

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Sibley Room at the Holiday Inn, 1809 Sugarland Drive, in Sheridan, Wyoming, on May 13, 2010. The meeting was convened at 1:30 p.m. by Chairman Monk. The following members were present constituting a quorum:

Charlie Monk, Chairman, Lovell
Cactus Covello, Jr., Vice Chairman, Torrington (via telephone)
Susan Dziardziel, Commissioner, Douglas
Sandi McCormick, Commissioner, Rock Springs
Jim Latta, Commissioner, Pinedale
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Pat Collins and Gregg Fredrick, Assistant Chief Engineers of Engineering and Planning; Tim Hibbard, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Lieutenant Colonel Jess Oyler, Interim Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Daily, Division Administrator, Federal Highway Administration.

Others present: Mark Gillett, District Engineer; David Mullen, District Construction Engineer; Jerry Buckley, District Traffic Engineer; and Ronda Holwell, Public Involvement Specialist.

1. Secretary Scott stated the need for the Commission's approval to add Lt. Col. Jess Oyler and to remove B. Patrick Collins as authorized Department signatories. It was moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to add this matter to the agenda as Item 13a., General Matters.

2. It was recommended by Secretary Scott, moved by Commissioner McCormick, seconded by Commissioner Ertman, and carried to approve the minutes from the April 15, 2010, regular business meeting, education session, and executive session and the April 29, 2010, teleconference meeting.

3. Secretary Scott advised the Commission of a letter that was received from Eric Inberg, of ERI Engineering, Inc., in Riverton, Wyoming. ERI was the apparent low bidder on Bid No. 10-179 for an evaporation pond at WYDOT's South Pass Maintenance Camp, but the bid was considered non-responsive. Mr. Inberg also provided support documentation for his bid. Mr. Tim Hibbard will address the bid and Mr. Inberg's concerns later in the meeting under the Operations report.

4. Director Cox presented the Director's report.

Management Audit Committee (MAC) Meeting: Director Cox presented a copy of a recent letter addressed to the Legislative Management Audit Committee. The Committee is scheduled to meet

in Riverton May 26, 2010. The letter was in response to a request to provide followup information from the May 2008 Department-wide audit conducted by the Committee. Members of WYDOT executive staff will attend the meeting to discuss the topics in greater detail. Director Cox thanked executive staff members, the Budget office, and Public Affairs personnel for their extensive efforts in compiling the information for the response to the Committee.

5. Mr. Kevin Hibbard presented the Budget report.

Monthly Budget Report: The Urban Mass Transit Fund (H04) is currently overrunning by \$285,064.38. The Department has not been able to bill or receive transit revenue from the Federal Transit Authority since October because of the lack of a new federal highway bill. The State Auditor has granted authority for the Department to cash flow transit expenditures from its Urban Mass Transportation Account (H04) and will allow this account to overrun until the end of the current biennium, but the account must be balanced by June 30, 2010. Congress passed a continuing resolution for transit in April that is similar to the continuing resolution passed last winter for surface transportation funds.

Mr. Hibbard noted that effective May 13, 2010, the Federal Register had been updated to reflect the approval of a continuing resolution, and the Department can expect transit expenditure reimbursements to resume soon. The Department will transfer funds to balance the Urban Mass Transportation Account (H04) from the State Highway Fund (H01) prior to June 30, 2010, if necessary.

Mr. Hibbard also noted that the motor fuel tax distribution will be made by the end of May.

American Reinvestment and Recovery Act (ARRA) Report: WYDOT has paid out 58 percent of its ARRA funds so far and anticipates exhausting 95 to 100 percent by the end of the 2010 construction season. The FHWA requires that any ARRA obligations that are de-obligated after September 30, 2010, to be returned to the ARRA account for redistribution. The Department is working diligently to ensure any funds falling into this category are reallocated to shelf-ready projects before September 30, 2010, so that it doesn't lose the funding. States can apply for redistribution of the reverted funds. There is no guarantee, however, that WYDOT would receive any of the reversion, so it is paramount that the Department does everything possible to use the ARRA funds in a timely fashion.

6. Mr. Collins introduced Mr. Gregg Fredrick, the newly-appointed Assistant Chief Engineer for Engineering and Planning. Mr. Fredrick presented the Engineering & Planning report.

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

COMMISSION DISTRICT 2

Rural Principal Arterial

SCP-SL10 37.00 N131051; Sweetwater County; Rock Springs to Pinedale, US 191, Eden Section; reference markers (RM) 37.00 to 38.50; widen to five lanes; request move from fiscal year (FY) 2011 to 2010; request state construction engineering and construction funds of \$3,321,458

SCP-SL10 1.62 N131053; Sweetwater County; Rock Springs to Pinedale, I-80 North; RM 1.62 to 4.68; mill and overlay; request move from FY 2013 to 2010; request state construction engineering and construction funds of \$2,728,515

Rural Minor Arterial

SCP-SL10 292.00 N232065; Albany County; Rock River to Bosler, US 30, eastbound lane; RM 292.00 to 308.00; overlay; request move from FY 2030 to 2010; request state construction engineering and construction funds of \$3,430,868

Rural Major Collector

SCP-SL10 27.10 0107026; Albany County; Laramie to Cheyenne, Happy Jack Road; RM 27.10 to 37.80; overlay; request move from FY 2011 to 2010; request state construction engineering and construction funds of \$3,375,146

SCP-SL10 16.80 0401033; Carbon County; Baggs to Encampment, WYO 70, Savery East; RM 16.80 to 26.60; request move from FY 2014 to 2010; request state construction engineering and construction funds of \$3,573,048

SCP-SL10 116.50 1912012; Sweetwater County; Fontenelle to Farson; RM 116.50 to 23.89; resurface; request move from FY 2015 to 2010; request state construction engineering and construction funds of \$2,090,137

SBWY 28.72 WY09001; Albany County; Snowy Range Scenic Byway, WYO 130; RM 28.72 to 56.30; project implementation includes visitor information center, paving, signs, parking, landscaping, beetle kill and miscellaneous work; FY 2010; request federal construction funds of \$3,530,515

COMMISSION DISTRICT 3

Rural Minor Arterial

SCP-SL10 76.74 P113027; Lincoln County; Kemmerer to Big Piney, LaBarge Section; RM 76.74 to 85.77; mill, overlay, chip seal and ADA upgrades in LaBarge; request move from FY 2013 to 2010; request state construction engineering and construction funds of \$3,493,274

COMMISSION DISTRICT 4

Rural Principal Arterial

SCP-SL10 71.02 N372037; Sheridan County; US 14, Burgess Junction to Dayton; RM 71.02 to 77.32; rotomill and overlay; request move from FY 2011 to 2010; request state construction engineering and construction funds of \$2,881,333

NH 77.32 N372039; Sheridan County; Burgess Junction to Dayton; RM 77.32 to 83.54; micro-surfacing; FY 2010; request federal construction engineering and construction funds of \$2,284,891

HSIP-SEP 71.10 N372038; Sheridan County; Dayton to Steamboat Rock; reference markers 71.10 to 81.83; replace guardrail; request move from fiscal year 2011 to fiscal year 2010; request federal construction engineering and construction funds of \$1,125,000

Rural Major Collector

SCP-SL10 2.20 1004008; Johnson County; US 16, Buffalo to Ucross; RM 2.20 to 7.40; overlay; request move from FY 2011 to 2010; request state construction engineering and construction funds of \$2,728,440

SCP-SL10 0.00 1709011; Sheridan County; Parkman to Dayton; RM 0.00 to 5.24; overlay and miscellaneous work; request move from FY 2016 to 2010; request state construction engineering and construction funds of \$971,436

Urban Principal Arterial

STP-PO 113.86 P433043; Campbell County; Gillette, WYO 59; RM 113.86 to 118.35; overlay; request move from FY 2012 to 2010; request federal funds of \$2,378,293

COMMISSION DISTRICT 5

Rural Principal Arterial

SCP-SL10 136.00 N343040; Hot Springs County; Thermopolis to Worland; RM 136.00 to 142.00; replace fence; request move from FY 2017 to 2010; request state construction engineering and construction funds of \$302,243

Rural Minor Arterial

SCP-SL10 109.10 1502012; Park County; Cody to Montana State Line; RM 109.10 to 115.00; level, overlay and chip seal; request move from FY 2012 to 2010; request state construction engineering and construction funds of \$3,047,798

Rural Major Collector

SCP-SL10 0.00 0902117; Hot Springs County; Lucerne East, Black Mountain Road; RM 0.00 to 11.26; level, overlay and chip seal; request move from FY 2017 to 2010; request state construction engineering and construction funds of \$3,746,628

COMMISSION DISTRICT 6

Rural Interstate

IM 168.50 I904134; Crook County; Moorcroft to Sundance; RM 168.50 to 177.00; overlay; FY 2010; request federal construction engineering and construction funds of \$1,654,117

Rural Principal Arterial

SCP-SL10 139.00 N854069; Niobrara County; Torrington to Lusk, Lusk South; RM 139.00 to 149.00; overlay; request move from FY 2012 to 2010; request state construction engineering and construction funds of \$4,003,768

Rural Major Collector

SCP-SL10 150.57 0607034; Crook County; Moorcroft to Carlile, Hayworth Draw Section; RM 160.57 to 167.26; overlay; request move from FY 2016 to 2010; request state construction engineering and construction funds of \$1,787,022

Rural Local

SCP 8.04 0608002; Crook County; I-90 Service Road, Sundance to Aladdin; RM 8.04 to 18.37; overlay; FY 2010; request state construction engineering and construction funds of \$2,970,000

BROS 0.00 CN18056; Crook County; Bridge Over Hay Creek, Structure DXU; FY 2010; request federal preliminary engineering funds of \$10,000

BROS 0.00 CN18057; Crook County; Bridge Over Arch Creek, Structure DXC; FY 2010; request federal preliminary engineering funds of \$10,000

BROS 0.00 CN18058; Crook County; Bridge Over Belle Fourche; Structure DXQ; FY 2010; request federal preliminary engineering funds of \$10,000

COMMISSION DISTRICT M (Miscellaneous)

Rural Minor Arterial

HP 26.2 HPP0416; Park County; US 212, Beartooth Highway, TIGER Grant Project; RM 26.2; bridge replacement and associated bridge work; FY 2010: TIGER Grant, ARRA funds; FY 2010; request federal construction engineering and construction funds of \$6,000,000

CMP-PM 0.00 B115012; Big Horn, Park, Washakie, Fremont and Hot Springs counties; District 5, various locations, WY436, WY36 and WY 294; various reference markers; crack seal; FY 2011 construction; request state preliminary engineering funds of \$5,000

7. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormick, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN FOR ACCESS FACILITY

WHEREAS, pursuant to W.S. 1-26-510, 1-26-801, 24-2-102 and 24-6-106, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project I025-03(085), Douglas to Glenrock Road, in Converse County, that the property shown on the right-of-way plans for this project be acquired for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Lots 8, 9, 10, 6, 5 of Section 2; Lot 8 of Section 1, all of T32N, R72W, and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34 and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36, all of T33N, R72W, of the 6th P.M., Converse County, Wyoming, and constitute approximately 3.78 acres of property for right-of-way and approximately 5.76 acres of property for temporary construction easements.

NOW, THEREFORE BE IT RESOLVED, that the property sought to be acquired is necessary for the proposed project and in the event successful negotiations cannot be effectuated with any of the owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary right-of-way and/or temporary construction easements.

8. It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN FOR ACCESS FACILITY

WHEREAS, pursuant to W.S. 1-26-510, 1-26-801, 24-2-102 and 24-6-106, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project I253109, Douglas to Glenrock Road, in Converse County, that the property shown on the right-of-way plans for this project be acquired for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Lot 5 of Section 5; Lots 5 and 8 of Section 4; Lots 5 and 6 of Section 2; Lot 8 of Section 1, T32N, R72W, and S½SW¼ of Section 36, of T33N, R72W, all of the 6th P.M., Converse County, Wyoming, and constitute approximately 4,283 square feet of property for right-of-way and approximately 11.07 acres of property for temporary construction easements.

NOW, THEREFORE BE IT RESOLVED, that the property sought to be acquired is necessary for the proposed project and in the event successful negotiations cannot be effectuated with any of the owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary right-of-way and/or temporary construction easements.

9. Snake River Bridge Replacement at Hoback Junction: Pursuant to Commissioner Dziardziel's request at an earlier meeting, Mr. Fredrick provided the Commission with photographs of the new Snake River Bridge replacement at Hoback Junction. HNTB Consulting Engineers, of Kansas City, Missouri, designed the structure.

10. Mr. Collins expressed his "deep and abiding respect" for the Commission's work and for their perspective during his tenure as assistant chief engineer. The Commission offered their appreciation for Mr. Collins' extraordinary work over the years and indicated that he will be sorely missed in his retirement.

11. Lieutenant Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through April 30, 2010, includes 22 fatal crashes involving 28 deaths. The fatalities include 10 involving rollover crashes, 14 involving multi-car crashes, 9 involving commercial vehicles, and 4 involving fixed objects.

There have been 9 crashes to date deemed alcohol related, resulting in 10 deaths. Of those deaths, 8 were attributed to not using restraints.

Of the 28 deaths that have occurred to date in 2010, 19 can be attributed to the non-use of occupant restraints, with 8 involving rollover crashes, 8 involving multi-car collisions, and 3 involving fixed objects. Of the 19 deaths that occurred from non-use of occupant restraints, 11 were Wyoming residents and 8 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through March 31, 2010. The summary depicts 1,345 crashes statewide, of which 1,132 involved non-commercial vehicles and 213 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of April 30, 2010, have been DUI related. Field arrests total 548 to date, including the following:

- DUI arrests from crashes – 37
- DUI arrests from traffic stops – 207
- DUI arrests from the REDDI Program – 42
- DUI arrests from ports-of-entry – 1
- NCIC hits (person) – 16
- Wyoming warrants hits – 66
- Drug arrests – 94
- Other arrests – 85

Lieutenant Colonel Oyler indicated that Patrol currently has five vacant trooper positions. Forty-one applicants have been through the necessary training and will be screened to fill the five job openings.

12. Mr. Byrne presented the Aeronautics report, including the April Aeronautics Aircraft Passenger Summary Report.

13. Mr. Loftin presented the Support Services report.

New Driver's License Design: Mr. Loftin provided the Commission with various renderings of the new Wyoming driver's license design. The Department has contracted with a new vendor to produce the new license. The federally-mandated Real ID Act requires some modification of the current Wyoming driver's license by May 31, 2011. The modified license will implement the new REAL ID national standards for state-issued driver's licenses and non-driver identification cards.

14. Mr. Tim Hibbard presented the Operations report.

Mr. Hibbard explained that the low bidder for bid number 10-179 was non-responsive, as it did not reflect the potential increase in cost due to the possibility of loose and fractured rock, as opposed to simple dirt, as originally described in the contract and modified by addendum. Letters from Mr. Eric Inberg, of ERI Engineering, were provided to the Commission that explained the premise of their bid. The second low bid for this project was also irregular, as it did not provide the required surety bond.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-179 to furnish and install one each, evaporation pond liner at the South Pass Maintenance Camp. The contract was awarded to the third low bidder, Michael J. Lindstadt dba Lindstadt Construction, of Pavillion, Wyoming, for the sum of \$179,499.40.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-180 to drill a water well at Patrick Draw Maintenance Camp. The contract was awarded to Atnip Well & Pump Service, of Lander, Wyoming, for the sum of \$56,503.

It was recommended by Mr. Hibbard, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-182 to furnish 18 each Motorola canopy wireless products for use by the Telecommunications Program. The contract was awarded to Versatel Communications, of Casper, Wyoming, for the sum of \$60,436.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for bid number 10-184 to furnish two each, modular homes at Baggs, Wyoming, for use by WYDOT personnel. The bid was awarded to All-American Homes of Colorado, for the sum of \$191,294.

15. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to authorize Gregg C. Fredrick, Assistant Chief Engineer of Engineering and Planning, as a Department signatory, effective May 13, 2010.

16. It was recommended by Secretary Scott, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to authorize Lieutenant Colonel Jess Oyler as a Department signatory in conjunction with his duties as interim Highway Patrol Administrator, effective April 8, 2010.

17. It was recommended by Secretary Scott, moved by Vice Chairman Covello, seconded by Commissioner Dziardziel, and carried to remove B. Patrick Collins, Assistant Chief Engineer for Engineering and Planning, as a Department signatory, effective June 2, 2010.

18. It was moved by Commissioner Dziardziel, seconded by Vice Chairman Covello, and carried to adjourn the meeting. Chairman Monk adjourned the meeting at 2:30 p.m., Thursday, May 13, 2010.