained that the lowest bid received for bid 23-090NG was above the originally budgeted amount, but savings from another project would offset the overage.

It was recommended by Mr. Byrne, moved by Commissioner Crank, seconded by Vice Chair Dolezal, and carried unanimously to award RFP 23-037RE to furnish one (1) new current model track type asphalt paving machine to the department located in Cheyenne. The RFP was awarded to Honnen Equipment Co., of Cheyenne, Wyoming, for the sum of \$566,942.00.

Commissioner Baker asked if it was the best use of funding and employee efforts for WYDOT to own an asphalt paving machine. Mr. Gillett and Mr. DeHoff advised of the advantages of WYDOT owning an asphalt paving machine, including quality control and shorter repair times.

However, Mr. Gillett also advised that only small projects are undertaken by WYDOT crews to avoid competition with contractors.

Commissioner Baker also asked what happens to pavers that have been replaced. Mr. Wenger advised that typically out of service equipment will be sold as public surplus, but the paver that is currently in District 5 will be kept to supply parts for the paver in District 3 as needed.

*Commission recessed to break at 9:23 a.m.*

*Commission returned to public session at 9:30 a.m.*

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

2023 Wyoming Legislative Session: Mr. Gillett reminded the Commission that the recent Legislative Session ended March 3, 2023, and he is pleased to report that WYDOT-supported bills were very successful and several were passed. Mr. Gillett briefly explained House Bill 42, House Bill 44, Senate File 17, and Senate File 21.

Mr. Gillett advised that WYDOT staff will begin working on rules promulgation and policy creations and adjustments as needed based on recently passed legislation.

Interim topics were also discussed and topics have been submitted to the Management Council for their approval.

Infrastructure Investment and Jobs Act (IIJA): Mr. Gillett advised that the FHWA recently released an updated IIJA policy memo, entitled Policy on Bi-Partisan Infrastructure Law: Resources to Build a Better America, which supersedes the original memo that was distributed approximately one month after IIJA was originally passed. FHWA goals remain the same, including safety, accessibility, addressing environmental impacts, advanced technology and resiliency.

U.S. House and Senate Appropriations: Committees recently issued guidance regarding community project funding through congressionally directed spending for Fiscal Year 2024. Mr. Gillett advised he will update the Commission as more information becomes available.

Presidential Fiscal Year 2024 Budget: President Biden recently presented his Fiscal Year 2024 budget, which calls for the full funding of IIJA. President Biden also requested funding for transit capital projects.

Build America, Buy America (BABA): Mr. Gillett advised that there were proposed rules previously distributed that included updated material requirements. The comment period on the proposed rules recently ended, and WYDOT did submit comments. Commissioner Willox asked Mr. Gillett what the proposed economic impact would be if the material requirement changes were implemented. Mr. Gillett explained that while WYDOT supports U.S. commerce and

products, there have been several supply chain issues and projects that include materials that are not readily accessible and made in the U.S. may have significantly increased costs.

FHWA: The FHWA has announced that up to \$700 million will be made available in the charging and fueling infrastructure grant program through a Notice of Funding Opportunity (NOFO). Mr. Gillett clarified that this amount is for Fiscal Years 2023 and 2024, and will be made available through and to governmental entities only.

FHWA has also announced a NOFO for wildlife crossings, with up to \$101 million available. Projects will be awarded on a competitive basis.

Commissioner Crank recalled that in a previous bill there was approximately \$600 million that was going to be made available for wildlife crossings, and asked if this \$101 million is in addition to the previously discussed amount. Mr. Fulton and Mr. Machado clarified that this was part of the approximately \$600 million, not in addition to.

Surface Transportation Long Range Plan: Mr. Gillett advised that WYDOT is currently working on overhauling the Surface Transportation Long Range Plan.

Agile Chariot: WYDOT and various military partners continue to plan for the Agile Chariot exercise, which will see aircraft landing on two different highways at two different times. Mr. Gillett and Mr. DeHoff have made arrangements for traffic detours during these exercises.

8Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the March 9, 2023 letting.

Federal Projects STP-BR-B232001 involving bridge rehabilitation, traffic control, bituminous surfacing and miscellaneous work at various locations in Transportation District Two in Johnson, Laramie, Natrona, and Niobrara Counties. Completion Date: October 15, 2024.

<i>Engineer's Estimate</i>	\$5,317,852.00	
S&S Builders, LLC, Gillette, WY	\$6,174,617.00	16.1%
Reiman Corp., Cheyenne, WY	\$6,434,369.55	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Vice Chair 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-GM-1801023 involving grading, seeding/erosion control, traffic control and miscellaneous work on WYO 351 at RM 9.70 at the Big Piney cutoff in Sublette County. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$1,157,260.00	
Avail Valley Construction-WY, LLC, Afton, WY	\$1,183,286.00	2.2%
Coldwater Group, Inc., Pleasant View, UT	\$1,949,120.00	

It was recommended by Mr. Fulton, moved by Commissioner Crank, seconded by Commissioner Baker, 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.

Federal Project HSIP-B239030 involving bituminous surfacing, surfacing (concrete), traffic control and miscellaneous work at various locations statewide in Albany, Big Horn, Campbell, Carbon, Crook, Fremont, Goshen, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sweetwater, Washakie, and Weston Counties. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$980,400.00	
S&L Industrial, Cowley, WY	\$1,257,783.00	28.3%
Surface Preparation Technologies, LLC, New Kingston, PA	\$1,468,688.00	

It was recommended by Mr. Fulton, moved by Commissioner Baker, seconded by Vice Chair Dolezal, and carried 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-N203073 involving grading, surfacing, seeding/erosion control and miscellaneous work on WYO 789 at RM 102.93 just south of the City of Riverton in Fremont County. Completion Date: November 30, 2023.

<i>Engineer's Estimate</i>	\$868,200.00	
71 Construction, Casper, WY	\$800,075.50	-7.8%
Patrick Construction, Inc., Lander, WY	\$1,144,155.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox, seconded by Commissioner Hughes, and carried that 71 Construction of Casper, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal Project HSIP-N103115 involving electrical, traffic control and miscellaneous work on WYO 238 and US 89 beginning at RM 94.12 between Afton and Thayne in Lincoln County. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	\$124,768.00	
Modern Electric Co., Casper, WY	\$180,310.00	44.5%
Advanced Electrical Contracting, Inc., Sheridan, WY	\$258,110.00	

It was recommended by Mr. Fulton, moved by Vice Chair Dolezal, seconded by Commissioner Willox, and carried unanimously that Modern Electric Company, of Casper, 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.

8Aii. March 2023 State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the March 2023 STIP Addendum.

It was recommended by Mr. Fulton, moved by Vice Chair Dolezal, seconded by Commissioner Hughes, and carried unanimously to approve the March 2023 STIP addendum.

15. Executive Session-Personnel-Select Candidates for Interim Director Appointment by Governor Gordon: It was moved by Commissioner Crank, seconded by Commissioner Baker, and carried to enter in to Executive Session pursuant to Wyoming State Statute 16-4-105(a)(ii), to consider appointment of a professional person. *Commissioner Hughes voted against this motion.*

*Commission recessed to Executive Session at 10:32 a.m.*

It was moved by Commissioner, Crank, seconded by Commissioner Willox, and carried unanimously to return to public session.

*Commission returned to public session at 11:34 a.m.*

*Commission recessed to break at 11:35 a.m.*

*Commission returned to public session at 11:45 a.m.*

8B. Mr. DeHoff presented the Operations Report.

Significant Winter Storm Events: WYDOT recently worked with Homeland Security and the Emergency Management departments of Carbon and Sweetwater counties during recent significant winter storm events. Maintenance and Highway Patrol members also assisted in several rescue missions.

Equipment: Mr. DeHoff thanked maintenance crew members statewide for keeping all necessary equipment running, especially during storms.

Equipment also worked with the WYDOT procurement office to put out a bid for approximately 61 light duty vehicles, valued at \$3.5 million.

Maintenance: Crews continue to complete winter operations. Several road closures have occurred due to wind causing no visibility and drifting, storms, crashes, and winter conditions. Wyoming is experiencing above average snowfall this season. Mr. DeHoff again thanked all

maintenance employees for their hard work during this winter season, as well as their flexibility in traveling to locations as needed.

There are currently 59 vacancies in Maintenance, which is approximately a 13% vacancy rate.

Construction: There are currently 13 active construction projects across the state. Crews are working on bridge projects and crack sealing as weather permits.

Cheyenne Construction staff has held several educational events in each District for inspections and contract administration.

Engineering and Operations Conference: Construction and maintenance staff are preparing for the April 4-6, 2023 conference to be held in Cheyenne at Little America. Commissioners are welcome to attend.

Wyoming Construction Collaboration Program: WYDOT is currently working with the Association of General Contractors-Wyoming (AGC-WYO) regarding the upcoming Wyoming Construction Collaboration Program.

Traffic: Crews are assembling fixtures on striping trucks in preparation for the upcoming spring season.

Traffic engineers from across the state recently met to discuss the upcoming striping and signing season.

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

9. Colonel Cameron presented the Highway Patrol Report.

The Fatal Crash Summary through February 28, 2023, includes 21 fatal crashes involving 28 deaths. The fatalities include 6 rollover crashes, 19 multi-car crashes, 0 fixed-object crashes, 0 motorcycle crashes, 0 all-terrain vehicle crashes, and 1 pedestrian crash. Of the 21 fatal crashes that have occurred in 2023, 13 involved commercial vehicles.

There was 1 fatal crash deemed drug or alcohol related, resulting in 5 deaths through February 2023.

Of the 28 deaths this year, 9 were attributed to not using occupant restraints, with 2 involving rollover crashes, 7 involving multi-car collisions, and 0 involving fixed objects. Four of those who died from the non-use of occupant restraints were Wyoming residents. Five perished that were under 21 years old.

Of the 21 fatal crashes so far this year, 18 of those drivers had no distractions. In 11 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 21 fatal crashes that have occurred this year, 10 occurred on primary/secondary highways, 8 occurred on interstate highways, and 3 occurred on city/county roads.

Of the 21 fatal crashes that have occurred this year, 7 had multiple fatalities.

Inclement weather or road conditions contributed to 10 vehicle crashes in 2023, which resulted in 11 deaths.

The days of the week for fatal crashes in 2023 are as follows:

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

The times of day for fatal crashes in 2023 are as follows:

12:00 a.m. to 6:00 a.m.	1 crash
6:00 a.m. to 12:00 p.m.	3 crashes
12:00 p.m. to 6:00 p.m.	13 crashes
6:00 p.m. to 12:00 a.m.	4 crashes

The Commission also heard the following statistics:

- 33 percent of those who died in rollover crashes were unbelted.
- 37 percent of those who died in multi-vehicle crashes were unbelted.
- 0 percent of those who died in fixed-object crashes were unbelted.
- 64 percent of the fatalities in 2023 were drivers.
- 32 percent of the fatalities in 2023 were passengers.
- 20 percent of the resident fatalities were unrestrained.
- 22 percent of non-resident fatalities were unrestrained.
- 18 percent of fatalities involved alcohol and/or drug impairment.

There were 1,366 patrol investigated crashes so far in 2023.

10. Mr. Olsen presented the Aeronautics Report, beginning with the February 2023 Aeronautics Flight Operations Passenger Summary Report.

FAA Re-Authorization: Congress continues to work on the FAA authorization, and Mr. Olsen is hopeful it will be completed in September. Mr. Olsen expects hearings to occur through the spring and summer regarding aviation.



FAA Administrator: Confirmation hearings were held on March 1, 2023 for Phillip Washington, current Denver International Airport CEO and President Biden-nominated candidate for FAA Administrator.

FAA Safety Summit: The FAA recently hosted a safety summit to examine recent incidents including near-misses on runways.

Mr. Olsen advised that over the last ten years, there has been two deaths on regularly scheduled commercial air service flights. Every year, approximately 850 million people travel by air and approximately 950 billion miles are traveled.

Capital Improvement Plan: The Capital Improvement Plan update has been completed for this cycle and the Plan has been distributed for public comment. The Aeronautics Commission recently considered the comments, made minor adjustments, and issued final approval.

Air Service: Load factors in February were very strong and outperformed January numbers. Load factors are expected to be strong throughout the spring, and higher fare prices have not driven down demand.

The pilot shortage does not appear to be as problematic as it has been in the recent past, but is still expected to continue into 2024, especially for regional air service.

Commissioner Hughes requested a report listing what airports in Wyoming are subsidized and the amount they are receiving.

11. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,781 personnel as of March 7, 2023, compared to 1,787 a month ago and 1,819 one year ago.

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

WyoLink Update: Mr. Smolinski reported that there are the Goshen County WyoLink site recently went active, as of March 1, 2023. The construction schedule for the remaining sites depend on weather.

RIS Replacement Update: WYDOT staff is working to move the contract process forward. WYDOT will meet with vendors and the Attorney General's office in the near future.

FY 2023 Laptop Deployment: The FY 2023 laptop deployment is occurring throughout WYDOT.

Portable Radio: Portable radios are being deployed for Highway Patrol and maintenance crews.

Statistics: In 2022, there were 2.2 billion hits on the website. This has caused a tremendous drop in calls for the Traffic Management Center.

The 511 app has been downloaded approximately 300,000 times, and the roadkill feature saw 2,300 reports with 600 animals collected.

Commissioner Willox inquired about cameras on snow plows in future snow seasons that could be viewed by the public. Mr. Smolinski advised that this is being examined and may be implemented in the future.

13. April 2023 Commission Meeting: Secretary Casner advised that the April 2023 meeting is currently scheduled to be held in person in Cheyenne. There will also be a Service Award Luncheon held at the Cheyenne Country Club.

17. Candidates for Interim Director: Mr. Crank reminded the Commission that statute requires a minimum of three names be submitted to the Governor for consideration of appointment as Interim Director.

It was moved by Commissioner Crank, seconded by Vice Chair Dolezal, and carried unanimously that five names be submitted to the Governor for consideration. The five names are Dennis Byrne, Tom DeHoff, Mark Gillett, Taylor Rossetti, and Darin Westby.

18. Search Procedure for Permanent Director: Mr. Kahler advised the Commission of statutory requirements regarding filling the Director's position for WYDOT and the submission of at least three names to the Governor. However, time constraints and the search process are not addressed in statute.

Chairwoman Holmes asked if there was a requirement to limit the search committee to Commissioners only. Mr. Kahler advised that there is not, but it would be wise to have less than a quorum of Commissioners during the search process.

Commissioner Willox asked if the Human Resources Department (HRD) and the Department of A&I would be involved in the selection process. Mr. Rossetti confirmed that HRD can assist in the coordination of specific items including hiring panels and interview questions.

Commissioner Baker questioned who would be most appropriate to be on the interview panel. Mr. Rossetti suggested that the selection process include agency partners such as AGC-WYO and the Wyoming Trucking Association as selected by the search committee.

It was moved by Commissioner Willox, seconded by Commissioner Baker, and carried unanimously to appoint Commissioners Dolezal, Holmes, and Hughes to the search committee.

Chairwoman Holmes advised that an update on the search process, job description, and involved stakeholders will be provided at the April Commission meeting.

14A. Legislator Comments: Senator Pappas shared comments regarding the legislative liaison to WYDOT role as well as upcoming Joint Transportation Committee meetings.

14B. Commissioner Comments: Commissioner Hughes welcomed the new Commissioners. Commissioner Crank also welcomed the new Commissioners and requested that the process to have items included on the agenda be discussed at a future meeting. Commissioner Crank also requested that the 2023 Commission meeting schedule be revisited at the April meeting. Commissioners Dolezal and Crank also thanked all those involved in snow removal and safety efforts across the state. Commissioners Holmes and Dolezal also expressed confidence in WYDOT staff, and welcomed Commissioners Baker and Willox. Commissioner Willox stated that he is eager to work as a Commissioner and that he has full confidence in the staff to keep WYDOT moving forward through the Director selection process. Commissioner Baker thanked staff and Commissioners for welcoming him to the Commission.

19. It was moved by Commissioner Crank, seconded by Commissioner Baker, and carried to adjourn the meeting. Chairwoman Holmes adjourned the meeting at 12:56 p.m., on Thursday, March 16, 2023.