

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on November 19, 2009. The meeting was convened at 8:33 a.m. by Chair Dziardziel. The following members were present constituting a quorum:

Susan Dziardziel, Chair, Douglas  
Cactus Covello Jr., Commissioner, Torrington  
Jim Latta, Commissioner, Pinedale  
Ted Ertman, Commissioner, Newcastle  
Jim Hladky, Commissioner, Gillette  
John F. Cox, Director  
Karen Obermeier, Executive Assistant

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Pat Collins, Assistant Chief Engineer of Engineering and Planning; Tim Hibbard, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Sam Powell, Wyoming Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Phil Miller, Division Administrator, Federal Highway Administration.

Those absent: Charlie Monk, Vice Chairman, Lovell; Sandi McCormick, Commissioner, Rock Springs; and Sandra J. Scott, Commission Secretary.

Others present: Ken Spear, Contracts and Estimates Engineer.

1. Executive Assistant Obermeier advised of three additions to the agenda under Director's Report, Item 5.b. - Public Affairs, 5.b.(1) - Naming of highway after trooper, 5.b.(2) - Request to use welcome sign imagery, and 5.b.(3) - Reward for gas theft attempt. These items will be presented by Mr. McGee.
2. It was recommended by Executive Assistant Obermeier, moved by Commissioner Latta, and seconded by Commissioner Covello, to approve the minutes from the October 15, 2009, regular business meeting and one-on-one meeting with Delbert McOmie. Commissioner Ertman recommended that the last sentence of the first paragraph of Item 11 be struck from the October 15, 2009, regular business meeting minutes. The minutes were unanimously approved as corrected.
3. Executive Assistant Obermeier presented a letter from Mr. Robert L. Gaukel of the American Concrete Paving Association (ACPA), Colorado/Wyoming Chapter, requesting the Commissioners' attendance at the annual ACPA dinner on April 14, 2010. The Commission accepted the invitation.
4. Executive Assistant Obermeier presented e-mail correspondence from Ms. Deb Verley requesting that a section of highway be named after her father, Duane Verley. Mr. Verley recently passed away. He was a 30-year state employee and was shot while serving as a Highway Patrolman. The matter will be discussed by Mr. McGee under the Director's report.

5. Director Cox presented the Director's report.

Joint Appropriations Committee (JAC) Meeting: The Department will meet with the JAC on January 4, 2010, to answer questions about the budget. At this time it is unknown what Governor Freudenthal will recommend for surface transportation.

WYDOT Dismissal from Menkin Lawsuit: Director Cox received a letter from Jackson Engels, Assistant Attorney General, stating that WYDOT was dismissed from the Menkin lawsuit. Mr. Moench briefed the Commission about the case, which was a "quiet title" action wherein several entities were named. WYDOT's involvement was erroneously described in the case, and there was no property interest by WYDOT. Counsel for Mr. Menkin agreed, and WYDOT was dismissed with prejudice.

6. Mr. Kevin Hibbard presented the Budget report.

Monthly Budget Report: Mr. Hibbard presented the monthly budget report. About \$59 million was received and \$60 million spent in November thus far, of which the majority was for contractor payments heavily influenced by American Reinvestment and Recovery Act (ARRA) project expenditures. Mr. Hibbard noted that the Department has experienced additional cash flow pressure because of ARRA funds. Mr. Hibbard also explained that the Department must pay for the ARRA contract expenditures and seek subsequent reimbursement from the Federal Highway Administration, which negatively influences the Department's cash balance within the State Highway Fund. WYDOT is not the only department of transportation facing this scenario. In fact, the Department recently received a request from the American Association of State Highway and Transportation Officials (AASHTO) regarding ARRA cash flow management practices across the nation, and most states have reported similar cash flow issues because of the ARRA project payments.

WYDOT received roughly \$21 million less in federal mineral royalty revenue in October 2009 than the year before, primarily because of Wyoming's shrinking mineral prices and production from the recession. While this has added to the Department's cash flow problem, Mr. Hibbard reported that it is not cause for alarm, as the Department will eventually receive the full amount of federal mineral royalties allotted. Mr. Hibbard explained that the Department will simply receive its share of the federal mineral royalties later in FY2010 than last fiscal year. If necessary, the Department will request permission to exercise its \$100 million borrowing authority currently permitted by state statute to meet the Department's cash flow needs.

ARRA Report: Mr. Hibbard indicated that ARRA reporting continues to be burdensome, but the Department met the Federal Office of Management and Budget's (OMB) October 10 deadline for the first official ARRA report. Wyoming's reporting statistics can be found at [www.federalreporting.gov](http://www.federalreporting.gov). Compiling the information was a team effort by WYDOT Internal Review Services, Financial Services, and Budget program personnel. Chair Dziardziel asked Mr.

Hibbard whether or not ARRA reimbursements from the Federal Highway Administration have been timely. Mr. Hibbard indicated they have been.

Joint Revenue Committee (JRC) Meeting: Mr. Hibbard attended the November 18, 2009, JRC meeting in Cheyenne. Several bills were reviewed by the Committee to increase revenue, but none of them passed in committee. Particular attention was focused on the 10-cent Motor Fuel Tax bill, which did not pass.

7. Mr. Doug McGee presented several Public Affairs-related items.

Request to Name a Section of U.S. Highway 85: Mr. McGee presented a request from Ms. Deb Verley to name a section of U.S. Highway 85 after her father, former Trooper Duane Verley. Mr. Verley was a 30-year state employee. He was shot while serving as a Highway Patrolman and recently passed away. The Commission has historically abstained from naming highways.

It was recommended by Mr. McGee, moved by Commissioner Ertman, seconded by Commissioner Latta, and carried to deny Ms. Verley's request. The Commission asked that Secretary Scott respond to Ms. Verley's request, offering condolences to the Verley family for their loss and acknowledging her father's service to the state of Wyoming.

8. Request to Use the Wyoming Welcome Sign Imagery: A written request was recently received from Mr. Glen George of Paint Rock Ranch in Hyattville, Wyoming, for permission to use a photograph of the Wyoming Welcome signs imagery. Mr. George would like to use the image on licensed Wyoming products, such as blankets, playing cards, and other gift items for sale. Mr. George also requested a high resolution digital file for reproduction purposes.

The Wyoming welcome sign has three elements, the background image of the Tetons, the "Forever West" slogan, and the Wyoming bucking horse. Mr. McGee indicated that the photo of the Tetons is commonly used by many entities, and WYDOT has often allowed public use of its photos in the past. The bucking horse is copyrighted by the University of Wyoming, and permission to use it must be gained through the Secretary of State's office, which Mr. George has done before. The "Forever West" slogan is copyrighted, and its use must be approved by the Wyoming Department of Travel and Tourism.

It was recommended by Mr. McGee, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve the request from Paint Rock Ranch to use the Department's photograph image of the Grand Tetons alone. However, Mr. George must seek permission to use the bucking horse from the Secretary of State's office and the "Forever West" phrase from the Department of Travel and Tourism.

9. Reward for Gas Theft Attempt: Mr. McGee briefed the Commission about a recent gas theft attempt from a WYDOT fuel site. The theft attempt was reported to authorities, and the suspects were caught in the act. Some WYDOT property was damaged in the incident, including some cut

wires. The mastermind served 30 days in jail, and the other party to the crime is a minor. The Commission has offered rewards as high as \$1,000 in the past for the arrest and conviction of persons involved in such crimes.

It was recommended by Mr. McGee, moved by Commissioner Latta, and seconded by Commissioner Covello to authorize a \$500 reward to the individual who reported the attempted theft. Considerable discussion ensued about whether or not a monetary reward was warranted. (This motion was tabled under Item 26 below.)

10. Mr. Collins presented the Engineering and Planning report beginning with the bid tabulations from the letting held November 13, 2009, in Cheyenne.

**COMMISSION DISTRICTS 2 and 3**  
**Sandi McCormick – Commissioner**  
**Jim Latta – Commissioner**

Federal projects STP-B103005, CMP-PM-B103022 and ARSCT-B103A01 combined, involving chip sealing and miscellaneous work on 113.41 miles at various locations in Transportation District 3, in Lincoln, Sweetwater, Sublette and Uinta counties. Completion date – August 31, 2010

Engineer's Estimate	\$3,634,050.50	
<b>H-K Contractors, Inc., Idaho Falls, ID</b>	<b>\$3,141,769.50</b>	<b>-13.5%</b>
Intermountain Slurry Seal, Inc., Watsonville, CA	\$3,244,342.00	
Hardrives Construction, Inc., Billings, MT	\$3,332,878.82	
Riverside Contracting, Inc., Missoula, MT	\$3,593,377.10	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$3,699,975.50	
McGarvin-Moberly Construction Company, Worland, WY	\$3,961,127.12	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, and carried that **H-K Contractors, Inc., Idaho Falls, Idaho**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal projects NH-PM-B103009 and CMP-PM-B103023 combined, involving contract patching and miscellaneous work on 59.30 miles of various roads in Transportation District 3, in Lincoln and Sweetwater counties. Completion date – August 31, 2010

Engineer's Estimate	\$2,062,092.00	
<b>H-K Contractors, Inc., Idaho Falls, ID</b>	<b>\$2,113,569.00</b>	<b>+2.5%</b>
McGarvin-Moberly Construction Company, Worland, WY	\$2,429,251.34	
Mountain Construction Company, Lovell, WY	\$2,656,927.16	

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried that **H-K Contractors, Inc., Idaho Falls, Idaho**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 4  
Jim Hladky – Commissioner**

Federal projects CM-P601023, STP-E-P601024 and ARSCT-P601A01 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, structure, curb and gutter, electrical, and miscellaneous work on 1.24 miles of Urban Route 060 (Sheridan Main Street), beginning at reference marker 22.897 in the town of Sheridan, in Sheridan County. Completion date – June 30, 2011

Engineer's Estimate	\$17,096,508.85	
<b>DRM, Inc., Gillette, WY</b>	<b>\$13,675,426.00</b>	<b>-20.0%</b>
S & S Builders, LLC., Gillette, WY	\$14,119,092.99	
Irregular Addenda		
Upper Plains Contracting, Inc., Aberdeen, SD	\$14,814,798.00	
Concrete Works of Colorado, Inc., Lafayette, CO	\$15,030,742.48	
Reiman Corp., Cheyenne, WY	\$15,675,537.55	
COP Wyoming LLC., Rock Springs, WY	\$16,217,166.49	
Intermountain Construction and Materials, Inc., Gillette, WY	\$17,497,388.72	
Interstate Highway Construction, Inc., Englewood, CO	\$17,579,471.12	
Excel Construction, Inc. & Affiliated Companies, Sheridan, WY	\$17,990,000.00	
Sema Construction, Inc. and Subsidiaries and Capital Engine Partners, Centennial, CO	\$22,294,171.25	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried that **DRM, Inc., Gillette, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project NH-PM-I902117, involving microsurfacing and miscellaneous work on I-90, beginning at reference marker 59.40 and ending at reference marker 69.80, between Buffalo and Gillette, in Johnson County. Completion date – September 30, 2010

Engineer's Estimate	\$1,241,035.00	
<b>Intermountain Slurry Seal, Inc., Watsonville, CA</b>	<b>\$1,004,100.40</b>	<b>-19.1%</b>
Martin Resource Management Corporation and Subsidiaries, Omaha, NE	\$1,049,436.00	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$1,227,551.31	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried that **Intermountain Slurry Seal, Inc., Watsonville, California**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 5**  
**Charlie Monk – Vice Chairman**

Federal project NH-N343041, involving installation of mirrored deer delineators and miscellaneous work on 14.80 miles of US 20, beginning at reference marker 127.40, between Wind River Canyon and North Kirby, in Hot Springs County. Completion date – October 31, 2010

Engineer's Estimate	\$192,625.00	
<b>Fettig Repair, Ten Sleep, WY</b>	<b>\$163,719.16</b>	<b>-15.0%</b>
Irregular Addenda		
Hout Fencing of Wyoming, Inc., Worland, WY	\$187,266.00	
4-D Fencing Company, Riverton, WY	\$188,575.00	
Keyhole Technologies, LLC., Mills, WY	\$232,355.00	
D & A Construction, Inc., Thermopolis, WY	\$281,561.00	
Irregular Proposal		
Interstate Improvement, Inc., Faribault, MN	\$342,250.00	
S & L Industrial, Cowley, WY	\$383,675.00	

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Ertman, and carried that **Fettig Repair, Ten Sleep, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 6**  
**Ted Ertman – Commissioner**

Federal project NH-GM-N393010, involving guardrail modification and miscellaneous work on US 20, at reference marker 57.85, in Niobrara County. Completion date – September 15, 2010

Engineer's Estimate	\$159,559.00	
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$169,767.70</b>	<b>+6.4%</b>
Hout Fencing of Wyoming, Inc., Worland, WY	\$179,634.00	
S & S Builders, LLC., Gillette, WY	\$195,141.00	
Heavy Constructors, Inc., Rapid City, SD	\$235,393.43	

It was recommended by Mr. Collins, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **Reiman Corp., 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 Federal Highway Administration concurred with this decision.

Federal project NH-GM-N854070, involving guardrail modification and miscellaneous work on US 85 between Lusk and Mule Creek Junction at reference marker 185.55 in Niobrara County. Completion Date – August 31, 2010

Engineer’s Estimate	\$142,124.50	
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$170,344.00</b>	<b>+19.9%</b>
S & S Builders, LLC., Gillette, WY	\$176,128.29	
Hout Fencing of Wyoming, Inc., Worland, WY	\$182,101.00	
Heavy Constructors, Inc., Rapid City, SD	\$235,745.76	

It was recommended by Mr. Collins, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **Reiman Corp., 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 Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 7**  
**Susan Dziardziel – Chairman**

Federal project IM-0253103, involving reclamation and stockpiling of materials for future reclamation activities and miscellaneous work located just east of the Mormon Canyon Road, approximately 5 miles southwest of the I-25 overpass near Glenrock, in Converse County. Completion date – September 30, 2010

Engineer’s Estimate	\$ 670,210.00	
<b>Dan Hart Patrol Service, LLC., Upton, WY</b>	<b>\$ 681,377.80</b>	<b>+1.7%</b>
Three Way, Inc., Buffalo, WY	\$ 831,118.79	
Oftedal Construction, Inc., Miles City, MT	\$ 832,707.01	
American Civil Constructors, Inc. and Subsidiary, and American Civil Canada, ULC and ACC North Equipment, ULC, Littleton, CO	\$ 848,550.00	
Irregular Check Digit		
71 Construction, Casper, WY	\$ 903,335.00	
JBG Flexible, LLC dba JB’s Welding & Fabrication, Pinedale, WY	\$ 986,148.25	
DRM, Inc., Gillette, WY	\$1,057,452.75	
S & L Industrial, Cowley, WY	\$1,353,142.00	

It was recommended by Mr. Collins, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **Dan Hart Patrol Service, LLC., Upton, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project NH-GM-N431030, involving bridge and guardrail modifications and miscellaneous work on WYO 59 in Transportation District 2, between reference markers 0.71 and 1.16, between Douglas and Gillette, in Converse County. Completion date – August 31, 2010

Engineer's Estimate	\$483,051.00	
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$454,800.00</b>	<b>-5.8%</b>
Hout Fencing of Wyoming, Inc., Worland, WY	\$527,968.00	
Heavy Constructors, Inc., Rapid City, SD	\$613,026.44	
S & S Builders, LLC., Gillette, WY	\$622,155.30	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried that **Reiman Corp., 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 Federal Highway Administration concurred with this decision.

11. Lincoln County, Elkol Road, County Road 304, Project Award: Mr. Collins presented the bid tabulation from a recent bid opening held by Lincoln County.

State project IRP-CN12048, involving widening, overlay of existing surfacing, grading and replacement of culverts on 3.1 miles of County Road 12-304, Elkol Road, in Lincoln County. Completion date – October 31, 2010

Engineer's Estimate	\$2,929,136.32	
<b>McMurry Ready Mix Co., Casper, WY</b>	<b>\$2,663,536.80</b>	<b>-9.09%</b>
Western Wyoming Construction Co., Lander, WY	\$2,771,338.00	
Lewis & Lewis, Inc., Rock Springs, WY	\$2,806,935.14	
Kilroy, LLC, Afton, WY	\$3,300,545.00	
H-K Contractors, Inc., Idaho Falls, ID	\$3,494,826.50	
Consolidated Paving & Concrete Inc., Ogden, UT	\$3,602,690.26	
Flare Construction, Evanston, WY	\$4,014,893.25	

Lincoln County officials met on October 20, 2009, and approved award of the contract to McMurry Ready Mix Co., of Casper, Wyoming, in the amount of \$2,663,536.80, contingent upon the concurrence of the Wyoming Transportation Commission. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to concur in the award of the project to **McMurry Ready Mix Co., of Casper, Wyoming**.

12. Fremont County, Lander/Highway Park Irrigation, Project Award: Mr. Collins presented the bid tabulation from a recent bid opening held by the City of Lander.

Federal project STIM-E 80.77 202.067, including materials and installation of a sprinkler system in accordance with the project plans, for the Lander/Highway Park irrigation improvements, in Fremont County.



Engineer's Estimate	\$55,000.00
<b>Clark's Landscaping, Inc., Lander, WY</b>	<b>\$48,500.00 -11.82%</b>

City of Lander officials recently opened the bid and recommended award of the contract to Clark's Landscaping, Inc., of Lander, Wyoming, in the amount of \$48,500.00.

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to award the project to **Clark's Landscaping, Inc., of Lander, Wyoming**. The Federal Highway Administration concurred in this decision.

13. Fremont County, Lander Welcome Center, Project Award: Mr. Collins presented the bid tabulation from a recent bid opening held by the City of Lander.

Federal project STIM-E LN 0.00 and STP-E-LN 0.00 TL09008 combined, involving earthwork, concrete work, waterproofing, structural walls and partitions, flooring, roofs and ceilings, glass work, utility installation, and mechanical and electrical work for the Lander Welcome Center, in Fremont County. Completion date – February 16, 2012

Engineer's Estimate	\$341,114.00
MBA Construction, Blackfoot, SD	\$285,100.00
Non-responsive Bid	
<b>Mid-Valley General Contractors, Inc., of Riverton, WY</b>	<b>\$301,868.00 -11.5%</b>
SDI, Lander, WY	\$305,987.00
Sehnert Systems, Riverton, WY	\$306,302.00
Dohn Construction, Ft. Collins, CO	\$339,900.00
A Pleasant Construction, Green River, WY	\$373,250.00

City of Lander officials recently opened bids and recommended award of the project to Mid-Valley General Contractors, Inc., of Riverton, Wyoming, in the amount of \$301,868.00.

Mr. Spear advised that the apparent low bidder, MBA Construction, provided their sealed bid and then provided some additional bid information by fax. The American Institute of Architects (AIA) documents do not permit faxed bid information; therefore, their bid was deemed non-responsive by the AIA and WYDOT.

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to award the project to **Mid-Valley General Contractors, Inc., of Riverton, Wyoming**. The Federal Highway Administration concurred in this decision.

14. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve the following project authorizations:

### **COMMISSION DISTRICT 3**

#### Rural Principal Arterial

RHC 104.80 P531017; Sweetwater County; Rock Springs, Center Street; reference marker 104.80; replace light pole; fiscal year 2010; request federal preliminary engineering funds of \$1,000; construction engineering and construction funds of \$31,000

### **COMMISSION DISTRICT 4**

#### Various

STP 0.00 B104024; various counties in District 4, at various non-NHS locations; bridge rehabilitation; fiscal year 2010; request construction engineering and construction funds of \$250,000

NH 0.00 B104025; various counties in District 4, various NHS locations; bridge rehabilitation; fiscal year 2010; request federal construction engineering and construction funds of \$2,250,000

### **COMMISSION DISTRICT 5**

#### Rural Principal Arterial

NH 4.70 N311093; Park County; Yellowstone Park to Cody; reference markers 4.70 to 8.34; channel cleaning; fiscal year 2011 construction; request federal preliminary engineering funds of \$15,000

NH 0.00 N371027; Big Horn County; Greybull Streets, intersection of Greybull Avenue and 6th; reference marker 0.00; intersection modification; fiscal year 2011 construction; request federal preliminary engineering funds of \$75,000

#### Rural Major Collector

STP-E 0.62 2202020; Washakie County; Worland to Manderson, West River Road; reference markers 0.62 to 2.3; bike path; fiscal year 2010; request federal preliminary engineering funds of \$52,541

15. ARRA State Transportation Improvement Program (STIP) Amendment: Mr. Collins presented a Federal Transit Administration STIP amendment to utilize ARRA funding for intercity bus operating assistance in accordance with the 2009 Supplemental Appropriations Act. The funds will be used to support the intercity bus program for the following projects:

- Southern portion of the existing Montana to Colorado route through the Big Horn Basin. ARRA money may be utilized, if needed, to assist in the funding of the Shoshoni to the Colorado state line section.
- Requests for Proposals for additional routes scheduled for the second quarter of FY 2010:
  - a. I-90 corridor from the South Dakota state line to the Montana state line;
  - b. Jackson to Salt Lake City, Utah, for the mileage traveled in Wyoming; or
  - c. Jackson to the I-80 corridor to link with existing Greyhound bus service.

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve the ARRA STIP Amendment.

16. It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve the following resolution:

### **RESOLUTION FOR RELINQUISHMENT**

**WHEREAS**, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of a state highway upon reconstruction or relocation of an existing state highway; and

**WHEREAS**, a portion of Wyoming Department of Transportation's right-of-way for U.S. Highway No. 18/20, Manville - Lusk, Niobrara County, Wyoming, established under Wyoming State Highway Federal Aid Project No. F-040-02(1) is no longer needed for state highway or public use purposes. Said portion being described as follows:

All that portion of the S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 2, T.32N., R.65W. of the 6th P.M., Wyoming, described as follows:

Commencing on the survey line at P.T. station 337+28.04 for a circular curve concave southwesterly, the radius of which 5,729.58 feet as shown on Wyoming Department of Transportation Project No. NH-0N40-02(016)/N402016 from which the east quarter corner of said Section 2 bears N. 08°34'12.7" W. a distance of 1,395.46 feet and a line tangent to said curve bears N. 51°00'35.6" W.;

thence northwesterly along said curve through a central angle of 28°58'11.1" a distance of 2,896.98 feet;

thence N. 10°01'01.3" E. a distance of 60 feet to a point on a circular curve concave southwesterly, the radius of which is 5,789.58 feet and a line tangent to said curve bears N. 79°58'46.9" W., being the TRUE POINT OF BEGINNING;

thence along said curve through a central angle of 10°19'58.7" a distance of 1,044.12 feet to the point of ending of said curve;

thence S. 89°41'14.7" W. a distance of 1,866.82 feet;

thence N. 00°19'52.6" W. a distance of 94.43 feet to a point on the presently existing northerly right-of-way boundary of U.S. Highway No. 18/20, said point being monumented by a Wyoming Department of Transportation highway monument;

thence N. 89°39'26.0" E. along said presently existing northerly right-of-way boundary of U.S. Highway No. 18/20 a distance of 1,268.71 feet to a right-of-way jog, said jog being monumented by a Wyoming Department of Transportation highway monument;

thence along said jog S. 00°22'02.2" E. a distance of 24.96 feet to a Wyoming Department of Transportation highway monument;

thence continuing along said presently existing northerly right-of-way boundary of U.S. Highway No. 18/20 N. 89°39'18.0" E. a distance of 1,665.73 feet to a point being monumented by a Wyoming Department of Transportation highway monument;

thence along the presently existing easterly right-of-way boundary of U.S. Highway No. 18/20 S. 09°42'36.7" W. a distance of 104.88 feet to a point being monumented by a Wyoming Department of Transportation highway monument;

thence along said presently existing easterly right-of-way boundary of U.S. Highway No. 18/20 S. 09°42'26.0" W. a distance of 53.08 feet to a point being monumented by a Wyoming Department of Transportation highway monument;

thence continuing S. 09°42'26.0" W. a distance of 9.57 feet to the point of beginning;

The above described parcel of land contains 6.21 acres, more or less.

The basis of bearing for the above described parcel of land is N. 08°34'12.7" W. from said P.T. station 337+28.04 to said east quarter corner of Section 2.

**NOW, THEREFORE, BE IT RESOLVED**, the Transportation Commission of Wyoming hereby relinquishes the above-described land to Niobrara County as provided for under provisions and authority of W.S. 24-3-126.

17. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Ertman, and carried to approve the following resolution:

#### **RESOLUTION FOR RELINQUISHMENT**

**WHEREAS**, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of a state highway upon reconstruction or relocation of an existing state highway; and

**WHEREAS**, all of Wyoming Department of Transportation's right-of-way for Service Road #10-0132, Henry's Road, Teton County, Wyoming, being approximately 4.48 miles in length as established under Project No. 3-A-15 is no longer needed for a state highway. Said right-of-way being described as follows:

A right-of-way being 200 feet in width situate in Sections 2, 3, 11, 12, 13, and 14 of T.39N., R.116W., and Sections 27 and 34 of T.40N., R.116W. all of the 6th P.M., Teton County, Wyoming:

Beginning on the northeasterly right-of-way boundary of U.S. Highway 26/89/189/191 thence northerly along the existing center line as shown on the Record of Survey filed 12/06/04, Document #0639074, bk 2MAP pg 274-274, Teton County Records (attached Exhibit "A") for approximately 4.48 miles ending on the easterly right-of-way boundary of U.S. Highway 26/89/189/191.

**NOW, THEREFORE, BE IT RESOLVED**, the Transportation Commission of Wyoming hereby relinquishes the above-described land to the County of Teton as provided for under provisions and authority of W.S. 24-3-126.

Mr. Spear left the meeting.

18. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through October 31, 2009, includes 94 fatal crashes involving 109 deaths. The fatalities include 65 involving rollover crashes, 26 involving multi-car crashes, 5 involving commercial vehicles, 13 involving motorcycles and all-terrain vehicles, 2 involving pedestrians, and 3 involving fixed objects.

There have been 34 crashes to date deemed alcohol related, resulting in 39 deaths. Of those deaths, 27 were attributed to not using restraints.

Of the 109 deaths that have occurred to date in 2009, 66 can be attributed to the non-use of occupant restraints, with 49 involving rollover crashes, 14 involving multi-car collisions, and 3 involving fixed objects. Of the 66 deaths that occurred from non-use of occupant restraints, 50 were Wyoming residents and 16 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through September 30, 2009. The summary depicts 4,581 crashes statewide, of which 3,967 involved non-commercial vehicles and 614 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of October 31, 2009, have been DUI related. Field arrests total 1,615 to date, including the following:

- DUI arrests from crashes – 130
- DUI arrests from traffic stops – 711
- DUI arrests from the REDDI Program – 149
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 41
- Wyoming warrants hits – 157
- Drug arrests – 114
- Other arrests – 310

Colonel Powell indicated that fatalities continue to be lower this year, with fewer crashes, too. Information was also provided about the extensive closure of I-80 during the latest storm event.

19. Highway Patrol Canine Deaths: Colonel Powell reported that the Highway Patrol has lost two of its drug dogs in the last month, one from spleen cancer and another from a spinal infection.

Duke was assigned to Trooper Jeremy Beck in Cheyenne and was instrumental in seizing hundreds of pounds of drugs, many firearms, and almost \$57,000 in drug money during his time with the Patrol.

Todd was one of the original canines that came to Patrol in August 2000. He was assigned to Trooper Dave Chatfield of Cheyenne. During his impressive career, Todd managed to take down thousands of pounds of various types of drugs, many bombs, guns, and drug vehicles and removed about \$1.4 million in drug money from circulation. The Patrol plans to seek one replacement for the two lost canines.

Colonel Powell suggested that a note of condolence be sent to the troopers for the loss of the dogs. The dogs live with the troopers and are not only their working partners but also become their companions. It was moved by Commissioner Latta, seconded by Commissioner Covello, and carried to send condolences to the troopers.

International Association of Chiefs of Police (IACP) Award: The Highway Patrol recently received top honors from the IACP for its book about WHP organizational and enforcement efforts for 2008. Sgt. John Townsend was recognized for leading the effort to compile the book.

20. Mr. Byrne presented the Aeronautics report, beginning with the October 2009 State Aircraft Passenger Summary Report.

Mr. Byrne reported that both of the state aircraft will be repainted over the next month and briefed the Commission about the paint design. The Wyoming bucking horse will be painted on the tail of both planes. Some paint schemes were also provided.

It was recommended by Mr. Byrne, moved by Commissioner Covello, seconded by Commissioner Ertman, and carried to approve the suggested paint scheme, including the Wyoming bucking horse on tail, the current colors, and the Wyoming flag under "Wyoming" on the front end of plane.

21. Mr. Loftin presented the Support Services report.

Mr. Loftin briefed the Commission about the new license plates and the revised title and registration laws that go into effect January 1, 2010.

Vehicle License Plates: The Department will begin issuing the new veterans license plates January 1, 2010. The plate is available to all honorably discharged military veterans. Each one of the six designs will have a different emblem representing a specific branch of service. The current statute requires that revenue from Veteran plate sales go to the General Highway Fund, but the Joint Transportation, Highways and Military Affairs Interim Committee will sponsor a bill during the 2010 legislative session to designate \$20 from each plate sale for the Veterans Commission.

Embossed license plates will once again become available January 1. Vehicle owners may purchase the embossed plates for \$50 per set.

Revised Title and Registration Statute: The Department is working to comply with the new vehicle title and registration statutes. Effective January 1, 2010, new watercraft, snowmobile, and trailer purchases will need to be titled. Language has been added to address electronic titling, when it becomes available, and for clarification of residency. WYDOT has met with all Wyoming counties about the proposed changes and will provide future public service announcements about the changes.

22. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Ertman, and carried to approve purchase for bid number 10-008 to furnish three each, new, current model 35-series, crew cab and chassis for flatbed trucks, for delivery in Pine Bluffs, Pinedale, and Kemmerer. The bid was awarded to Halladay Motors, Inc., of Cheyenne, Wyoming, for the sum of \$63,666.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for bid number 10-013 to furnish three each, new, current model, 35-series, four-wheel-drive, extended cab and chassis for utility body trucks, for delivery in Cheyenne. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$86,943.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-015 to furnish five each, new, current model, one-ton, DRW cab and chassis for dump body trucks, for delivery in Lyman, Kemmerer, Labarge, Granger, and Casper. The bid was awarded to Halladay Motors, Inc., of Cheyenne, Wyoming, for the sum of \$101,020.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-022 to furnish two each, new, current model, class 8 cab and chassis for striper unit, for delivery in Cheyenne and Basin. The bid was awarded to CMI-TECO, of Casper, Wyoming, for the sum of \$221,974.72.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-023 to furnish two each, new, current model, truck mounted highway striper, for delivery to the dealership. The bid was awarded to Vogel Traffic Services, Inc. dba EZ-Liner Industries, of Orange City, Iowa, for the sum of \$449,900.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Ertman, and carried to approve purchase for bid number 10-024 to furnish 28 each traffic signal controllers for use by the Traffic Program in Cheyenne. The bid was awarded to Western Signal, Inc., of Denver, Colorado, for the sum of \$56,691.88.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 10-026 to furnish 40,000 pounds of aluminum, to be used by the Motor Vehicles Services Program in Cheyenne to manufacture license plates. The bid was awarded to Nichols Aluminum, LLC, of Davenport, Iowa, for the sum of \$52,720.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for Requisition No. 0000015798 to furnish computer-aided drafting and design software licensing for the Project Development, Photogrammetry & Surveys, Hydraulics, Geology, Right-of-Way, Construction Staff/Snow Control programs, and all five highway districts. The contract was awarded to Bentley Systems, Inc., of Exton, Pennsylvania, for the sum of \$83,925.60.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Requisition No. 0000015909 to furnish a Falcon unlimited user license for use by the Information Technology Program in Cheyenne. The contract was awarded to tsa/ADVET, of Pittsburgh, Pennsylvania, for the sum of \$544,974.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve purchase for Requisition No. 0000015914 to furnish Intergraph hardware maintenance to the Information Technology Program in Cheyenne. The contract was awarded to Intergraph Corporation-SG&I Division, of Madison, Alabama, for the sum of \$161,307.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve purchase for Requisition No. 0000015936 to furnish Force America 6100 hydraulic system and plow controls to the Equipment Program in Cheyenne. The contract was awarded to Force America, Inc., of Burnsville, Minnesota, for the sum of \$458,310.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Latta, and carried to approve purchase for Requisition No. 0000016346 to furnish a Meridian 511 telephone system for use by the Telecommunications Program in Cheyenne. The contract was awarded to Meridian Environmental Technology, Inc., of Grand Forks, North Dakota, for the sum of \$350,000.

23. Mr. McOmie presented the Chief Engineer's report.

Mr. McOmie updated the Commission about numerous pending construction projects.

24. It was moved by Commissioner Latta, seconded by Commissioner Covello, and carried to move into executive session. The Commission went into executive session at 11:02 a.m.

25. It was moved by Commissioner Ertman, seconded by Commissioner Covello, and carried to move out of executive session. The Commission came out of executive session at 11:12 a.m.



26. It was moved by Commissioner Latta, seconded by Commissioner Covello, and carried to table the motion made above in Item 9, Reward for Gas Theft Attempt, until the December 10, 2009, meeting.

27. It was moved by Commissioner Covello, seconded by Commissioner Latta, and carried to adjourn the meeting. Chair Dziardziel adjourned the meeting at 11:14 a.m., on Thursday, November 19, 2009.