

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom on September 21, 2023. Vice Chair Dolezal convened the meeting at 8:30 a.m. The following members were present constituting a quorum:

Vice Chair Jon Dolezal, Evanston
Commissioner Micheal Baker, Thermopolis *via Zoom*
Commissioner Patrick Crank, Cheyenne
Commissioner Mark Hughes, Sundance *via Zoom*
Commissioner Brandt Lyman, Rock Springs
Commissioner Jim Willox, Douglas
Commission Secretary Caitlin Casner
Director Darin Westby

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Colonel Timothy Cameron, Wyoming Highway Patrol (WHP); Taylor Rossetti, Support Services Administrator; Nathan Smolinski, Chief Technology Officer (CTO); Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Brian Olsen, Aeronautics Administrator; Nicholas Gronski, Procurement Services Program Manager; Rodney Freier, Budget Program Manager; Misty Zimmerman, Driver Services Program Manager; John Davis, Management Services Manager; Carlos Machado, Federal Highway Administration (FHWA) Division Administrator for Wyoming; Hank Rettinger, FHWA; Rich Bolkovatz, Reiman Corp.

Other meeting attendees: Doug McGee, Public Affairs Manager; Mark Horan, Public Affairs; Mark Ayen, District Two Engineer; John Eddins, District Three Engineer; Ali Ragan, Grants and Contracts Policy Program Manager; Pam Fredrick, Senior Budget Analyst; Julie Newlin, Program Performance Manager; Sara DiRienzo, Transportation, Wildlife, and Gaming Policy Advisor to Governor Gordon; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary.

1. Pledge of Allegiance: Vice Chair Dolezal led the attendees in the Pledge of Allegiance.

3A. August 17, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Crank and seconded by Commissioner Lyman to approve the August 17, 2023 Business Meeting minutes. The motion carried unanimously.

Commissioner Baker joined the meeting at 8:35 a.m.

Commissioner Hughes joined the meeting at 8:39 a.m.

6A. Indirect Cost Allocation Plan (ICAP) Discussion: Commissioner Crank presented to the Commission regarding the possibility of ceasing charging ICAP to state and local entities on state

funded projects. The potential fiscal impact to WYDOT would be approximately \$500,000.00 per biennium, which Mr. Crank considers to be miniscule when compared to the overall budget. Mr. Crank clarified that he is not proposing changes to ICAP charges on federally funded projects, and that he believes WYDOT has sufficient revenue to pay its own overhead, even if another collaborative project never happened again. Crank stated that he believes his proposal is a good olive branch to other state and local entities, and he has learned from many constituents that ICAP costs can cause a significant amount of hardship.

It was moved by Commissioner Crank and seconded by Commissioner Lyman to cease charging ICAP fees on state funded cooperative projects, excluding current projects.

Vice Chair Dolezal read a statement from Chair Holmes, which explained that she is not in favor of ceasing to charge ICAP fees on state funded cooperative projects and does not believe the practice of asking WYDOT to continue absorbing costs is sustainable.

Commissioner Hughes stated that because WYDOT is providing services while charging ICAP to state and local entities, he believes it is appropriate to continue current practices and charge on all projects.

Commissioner Willox stated that he believes it is appropriate to cease charging ICAP fees to local entities, and it is a cost WYDOT should absorb.

Director Westby stated that he believes that ceasing to charge ICAP on state funded projects would help strategically leverage future successes.

Commissioner Lyman stated that a major portion of each Commissioner's role is to represent the interests of citizens in their district. Because of this, Commissioner Lyman called several city and county employees to ask how ICAP affects projects in their area. Commissioner Lyman shared the feedback he received, which included negative comments regarding WYDOT's involvement in projects. As a result, Commissioner Lyman does not believe it is fair to charge ICAP charges to local entities if they do not feel they are receiving any valuable input and involvement from WYDOT.

Commissioner Crank reminded the Commission that this motion does not affect the fact that WYDOT will continue to charge project and construction engineering fees to local entities on non-federal projects. Crank also stated that WYDOT projects benefit all of Wyoming, and he does not believe it is fair to charge ICAP fees to local entities on state funded projects since WYDOT already has incoming funding to cover overhead costs.

Commissioner Hughes stated that he is concerned with how it might look to the Legislature if WYDOT stops taking in ICAP fees from local entities on state funded projects while also asking for more funding. Mr. Crank disagreed and said it would reflect positively on WYDOT if state and local partnerships were emphasized.

Director Westby thanked the Commission for their consideration of this issue, and will be seeking more information on the negative feedback Commissioner Lyman received.

Commissioner Baker asked Mr. Byrne if the change in fee collection would be difficult to administer. Mr. Byrne stated that the change would be manageable.

Commissioner Hughes called for the question. The motion failed by a vote of 3-3, with Commissioners Dolezal, Hughes, and Baker voting no.

6B. Bonding for Propane Bidding: Mr. Byrne advised the Commission that WYDOT procurement has been working with the Attorney General's office and other state agencies and surrounding states to better understand what other processes may be available. Mr. Byrne stated that at this point, it appears that WYDOT would benefit from transitioning to a risk based approach, and more information will be available at the October Commission meeting.

6C. Adoption of Chapter 1, Driver's Licenses and Motor Vehicle Safety, and Chapter 7, Motor Vehicle Records Proposed Rules: Mr. Rossetti explained the reasoning behind the proposed changes, including encouragement from the Legislature to review fees under WYDOT's authority. Mr. Rossetti explained that he feels the proposed increase in fees are reasonable and don't match inflation rates. Mr. Rossetti also explained that the highest proposed fee increases are geared more toward entities that buy bulk files for background searches and reporting needs.

Mr. Rossetti summarized the proposed changes to each Chapter, including vision acuity testing and Commercial Driver Licenses (CDL) as well as processes used for producing physical licenses. Mr. Rossetti also advised that some of the CDL changes were the result of an audit by the Federal Motor Carrier Safety Administration.

Commissioner Crank clarified that today's potential vote would mean the Commission is adopting the proposed rule changes, and the comment period and Attorney General review period have already taken place.

Commissioner Baker asked what the fiscal impact of adopting the proposed rules would be. Mr. Rossetti advised that analysis is difficult at this time, as the increased fees may change how people and companies request files from WYDOT. However, based on request volume, the increase in revenue could be up to approximately \$1.2 million.

Commissioner Hughes asked Mr. Rossetti how those who are going through the process of obtaining a title for an abandoned vehicle would be affected. Mr. Rossetti explained that the fees for a title search would increase to \$15.00 from \$5.00.

Commissioner Willox questioned the retroactive date for proposed rule 1-7, as it references October 2021. Ms. Zimmerman stated that the date will be updated once the Commission adopts the rules, and December 1st is expected to be the updated retroactive date based on programming changes needed. Commissioner Crank stated that he does not believe the retroactive date in 1-7 can be changed from October 2021 once the Commission issues approval of the proposed rules.

Commissioner Willox questioned what the impact would be if the Commission chose to not adopt the proposed rules at this time and requested further time to review the changes. Mr. Rossetti advised that if the Commission chose to not adopt the rules at this time and pushed the potential approval to the October Commission meeting, it would be acceptable. Mr. Rossetti stated that he would request guidance from the Commission on how they would like to be involved in the rule making process in the future.

It was moved by Commissioner Willox and seconded by Commissioner Crank to table the adoption of the proposed rules until the October Commission meeting. The motion carried unanimously.

Director Westby reiterated Mr. Rossetti's request for input on how the Commission would like to be involved in the rule making process in the future. Commissioner Willox advised that he believes the level of input may depend on the complexity of the changes, but he would prefer the Commission be presented with the changes one month with a request for approval at the next month's Commission meeting. Director Westby advised that he will speak with Executive Staff and find the best point in the rule making process for the Commission to be involved that will not impede progress.

Commission recessed to break at 9:19 a.m.

Commission returned to public session at 9:25 a.m.

7. Director's Report. Director Westby thanked the Commission for their participation in the recent budget education session. Westby also thanked staff at all levels for their help in developing the budget and helping to educate him regarding WYDOT budget processes. Director Westby thanked the Commission Budget Subcommittee members, as he believes the effort they put in before this meeting will prove to be very beneficial.

Director Westby, members of Executive Staff, and Chair Holmes recently attended the Joint Transportation, Highways, and Military Affairs meeting in Casper. Director Westby summarized topics that were discussed at this meeting, including fuel tax administration and usage, the draft diesel fuel tax bill and rebate and decrease in state registration fees administration for residents, electric vehicle taxation, WYDOT practices and procedures, WYDOT efficiency study, I-80 blowovers and light/high profile vehicles, and Commercial Driver's License (CDL) downgrading issues.

Director Westby reminded the Commission that he had instructed staff to pull back on implementing the National Electric Vehicle Initiative, which would place charging stations along planned routes. Director Westby was previously concerned that the State of Wyoming would be liable for the charging stations after five years. Westby reported that this risk profile has been reduced and a Request for Information (RFI) would be put out to gauge interest in partnering with WYDOT to establish the charging stations. However, issues could arise, such as the inability to procure materials for the charging stations due to Build America, Buy America (BABA)

requirements. Before anything occurs, however, Director Westby will seek direction from Governor Gordon on the path forward.

Commissioner Crank asked Director Westby how the risk profile for Wyoming has been reduced. West explained that WYDOT staff has been in contact with the FHWA staff to confirm Wyoming would not be required to repay any funding for charging stations after five years. Commissioner Crank requested that Director Westby get this information in writing from the FHWA. Mr. Gillett also advised the Commission that WYDOT can add in to the RFI a requirement that a bond be submitted by the company operating the charging station for the first five years it is in operation. Mr. Gillett also advised that after five years, the charging station would be depreciated out and WYDOT would not be responsible for reimbursing the FHWA for any fees. However, WYDOT will not pay for land, leases, or rent on any land that the charging station occupies.

Commissioner Crank questioned who would pay to operate the charging station after the initial five year period. Mr. Gillett advised that it is assumed that the original operating company would continue to pay costs if the site is profitable. However, if the site is not profitable and the original company chooses to abandon it, the depreciation agreement with FHWA would keep WYDOT from paying any fines or reimbursing any costs to the federal government, and the site would cease to operate. Commissioner Willox asked if the original operating fails to operate the site in the sixth year, who owns the site. Mr. Gillett stated that WYDOT would not own the charging station at any time.

Director Westby reminded the Commission that money was set aside for a new Transportation Management Center (TMC), and advised that he has instructed staff to complete an analysis of the existing complex and space before a new building is built to ensure space is used efficiently. Director Westby will continue to update the Commission as more information is made available.

WYDOT is currently monitoring federal issues, including the possibility of a shutdown versus a Continuing Resolution. Westby explained that in the past, a shutdown has not caused many problems for WYDOT as funds are fronted by WYDOT and reimbursed by FHWA. However, if a shutdown occurs and significantly affects WYDOT's cash flow, there is the ability to borrow from the State of Wyoming and continue operations. Mr. Olsen advised that there are different circumstances for Aeronautics, as the current FAA authorization runs out September 30th and an extension is needed.

Director Westby explained that WYDOT staff is currently working with several partners in the broadband industry to solve issues with installation in the right of way. At this time there is approximately \$400 million allotted to Wyoming for telecommunications. Director Westby will update the Commission as more information becomes available.

Director Westby recently attended the Airline Rendezvous event in Jackson, and had the opportunity to meet with several airline representatives and executives.

One of Director Westby's priorities is to address the staffing shortage and is working with the Governor's office and the Department of Administration and Information (A&I) to do so, including position marketing and other solutions that will set WYDOT apart as a premier employer. Westby also discussed implementing succession plans and the ability for employees to move upward.

Director Westby and several members of Executive Staff attended the WYLead program graduation ceremony in Sheridan. This program allows WYDOT employees to network with other departments and focus on specific areas, such as agency culture.

The Winter Freight at Quealy Dome project ribbon cutting was held on September 20th, and Director Westby thanked all involved with organizing the event. A ribbon cutting for the Dry Piney wildlife crossing project will be held in mid-October, and all Commissioners are invited to attend.

Commissioner Crank asked the status of adjusting dispatcher salaries, as he believes low staffing numbers create a public safety emergency. Westby explained that he and Executive Staff members are working with A&I and Governor Gordon's to fast-track the process and possibly offer incentives for new hires.

Commission recessed to break at 10:31 a.m.

Commission returned to public session at 10:40 a.m.

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

8A. Approval of the Fiscal Year (FY) 2024 Budget: It was recommended by Mr. Byrne, moved by Commissioner Lyman, and seconded by Commissioner Crank to approve the FY 2024 Budget. The motion carried unanimously.

Mr. Byrne and Mr. Freier thanked all the staff involved in assembling the budget, and Vice Chair Dolezal and Commissioner Crank expressed their appreciation for all involved and the thorough process. Commissioner Willox advised that when the full budget carryover amount is known in 2024, he will request an inflation adjustment in several areas of the budget.

8B. Approval of the Fiscal Year 2025-2026 Exception Request Budget: It was recommended by Mr. Byrne to approve the entire Fiscal Year 2025-2026 Exception Request Budget. It was moved by Commissioner Willox and seconded by Commissioner Crank to approve the Fiscal Year 2025-2026 Exception Request Budget Items 1, 2, 3, 4, 5, and 7. The motion carried unanimously.

Commissioner Crank clarified that the items requested in Exception Request Budget item 6 would be made available to all WHP Troopers on a delayed time schedule. Crank expressed concern that if all WHP Troopers received the items in Budget Item 6, they would not be used and would remain in vehicle trunks. Commissioner Crank clarified that he believes the Special Services Squad within the WHP should receive the items listed in Budget Item 6, and would be in favor of only purchasing 25 units of ballistic protection.

Colonel Cameron stated that the request is for all WHP Troopers to have ballistic protection, as he feels it is his responsibility to plan and prepare for all contingencies and potential situations statewide.

It was moved by Commissioner Willox and seconded by Commissioner Crank to approve Fiscal Year 2025-2026 Exception Request Budget Item 6. The motion carried, with Commissioner Crank voting no.

8C. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 86 percent expended, and the legislative budget was 87 percent expended in Fiscal Year 2023.

8D. Award of Procurement Services Bids. It was recommended by Mr. Byrne to move Bid number 23-220RC and Requisition Numbers 0000068266, 0000068431, 0000068472, and 0000068554 to a consent list. It moved by Commissioner Crank and seconded by Commissioner Hughes to move Bid number 23-220RC and Requisition Numbers 0000068266, 0000068431, and 0000068554 to a consent list. The motion carried unanimously.

It was moved by Commissioner Willox and seconded by Commissioner Lyman to approve, by consent, the following bids. The motion carried unanimously.

- Bid 23-220RC to furnish 36,800 tons of maintenance stockpiled material (salt mixed) to departments located in District 4. The bid was awarded to Mullinax, Inc., of Sheridan, Wyoming, for the sum of \$752,500.00.
- Requisition Number 0000068266 to furnish 3M brand digital license plate materials for use by the Department. The requisition was awarded to 3M Company, of St. Paul, Minnesota, for the sum of \$420,617.58.
- Requisition Number 0000068431 to furnish Internet Protocol based Ethernet routers to be utilized on WyoLink's microwave network for use by the Department. The requisition was awarded to Motorola Solutions, Inc., of Chicago, Illinois, for the sum of \$766,567.00.
- Requisition Number 0000068554 to furnish the third amendment to the license and services agreement with Tyler Technologies for us by the Department. The requisition was awarded to Tyler Technologies, Inc., of Plano, Texas, for the sum of \$250,000.00.

It was recommended by Mr. Byrne, moved by Commissioner Willox and seconded by Commissioner Lyman to award Requisition Number 0000068472 to furnish an automated license plate reader for use by the Department. The bid was awarded to Drivewyze, Ltd., of Plano, Texas, for the sum of \$1,400,000.00. The motion carried, with Commissioner Crank voting no.

Mr. Byrne explained that the bid from Drivewyze is a sole source requisition as the technology needed by the Ports of Entry for is only manufactured by Drivewyze. The items purchased with

Requisition Number 0000068472 would be used at the Evanston, Sheridan, Cheyenne, Kemmerer and Sundance Ports of Entry.

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

Mr. Gillett advised the Commission that there was road damage in multiple locations on Teton Pass/WYO 22 due to summer moisture. Due to the unevenness of the surface, future snow removal efforts would not be successful, and an emergency contract was let. Three bids were solicited, and one bid in the amount of \$148,000.00 was received from HK Construction. District staff was able to negotiate the cost down to \$133,547.00, and repairs should begin the first part of October.

Infrastructure Investment and Jobs Act (IIJA): WYDOT has submitted three projects for the Rural Grant Funding Notice of Funding Opportunity (NOFO). The first project was the I-80 winter freight refuge and congestion relief, which is near Evanston. The second project was the Coffeen Avenue restoration and community connectivity project in Sheridan, and the third project was the WYO/US 20 passing lanes between Casper and Shoshoni and Shoshoni and the beginning of the Wind River Canyon.

Mr. Gillett advised WYDOT is planning to submit a project for the Strengthening Mobility and Revolutionizing Transportation (SMART) grant. This project is for the ITS/TMC program and will gather and disseminate more efficient construction information to the traveling public.

WYDOT has received 14 applications from local governments for the popular congestion mitigation air quality program grant. The funding requests for this total \$4.35 million, and \$2 million is available. Typically the air quality portion is more heavily used than the congestion mitigation portion of this grant.

Albany County has requested a letter of support from WYDOT for the Reconnecting Communities program in Laramie, which has been sent.

A matching funds request was recently submitted to Governor Gordon's office for the I-80/I-25 interchange project. WYDOT has received a grant in the amount of \$13 million to complete design of the project south of Cheyenne. WYDOT was given \$1.44 million for the matching funds request. WYDOT has also submitted matching funds request for the I-80 winter freight, Coffeen Avenue, and passing lanes projects discussed earlier.

Commissioners Lyman and Willox requested a future education session on the I-80/I-25 interchange project.

Commissioner Crank reminded the Commission that at a previous meeting, Mr. Gillett reported that he had approved a change order for the Fort Steele rest area access road. Commissioner Crank asked what the status of the project is at this time. Mr. Gillett explained that the work is almost complete and the rest area will be open in the fall. Crank requested an update on the project at a later date from Mr. DeHoff.

Mr. Gillett advised that he, Director Westby, and Mr. Fulton recently met with a company called Rare Earth Resources, who plan to mine rare earth minerals from a location north of Warren Peak in the Black Hills, near Sundance. The minerals will be shipped via railroad after being hauled to Upton for processing. There is a paved county road from US 14 to Warren Peak, but Rare Earth Resources has deemed this road too steep for their equipment. Rare Earth Resources is planning to construct an alternate route and may utilize existing county and US Forest Service roads to do so. WYDOT has requested more information, including a map of the potential alternate route.

Mr. Gillett reminded the Commission that there is not a current funding reauthorization for IJA funds through FHWA for bridges and highways. There is also not a continuing resolution, but Mr. Gillett has been assured that the FHWA will maintain regular operations. Mr. Rettinger addressed the Commission and confirmed what Mr. Gillett has advised the Commission, and advised that current projects will not be affected as their funding has already been authorized.

9Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the September 14, 2023 letting.

Federal Projects NHPP-I802206 and I802207 involving milling, overlay with structure rehabilitation involving asphalt surfacing, storm drainage system, grading, traffic control, aggregate surfacing, milling and structure rehabilitation (bridge deck, girders, columns, abutments, approach slabs, curbs, and railing) on approximately 8.40 miles of I-80 on both eastbound and westbound lanes beginning at RM 57.01 between Evanston and Green River. Completion Date: October 31, 2025.

<i>Engineer's Estimate</i>	<i>\$24,469,369.00</i>
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$27,200,225.20 11.2%

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Baker 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. The motion carried, with Commissioner Crank declaring a conflict and abstaining. FHWA concurred with this decision.

Federal Projects NHPP-N212121 and ARSCT-N212A04 involving roadway construction with sanitary sewer and water systems work involving storm drainage systems, concrete paving, grading, traffic control, sidewalk, curb and gutter, asphalt paving and aggregate surfacing on approximately 0.30 mile on Poplar Street beginning at RM 115.80 in the city of Casper. Completion Date: November 30, 2025.

<i>Engineer's Estimate</i>	<i>\$12,500,806.00</i>
Oftedal Construction, Inc., Casper, WY	\$12,794,635.50 2.4%

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Hughes that Oftedal Construction Inc., 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. The motion carried, with Commissioner Crank voting no. FHWA concurred with this decision.

Federal Projects STP-BROS-CN22036 and ARSCT-CN22A01 for bridge replacement involving bridge demolition, structure replacement, grading, traffic control, asphalt paving and utility conduit work on County Road 22-10 beginning at STA 99+59 at the bridge over Snake River. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$6,709,659.00	
Reiman Corp., Cheyenne, WY	\$10,396,122.30	54.9%

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Hughes that Reiman Corp., 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. The motion carried, with Commissioner Baker voting no. FHWA concurred with this decision.

Commissioner Baker expressed concern with approving this project, as prices to complete bridges are very high and there would still be local access without this bridge. Commissioner Hughes asked if local counties have ever been asked to contribute more than their usual match to offset rising costs, and expressed concern that the project cost versus benefit might be too low.

Commissioner Crank asked when construction would commence if the bid was awarded today. Rich Bolkovatz from Reiman Corp. addressed the Commission, and advised that construction would begin immediately upon approval. Mr. Bolkovatz explained the construction timeline for this project in order to complete it by June 30, 2025.

Commissioner Lyman clarified the reason for the low cost on the engineering estimate on mobilization. Mr. Fulton explained the items that were underestimated and how they would affect other areas on the estimate. Lyman questioned if there is a limit to the amount a contractor can charge for mobilization costs. Mr. Fulton advised there is not a limit.

Commissioner Willox clarified with Mr. Bolkovatz that if this bid was not approved at this meeting, a season could be lost and the completion date would become impossible.

Commissioner Crank asked Mr. Bolkovatz if Reiman Corp. had increased their profit percentages over time due to current construction limitations and lack of construction companies that bid on similar projects. Mr. Bolkovatz advised that Reiman's prices only usually fluctuate based on labor costs and material costs.

Commission recessed to lunch at 12:15 p.m.

Commission returned to public session at 2:00 p.m.

Commissioners Baker and Hughes did not return to the meeting after the lunch break.

Commissioner Crank requested that the Commission be provided bid tabs from the Contractor as well as expanded descriptions on the bid results page that is included in monthly Commission packets. Mr. Fulton advised he will have the information available for the October meeting.

Federal Project HSIP-B214049 involving upgrading high mast light towers involving electrical and traffic control work at various locations in Transportation District Four. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	<i>\$3,204,770.00</i>	
Advanced Electrical Contracting, Inc., Sheridan, WY	\$2,856,769.00	-10.9%
Casper Electric, Inc., Casper, WY	\$1,851,101.00	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Willox that Advanced Electrical Contracting Inc., of Sheridan, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

State Project PEG-PEG2351 involving stockpiling chip seal aggregate at various locations in District Five. Completion Date: April 30, 2024.

<i>Engineer's Estimate</i>	<i>\$1,025,276.00</i>	
Mountain Construction Company, Lovell, WY	\$813,976.75	-20.6%

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Lyman 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. The motion carried unanimously. FHWA concurrence was not required.

Federal Project NHPP-N291068 for traffic signal installation involving electrical, sidewalk, curb and gutter, traffic control, grading and asphalt paving work at RM 1.13 on US 14A (Big Horn Avenue) and the intersection of Blackburn Street in the Cody city limits. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	<i>\$638,542.00</i>	
Casper Electric, Inc., Casper, WY	\$563,584.84	-11.7%

It was recommended by Mr. Fulton, moved by Commissioner Crank and seconded by Commissioner Lyman that Casper Electric, Inc., 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. The motion carried unanimously. FHWA concurred with this decision.

Fiscal Year 2024 State Transportation Improvement Program (STIP) Approval: Mr. Fulton presented the Fiscal Year 2024 STIP, and thanked all staff involved in the assembly of the STIP.

Commissioner Crank questioned the estimated project engineering costs, which Mr. Fulton explained can vary across projects, but is generally around 10% of the estimated construction costs, and is verified yearly. Mr. Crank expressed concern that overestimation on project engineering costs may decrease WYDOT's ability to complete all possible projects. Mr. Fulton advised that staff is currently monitoring projects and costs to ensure all money is expended efficiently and properly. Mr. Gillett offered to have staff review the last five to ten years estimated project engineering costs versus actual project engineering costs. Mr. Crank requested that instead of reviewing past data, future estimated versus actual costs be highlighted at future meetings during the monthly STIP update and addendum.

It was recommended by Mr. Fulton, moved by Commissioner Crank, seconded by Commissioner Willox, and carried unanimously to approve the Fiscal Year 2024 STIP.

Mr. Fulton also presented the status of discretionary grants that WYDOT is pursuing or has received.

Commissioner Crank requested additional information regarding the amount of in house engineering is completed versus sent to a consultant.

9B. Mr. Fulton presented the Operations Report on behalf of Assistant Chief Engineer for Operations, Tom DeHoff.

Construction: The construction season is currently wrapping up. There are currently 76 active construction projects across the state. Paving efforts continue around weather events. Chip seal projects will most likely be completed in spring 2024.

Operations: The state hot plant is currently in District One and is producing mix for District One crews.

Mowing operations continue to be a priority around the state, which will help snow removal efforts.

Several coordination meetings have been held between districts and external partners including surrounding states to prepare for the upcoming winter season and to maximize efforts to protect the traveling public.

Traffic: Striping projects are also a priority for WYDOT crews, and paint has been delivered. Crews will continue to complete projects as weather allows.

Shops: Mechanics are repairing summer equipment as well as assessing and repairing snow equipment.

Facilities: All facilities and rest areas are open at this time, with the exception of the Fort Steele location.

Two snow rotaries have been received by crews, with more expected to arrive by the end of the year.

10. Colonel Cameron presented the Highway Patrol Report.

The Fatal Crash Summary through August 31, 2023, includes 81 fatal crashes involving 97 deaths. The fatalities include 26 rollover crashes, 44 multi-car crashes, 2 fixed-object crashes, 11 motorcycle crashes, 3 all-terrain vehicle crashes, 2 snowmobile crashes, 8 pedestrian crashes, and 1 bicyclist crash. Of the 81 fatal crashes that have occurred in 2023, 26 involved commercial vehicles.

There were 3 fatal crashes deemed drug or alcohol related, resulting in 3 deaths through August 2023.

Of the 97 deaths this year, 42 were attributed to not using occupant restraints, with 21 involving rollover crashes, 19 involving multi-car collisions, and 2 involving fixed objects. Twenty-three of those who died from the non-use of occupant restraints were Wyoming residents. Ten perished that were under 21 years old.

Of the 81 fatal crashes so far this year, 95 of those drivers had no distractions. In 45 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 81 fatal crashes that have occurred this year, 36 occurred on primary/secondary highways, 29 occurred on interstate highways, and 16 occurred on city/county roads.

Of the 81 fatal crashes that have occurred this year, 12 had multiple fatalities.

Inclement weather or road conditions contributed to 14 vehicle crashes in 2023, which resulted in 16 deaths.

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

Sunday	9 crashes
Monday	14 crashes
Tuesday	9 crashes
Wednesday	14 crashes
Thursday	4 crashes
Friday	14 crashes
Saturday	17 crashes

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

12:00 a.m. to 6:00 a.m.	13 crashes
6:00 a.m. to 12:00 p.m.	14 crashes
12:00 p.m. to 6:00 p.m.	31 crashes
6:00 p.m. to 12:00 a.m.	23 crashes

The Commission also heard the following statistics:

- 81 percent of those who died in rollover crashes were unbelted.
- 43 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 2023 were drivers.
- 22 percent of the fatalities in 2023 were passengers.
- 30 percent of the resident fatalities were unrestrained.
- 14 percent of non-resident fatalities were unrestrained.
- 30 percent of fatalities involved alcohol and/or drug impairment.

There were 4,052 patrol investigated crashes so far in 2023.

Lieutenant Leo Ferguson with Troop A in Cheyenne presented to the Commission regarding 2023 patrol operations that occurred during Frontier Days in conjunction with the Cheyenne Police Department and the Laramie County Sheriff's Office.

11. Mr. Olsen presented the Aeronautics Report, beginning with the August 2023 Aeronautics Flight Operations Passenger Summary Report.

Federal Update: The Biden Administration has nominated Michael Whitaker for the FAA Administrator position. This position has been vacant for 18 months.

Mr. Olsen and staff continue to monitor the progress of the House and Senate regarding the FAA Reauthorization.

Division and Airport Updates: Mr. Olsen summarized the recent Airline Rendezvous meeting that occurred in Jackson. The Select Air Committee of the Wyoming legislature also meets at the same time as the Rendezvous, and WYDOT presented to the Committee while in Jackson.

Mr. Olsen explained that in the last few years there has been a significant shift towards larger aircraft across the U.S. At this time, approximately 11% of domestic flights on 50 seat aircraft or smaller. In 2005, the same number was at 45%.

Air Service News: Nationwide, overall passenger levels have returned to pre-pandemic levels. Business travel is down 15 to 20 percent, and higher fares are being seen. In the first six months of 2023, there was a 37% increase in passenger levels in Wyoming over 2022. Load factors continue to remain high.

The Cheyenne runway re-opened on September 10th after construction that included several rain delays.

Aeronautic programs are working wrap up end of fiscal year tasks and making sure they are prepared for next year.

The Airport Coalition will be meeting in the next week in Gillette for their annual conference.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,737 personnel as of July 28, 2023, compared to 1,737 a month ago and 1,767 one year ago.

Mr. Rossetti summarized the areas within WYDOT that saw additional staffing over the last month as well as areas that still are in need of additional staffing. Mr. Rossetti also discussed efforts to increase staffing, including the possibility of hiring a recruitment firm.

13. Chief Technology Officer's Report: Mr. Smolinski presented the Chief Technology Officer's Report.

RIS/TIS: Meetings are occurring between WYDOT and the vendor Kyndryl regarding several areas, including interfacing with current data and programs.

WyoLink: Mr. Smolinski summarized the WyoLink map provided to the Commission and briefly described current projects, which are projected to be complete in October. Surveys are occurring for locations in Sheridan and Saratoga, and construction will begin spring or summer 2024, depending on weather.

Radios: Highway patrol radios continue to come in and are installed as possible by WHP division.

Public Safety Communications Commission (PSCC): The PSCC will be meeting in October, and usage data and statistics will be made available to the Commission after this meeting.

PSCC Commissioners will be touring a master site and will also view the new Compact Rapid Deployable (CRD) unit, which hooks to a vehicle and provides coverage for up to two miles for those using First Net on AT&T. This unit can also be used during events where there are large amounts of people.

Blow Overs: Mr. Smolinski will present to the Commission regarding blow over procedures and information at the October Commission meeting.

14. October 2023 Commission Meeting: Secretary Casner advised that the October 2023 meeting will be held via Zoom and in person in Gillette. September 20th will have a tour of the Gillette Port-of-Entry. The Commission meeting will be held at the Campbell County Courthouse.

15B. Commissioner Comments: Commissioner Willox thanked all for the discussion during the Commission meeting. Commissioner Crank echoed Commissioner Willox. Commissioner Lyman thanked all involved with the Winter Freight ribbon cutting event on the 20th and encouraged all the Commissioners to participate in similar events when possible. Vice Chair Dolezal commended the Commissioners and staff for all that was accomplished.

17. It was moved by Commissioner Crank and seconded by Commissioner Lyman to adjourn the meeting at 3:38 p.m. on Thursday, September 21, 2023. The motion carried unanimously.