

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Wind River Range Room at The Hampton Inn in Pinedale, Wyoming, on September 16, 2010. The meeting was convened at 8:30 a.m. by Chairman Monk. The following members were present constituting a quorum:

Charlie Monk, Chairman, Lovell
Cactus Covello, Jr., Vice Chairman, Torrington
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; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Tim Hibbard, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Jess Oyler, Highway Patrol Administrator; Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present were: Steve Schinners, Vice President of Sales and Marketing, and Cody Irons, Sales Representative, Mark Rite Lines (MRL) Equipment Co., Inc., from Billings, Montana; Tom Schuur, Regional Sales Manager, Vogel Traffic Services, Inc., dba EZ-Liner Industries, from Omaha, Nebraska; Melanie Hout, Secretary/Treasurer, and Jackie Cheatham, of Hout Fencing Co., from Worland, Wyoming; John Eddins, WYDOT District Engineer, from Rock Springs; Rich Douglass, Local Government Coordinator, from Cheyenne; and Mike King, Budget Analyst, from Cheyenne.

Mr. Dennis Byrne, Aeronautics Administrator, was absent.

1. Secretary Scott advised the Commission of two late-scheduled delegations who were at the meeting. Messrs. Schinners and Irons, of MRL Equipment, were scheduled to address the Commission under the Operations report. Mrs. Hout, of Hout Fencing, was scheduled to address the Commission under the Engineering and Planning report.

2. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Vice Chairman Covello, and carried to approve the minutes from the August 19, 2010, regular business meeting, executive session, and one-on-one meeting with Mr. Loftin.

3. Secretary Scott presented an August 16, 2010, letter from Mrs. Lolly B. Martin regarding project 0N25-05(040), Parcel Nos. 2 and 2A. Mrs. Martin voiced concerns about the manner in which the Department of Transportation evaluated her property that would be used for highway access. Mr. Fredrick will provide additional information about the valuation later in the meeting (see Item 20).

4. Secretary Scott also presented an August 20, 2010, letter from The Wrench Ranch in Sheridan, Wyoming. Ms. Neltje (formerly Neltje Kings) expressed concerns about proposals for the I-90 interchange north of Sheridan and offered alternate design suggestions. Mr. Fredrick will provide additional information about the project later in the meeting (see Item 22).

5. A letter from the Wyoming Veterans Commission, Wyoming Military Department, was also presented to the Commission. The Veterans Commission requested permission to reproduce the official Wyoming highway map for display purposes at the Wyoming Veterans Memorial Museum in Casper, the Army Aviation Support Facility in Cheyenne, and the Wyoming National Guard Joint Forces Headquarters in Cheyenne. Mr. McGee will provide additional information about the request later in the meeting (see Item 10).

6. Secretary Scott presented a letter from Mr. Jim Spielman, President of MRL Equipment Co., Inc., of Billings, Montana. Mr. Spielman provided information in support of their bid on Equipment Bid No. 10-280MD for two truck-mounted highway stripers. Additional testimony will be provided by MRL Equipment representatives later in the meeting (see Item 15).

7. Another piece of correspondence was presented by Secretary Scott. Mr. Joe Stephenson, President of Knife River from Cheyenne, provided a letter to the Commission in support of their bid on Project NH-N271036 from the September 9, 2010, bid letting. Additional testimony will be provided during the Engineering and Planning report (see Item 11).

8. Director Cox presented the Director's report.

Additional Federal Stimulus Package: President Barak Obama recently proposed a second stimulus package that would have injected another \$50 billion into the nation's infrastructure system, but it appears that Congress will not support the initiative.

Governor's Transition Briefing Document: Governor Freudenthal has requested that agencies prepare transition papers for the governor-elect. Director Cox advised that WYDOT executive staff is preparing a document to relay Department-related issues and also asked the commissioners to provide their input. The final document will be sent to the Governor's office by October 15, 2010.

9. Mr. Kevin Hibbard presented the Budget report.

Fiscal Year (FY) 2011 Operating Budget: Mr. Hibbard presented details of the FY 2011 Operating Budget at an open meeting held at The Hampton Inn in Pinedale on Wednesday, September 15, 2010, at 2:00 p.m.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner Latta, and carried to approve the FY 2011 Operating Budget.

Supplemental Budget Request: Mr. Hibbard advised that a supplemental budget request will be presented to Governor Freudenthal for consideration on November 9, 2010. The Department will request about \$22.5 million for emergency landslide, bridge, and roadway repairs.

Monthly Budget Report: Mr. Hibbard presented the monthly budget report.

American Reinvestment and Recovery Act (ARRA) Report: An ARRA audit was recently done by the Federal Highway Administration auditors. WYDOT Internal Review, Budget, Construction, and Financial Services staff spent many hours working with the auditors to gather the necessary information. The Department received good marks in the audit findings, with two areas being awarded the notoriety of “best practices”: indirect cost allocations and payroll rates. The Department also received accolades for its reconciliation of federal funds. According to the audit results, ARRA projects and funding are being used well.

10. Mr. McGee presented the Wyoming Veterans Commission request to reproduce the official Wyoming highway map and provided some history behind past Commission approvals or disapprovals of such requests.

It was recommended by Mr. McGee, moved by Vice Chairman Covello, seconded by Commissioner Hladky, and carried to approve the request from the Wyoming Veterans Commission, Wyoming Military Department, to reproduce the official Wyoming highway map for display purposes at the Wyoming Veterans Memorial Museum in Casper and the Army Aviation Support Facility and the Wyoming National Guard Joint Forces Headquarters in Cheyenne. The expense of enlarging the map will be borne by the Wyoming Veterans Commission.

11. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the September 9, 2010, letting held in Sheridan.

**COMMISSION DISTRICT 1
Cactus Covello – Vice Chairman**

Federal project NH-N271036, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, removal and replacement of guardrail and barrier, fencing, and miscellaneous work on 6.70 miles of US 26, beginning at reference marker (RM) 8.00, between Dwyer Junction and Guernsey, in Platte County. Completion date – October 31, 2011

Engineer’s Estimate	\$4,301,673.90	
Hout Fencing of Wyoming, Inc., Worland, WY	\$4,226,020.00	
Knife River, Cheyenne, WY	\$4,333,317.31	+0.7%
McGarvin-Moberly Construction Company, Worland, WY	\$4,602,492.89	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$4,625,805.46	
McMurry Ready-Mix, Co., Casper, WY	\$4,662,216.98	

Mr. Fredrick presented information about the federal Disadvantaged Business Enterprise (DBE) Program requirements. Contractors are required to document their DBE effort when bidding on federal projects through the Department's electronic bidding system. However, contractors may include additional documentation with their bid envelope. The bidding software includes a check box titled, "Do Not Intend to Subcontract Work." This box must be checked when the contractor intends to perform 100 percent of the work using their own workforces. If the contractor is not going to perform 100 percent of the work, they must solicit and document DBE participation in order to demonstrate a good faith effort. Hout Fencing did not check the box indicating that they would not be performing all of the work themselves, and they did not demonstrate good faith effort by soliciting DBE participation and documenting this as required by the specifications.

Mrs. Hout presented a handout that listed the bid items for the project. The handout also depicted which bid items Hout Fencing would perform themselves versus those they intend to subcontract. Contractor testing and milling plant mix were the two bid items that were planned as subcontract items. Two out-of-state DBE subcontractors had been contacted and advised that they did not perform the type of work that was requested. Therefore, Hout did not get subcontractor quotes for this particular job, and the check box was not checked on the bid form. Mrs. Hout believed that they had met the required DBE good faith effort.

Commissioner Latta asked Mrs. Hout if they've ever missed checking the check box in the past. Mrs. Hout agreed that this had been an issue on one other occasion. Mrs. Hout was also asked if she had called to ask for clarification as to the DBE requirements, and she indicated that she had not.

Mr. Fredrick noted that Wyoming works very hard to meet or exceed its annual statewide DBE goal. Of the 29 contractors bidding on federal-aid projects in this month's letting, 28 of them demonstrated good faith effort either by checking the box or by soliciting DBE subcontractor quotes.

Mr. Dailey advised that documenting DBE contacts and bids is critical, and he stated that it was clear to him that the appropriate process wasn't followed. He also noted that not satisfying the DBE requirements on a project could put Wyoming's good rating for the DBE program at risk.

Mr. Fredrick advised that the second low bidder, Knife River of Cheyenne, Wyoming, made the necessary DBE good faith effort, and in fact committed to a DBE effort of 5.79 percent. It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Latta, and carried that **Knife River, 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 Federal Highway Administration concurred with this decision.

Federal project BROS-0C07080, involving structure replacement and miscellaneous work on the bridge over Horse Creek (County Rd 42C), just south of Torrington, in Goshen County. Completion date – August 31, 2011

Engineer's Estimate	\$308,445.00
Reiman Corp., Cheyenne, WY	\$346,754.50 +12.4%
S & S Builders, LLC, Gillette, WY	\$369,833.11
Simon Contractors and Subsidiaries, Cheyenne, WY	\$418,445.32
Heavy Constructors, Inc., Rapid City, SD	\$456,963.00

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Vice Chairman 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.

COMMISSION DISTRICTS 1 and 2
Cactus Covello – Vice Chairman
Sandi McCormick – Commissioner

State project PEG1011, involving crushing and stockpiling of crushed surfacing material and salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 1, in Albany, Carbon, Laramie and Sweetwater counties. Completion date – February 28, 2011

Engineer's Estimate	\$1,147,074.00
Knife River, Cheyenne, WY	\$ 925,520.40 -19.3%
McMurry Ready-Mix, Co., Casper, WY	\$1,032,264.20
Kilroy, LLC, Afton, WY	\$1,077,916.00

It was recommended by Mr. Fredrick, moved by Vice Chairman Covello, seconded by Commissioner Latta, and carried that **Knife River, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 2
Sandi McCormick – Commissioner

Federal project IM-I805161, involving grading, draining, placing pit run subbase, crushed base and bituminous pavement surfacing, bridge rehabilitation, and miscellaneous work on 8.81 miles of eastbound Interstate 80, beginning at reference marker 282.65, west of Laramie, in Albany County. Completion date – October 31, 2011

Engineer's Estimate	\$6,786,581.00
Knife River, Cheyenne, WY	\$5,498,804.90 -19.0%
Simon Contractors, Cheyenne, WY	\$6,366,609.02
McMurry Ready-Mix, Co., Casper, WY	\$7,101,958.34

It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Latta, and carried that **Knife River, 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 STIM-1903022, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, signing, removal and replacement of guardrail and fencing, and miscellaneous work on 10.12 miles of WYO 430, beginning at RM 5.95, between Rock Springs and Hiawatha, at the Salt Wells Creek Section, in Sweetwater County. Completion date – October 31, 2011

Engineer's Estimate	\$5,339,008.60	
Lewis & Lewis, Inc., Rock Springs, WY	\$5,217,608.50	-2.3%
LeGrand Johnson Construction Co., Logan, UT	\$5,369,302.65	
Oftedal Construction, Inc., Miles City, MT	\$5,937,580.04	
W. W. Clyde & Co., Springville, UT	\$5,978,500.00	
Kilroy, LLC, Afton, WY	\$6,072,120.50	
McGarvin-Moberly Construction Company, Worland, WY	\$6,137,817.91	
McMurry Ready-Mix Co., Casper, WY	\$6,238,033.40	
Connell Resources, Inc., Fort Collins, CO	\$6,645,333.00	
Precision Excavating, Inc., Hayden, CO	\$6,680,145.72	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried that **Lewis & Lewis, Inc., 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 Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 3
Jim Latta – Commissioner

State project PEG1031 involving crushing and stockpiling of crushed surfacing material and salt mixing of designated stockpiles and miscellaneous work at various locations in Transportation District 3 in Lincoln, Sublette and Teton Counties. Completion Date – March 31, 2011

Engineer's Estimate	\$1,122,565.50	
Evans Construction Company, Jackson, WY	\$1,072,275.50	-4.5%
Kilroy, LLC, Afton, WY	\$1,236,810.00	
Mountain Construction Company, Lovell, WY	\$1,356,722.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dziardziel, seconded by Commissioner Hladky, and carried that **Evans Construction Company, Jackson, Wyoming**,

having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 4
Jim Hladky – Commissioner

Federal project IM-I255107, involving milling, grading, draining, placing crushed base and bituminous pavement leveling and surfacing, and miscellaneous work on 7.88 miles of Interstate 25, beginning at RM 264.25, north of Kaycee, in Johnson County. Completion date – October 31, 2011

Engineer's Estimate	\$12,460,787.30	
Riverside Contracting, Inc., Missoula, MT	\$11,137,990.40	-10.6%
Northern Improvement Company, Fargo, ND	\$11,326,599.30	
Knife River, Cheyenne, WY	\$11,594,264.45	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$11,654,663.10	
McGarvin-Moberly Construction Company, Worland, WY	\$12,231,339.32	
Mountain Construction Company, Lovell, WY	\$12,274,510.24	
McMurry Ready-Mix, Co., Casper, WY	\$12,377,964.27	
Intermountain Construction and Materials, Inc., Gillette, WY	\$12,715,129.60	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Vice Chairman Covello, and carried that **Riverside Contracting, Inc., Missoula, Montana**, 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 DISTRICTS 4 and 6
Jim Hladky – Commissioner
Ted Ertman – Commissioner

State project PEG1041, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 4, in Campbell, Crook, Johnson and Sheridan counties. Completion date – December 31, 2010

Engineer's Estimate	\$417,553.00	
Evans Construction Company, Jackson, WY	\$406,734.80	-2.6%
Frost Rock Products Company, Lovell, WY	\$544,699.96	
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$525,240.00	
Plus 5 % for Comparison	\$551,502.00	
Mountain Construction Company, Lovell, WY	\$864,530.00	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried that **Evans Construction Company, Jackson, Wyoming**, having prequalified

in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 6
Ted Ertman – Commissioner

State project SSP-TO-N402022, involving the installation of electronic open and closed signs, and miscellaneous work at the Lusk Port of Entry and North of Lusk on US 18/85, in Niobrara County. Completion date – June 30, 2011

Engineer’s Estimate	\$102,165.00	
H & H Electric, LLC, Douglas, WY	\$ 89,757.10	-12.1%
Modern Electric Co., Casper, WY	\$ 92,303.00	
W.L. Contractors, Inc., Arvada, CO	\$ 91,166.00	
Plus 5% for Comparison	\$ 95,724.30	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried that **H & H Electric, LLC, Douglas, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

12. Mr. Fredrick presented the following bid tabulations from an informal letting that was held September 14, 2010, in Cheyenne.

COMMISSION DISTRICT 2
Sandi McCormick – Commissioner

Federal project I803141, involving rehabilitation of the existing sites and buildings, site lighting, utilities and related items of work. The project will provide remodeling and repairs of the existing sites and buildings, including architectural, mechanical, electrical and plumbing, concrete work and miscellaneous site repairs, utilities, including tower lighting, minor landscaping, and other related items of work, on the eastbound and westbound Bitter Creek Rest Areas, in Sweetwater County. Completion date – June 7, 2011

Architect’s Estimate	\$1,704,961.00	
A. Pleasant Construction, Inc., Green River, WY	\$1,720,000.00	+0.9%
L.M. Olson, Rawlins, WY	\$1,737,000.00	
J. Wright Companies, Inc., Evanston, WY	\$2,050,000.00	
Spiegelberg Lumber and Building Company, Laramie, WY	\$2,087,064.00	

It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried that **A. Pleasant Construction, Inc., of Green River, 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.

Mrs. Hout and Ms. Cheatham left the meeting.

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

COMMISSION DISTRICT 7

Rural Principal Arterial

NH 104.13 N203067; Fremont County; Riverton to Shoshoni, Structures BTS and DBH; reference markers (RM) 104.13 and 102.93; channel work and erosion repair; FY 2011 construction; request federal preliminary engineering funds of \$16,350

NH 102.81 N303053; Fremont County; Riverton to Diversion Dam, Structure BYV; RM 102.81; channel work and erosion repair; FY 2011 construction; request federal preliminary engineering funds of \$1,500

Rural Major Collector

STP 16.32 0703017; Fremont County; Ethete to Kinnear, Structure LZX; RM 16.32; channel work and erosion repair; FY 2011 construction; request federal preliminary engineering funds of \$2,250

STP 0.63 0708027; Fremont County; Riverton to Sand Draw, Structure LBV; RM 0.63; FY 2011 construction; request federal preliminary engineering funds of \$1,500

IRP 0.00 CN13069; Converse County; Walker Creek Road, County Road 43; reconstruction; FY 2010; request state preliminary engineering funds of \$100,000, state construction engineering and construction funds of \$1,100,000, and IRP funds of \$600,000

Rural Minor Collector

STP 5.08 W138008; Fremont County; Hudson to Riverton, Structure JHO; RM 5.08; channel work and erosion repair; FY 2011 construction; request federal preliminary engineering funds of \$1,050

Urban Principal Arterial

NH 0.17 N151026; Fremont County; Lander to Fort Washakie, Structure DIY; RM 0.17; channel work and erosion repair; FY 2011 construction; request federal preliminary engineering funds of \$12,000

Urban Collector

BROS 2.20 CN10099; Fremont County; Mortimore Lane, County Road 20, Structure EOA; RM 2.20; new structure; FY 2011 construction; request federal preliminary engineering funds of \$190,000

HSIP 2.00 CN10100; Fremont County; Mortimore Lane, County Road 20, Structure DJL; RM 2.00; embankment repair; FY 2011 construction; request federal preliminary engineering funds of \$10,000

14. FY 2011 State Transportation Improvement Program (STIP): Mr. Fredrick presented the FY 2011 STIP and provided some details about how the STIP is developed and organized.

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve the FY 2011 STIP.

15. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Vice Chairman Covello, to approve purchase for bid number 10-280 to furnish two each, new, current model, truck-mounted highway stripers.

Mr. Hibbard explained that the truck-mounted stripers demand the most sophisticated specifications of any item that WYDOT bids through the Purchasing Program. The specifications clearly state that vendors must provide descriptive literature of the product they will provide with their bid. The apparent low bidder, Mark Rite Lines (MRL) Equipment Co., did not provide the required literature with its bid.

Mr. Shinnars advised that MRL Equipment made no exceptions to the bid requirements and that his company did not provide the descriptive literature because they assumed that the Department's specifications included everything that was included in their bid. Mr. Shinnars distributed copies of a layout drawing of the striping unit and the hydraulic schematic design. A drawing of the truck cab was also provided, as well as several handouts containing general company information. MRL met with WYDOT district staff before preparing its bid to obtain specific information about their specific needs. That meeting revealed that the specified unit lacked some of the district's preferred details.

Mr. Hibbard stated that he would not discount any of Mr. Shinnars' facts, but it is the Department's responsibility to determine whether or not a vendor's bid meets the written specifications so that all vendors are on the same playing field.

Vogel Traffic Services, Inc., dba EZ-Line Industries was the second low bidder for Bid No. 10-280MD. Mr. Tom Schuur, of EZ-Liner, distributed handouts depicting features that his company's product would provide. EZ-Liner provided a 112-page bid to meet WYDOT's specifications for the

stripers. Mr. Schuur also noted that his company operates a retail store in Casper where products and service can be obtained for the stripers.

Mr. Hibbard stressed the importance of maintaining the integrity and consistency of the bidding process. Chairman Monk called for the vote on Bid No. 10-280MD, and the bid was unanimously awarded to Vogel Traffic Services, Inc., dba EZ-Liner, of Orange City, Iowa, for the sum of \$437,050.

Messrs. Shinners, Irons, and Schuur left the meeting.

16. It was recommended by Mr. Hibbard, moved by Vice Chairman Covello, seconded by Commissioner McCormick, and carried to approve purchase for bid number 10-269 to furnish 32 each, new, current model, rear-wheel-drive Dodge Charger, four-door sedans with police packages. The bid was awarded to Greiner Motor Co., of Douglas, Wyoming, for the sum of \$713,568.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Vice Chairman Covello, and carried to approve purchase for bid number 10-270 to furnish eight each, new, current model, rear-wheel-drive Ford Crown Victoria, four-door sedans with police packages. The bid was awarded to Fremont Motor Co., of Lander, Wyoming, for the sum of \$175,285.12.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve purchase for bid number 10-271 to furnish 12 each, new, current model, rear-wheel-drive Chevrolet Caprice, four-door sedans with police packages. The bid was awarded to Fremont Chevrolet, of Lander, Wyoming, for the sum of \$317,605.80.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-272 to furnish 10 each, new, current model, front-wheel-drive Chevrolet Impala, four-door sedan patrol cars with police packages. The bid was awarded to Teton Motors, of Jackson, Wyoming, for the sum of \$203,903.10.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Commissioner Dziardziel, and carried to approve purchase for bid number 10-273 to furnish eight each, new, current model, two-wheel-drive Chevrolet Tahoe patrol vehicles with police packages. The bid was awarded to Fremont Chevrolet - GMC, of Lander, Wyoming, for the sum of \$212,529.60.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Dziardziel, and carried to approve purchase for bid number 10-277 to furnish two each, new, current model cranes with diggers and winches. The bid was awarded to Jack's Truck & Equipment, of Gillette, Wyoming, for the sum of \$250,550.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-278 to furnish two each, new, current

model cab and chassis for digger and derrick mounting. The bid was awarded to Jack's Truck & Equipment, of Gillette, Wyoming, for the sum of \$131,890.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-279 to furnish two each, new, current model Class 8 cab and chassis for striping trucks. The bid was awarded to Casper Manufacturing, Inc., dba CMI-TECO, of Casper, Wyoming, for the sum of \$219,929.44.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Dziardziel, and carried to approve purchase for bid number 10-281 to furnish one each, new, current model, four-yard front-end loaders for delivery in Jackson, Wyoming. The bid was awarded to Jack's Truck & Equipment, of Gillette, Wyoming, for the sum of \$242,461.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-282 to furnish one each, new, current model, all-wheel-drive, articulated motor graders for delivery in Dubois, Wyoming. The bid was awarded to Honnen Equipment of Wyoming, of Mills, Wyoming, for the sum of \$224,850.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-291 to furnish the replacement of siding on WYDOT Building No. 6145 in Casper. The contract was awarded to Platte River Builders, Inc., of Casper, Wyoming, for the sum of \$58,578.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-299 to furnish five each, new, current model, spray injection patching machines. The bid was awarded to Nor-Mont Equipment Co., of Black Eagle, Montana, for the sum of \$247,086.90.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for Requisition No. 0000018813 to furnish 125 each computer-aided drafting and design software licenses for use in the Project Development Program, Photogrammetry and Surveys Program, the Hydraulics Section, the Geology Program, Right-of-Way Program, Construction Staff/Snow Control Section, and Districts 1, 2, 3, 4, and 5. The bid was awarded to Bentley Enterprises, of Exton, Pennsylvania, for the sum of \$83,925.60.

17. FY 2011 Transportation Enhancement Activities - Local (TEAL) Projects: Mr. Douglass presented the FY 2011 TEAL projects for Commission consideration.

The TEAL Committee considered 25 grant requests totaling \$5,312,254 for FY 2011. The committee recommended 11 applications for full funding and two applications for partial funding, totaling \$2 million, to the Commission for consideration.

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner Dziardziel, and carried to approve the recommended FY 2011 TEAL projects and to permit reallocation of any funds that may be turned back this fiscal year to priority projects that were considered in the application process but could not be funded.

18. It was recommended by Mr. Fredrick, moved by Commissioner Dziardziel, seconded by Vice Chairman Covello, and carried to approve the following resolution for relinquishment:

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 state highways upon reconstruction or relocation of an existing state highway; and

WHEREAS, a portion of Wyoming Department of Transportation's right-of-way for State Highway 95, Converse County, Wyoming, established under Wyoming State Highway Project No. S-0504(2) is no longer needed for state highway use purposes.

Said portion being described as follows:

That portion of the existing right-of-way of State Highway No. 95 as described in the Warranty Deed recorded March 1, 1966 in Book 384 of Deeds, Page 119 of the Converse County Records, LYING WITHIN the Baptist Subdivision, as per plat recorded on April 5, 1983, in Plat Cabinet 2 on Slide 101, Filing No. 625210 of the Converse County Records, being situate in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T33N, R75W, of the 6th Principal Meridian, Converse County, Wyoming, and being more particularly described as follows:

Commencing at the Quarter-Section Corner common to Sections 5 and 8, being monumented with a $\frac{3}{4}$ -inch-diameter brass survey cap set by PLS 264 in 1977, and from which the Section Corner common to Sections 5, 6, 7 and 8, being monumented with a $\frac{3}{4}$ -diameter brass survey cap set by PLS 6010 in 2004, bears N 89° 45' 57" W 2680.10 feet;

thence S 57° 17' 23" E 597.34 feet to the northwest corner of said Baptist Subdivision, being monumented with a $\frac{5}{8}$ " diameter rebar set by PLS 264 and being the POINT OF THE BEGINNING;

thence S 89° 41' 30" E 38.88 feet along the north boundary of the said Baptist Subdivision to the existing southeasterly right-of-way boundary of said State Highway;

thence S 50° 15' 27" W 52.26 feet along the existing southeasterly right-of-way boundary of said State Highway;

thence N 39° 44' 40" W 24.95 feet along the existing southeasterly right-of-way boundary of said State Highway to a standard State Highway Department reference marker, said marker also being on the northeasterly boundary of said Baptist Subdivision;

thence N 50° 05' 30" E 22.50 feet along the northeasterly boundary of said Baptist Subdivision to the point of beginning.

The basis of bearing is N 89° 45' 57" W between the Quarter-Section Corner common to Sections 5 and 8 and the Section Corner common to Sections 5, 6, 7 and 8.

The above described parcel contains 0.02 acres, more or less.

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

19. It was recommended by Mr. Fredrick, moved by Commissioner Dziardziel, seconded by Vice Chairman Covello, and carried to approve the following resolution for abandonment:

RESOLUTION FOR ABANDONMENT

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

WHEREAS, two parcels of property adjacent to the Wyoming Department of Transportation's right-of-way for State Highway 95, Deer Creek Road, Converse County, Wyoming, purchased for Wyoming State Transportation Project No. S-504 (2), and are no longer needed for state highway or public use purposes. Said parcels being described as follows:

That portion of the existing right-of-way of Wyoming State Highway No. 95 situate in the NW¹/₄NE¹/₄ of Section 8, T33N, R75W, of the 6th Principal Meridian, Converse County, Wyoming, and being more particularly described as follows:

Commencing at the Quarter-Section Corner common to Sections 5 and 8, being monumented with a 3¹/₄-inch-diameter brass survey cap set by PLS 264 in the year 1977 and from which the Section Corner common to Sections 5, 6, 7 and 8, being monumented with a 3¹/₄-inch-diameter brass survey cap set by PLS 6010 in 2004, bears N 89° 45' 57" W 2680.10 feet;

thence S 60° 19' 40" E 448.32 feet to a point on the existing northwesterly right-of-way boundary of said state highway, being monumented with a standard State Transportation Department reference marker and being the POINT OF BEGINNING;

thence N 41° 08' 08" W 25.06 feet along the existing northwesterly right-of-way boundary of said state highway;

thence N 50° 16' 04" E 311.24 feet along the northwesterly right-of-way boundary of said State Highway;

thence S 89° 53' 53" E 39.07 feet along the existing northwesterly right-of-way boundary of said state highway to a standard State Transportation Department reference marker;

thence S 50° 15' 48 " W 340.63 feet to the point of beginning.

The basis of bearing is N 89° 45' 57" W between the Quarter Section Corner common to Section 5 and 8 and the Section Corner common to Sections 5, 6, 7 and 8.

The above described parcel contains 0.19 acres, more or less.

AND, that portion of the existing right-of-way of Wyoming State Highway No. 95 as described in the Warranty Deed recorded on March 1, 1966, in Book 384 of Deeds, Page 119 of the Converse County Records, lying within the Tynwald Addition to the Town of Glenrock, as per plat recorded on January 24, 1984, in Plat Cabinet 2 on Slide 107, Filing No. 638991 of the Converse County Records, being situate in the NW¼NE¼ of Section 8, T33N, R75W, of the 6th Principal Meridian, Converse County, Wyoming, and being more particularly described as follows:

Commencing at the Quarter-Section Corner common to Sections 5 and 8, being monumented with a 3¼-inch-diameter brass survey cap set by PLS 264 in the year 1977, and from which the Section Corner common to Sections 5, 6, 7 and 8, being monumented with a 3¼-inch-diameter brass survey cap set by PLS 6010 in the year 2004, bears N 89° 45' 57" W 2680.10 feet;

thence S 57° 17' 23" E 597.34 feet to the southwest corner of said Tynwald Addition, being monumented with a 5/8-inch-diameter rebar set by PLS 264, being the POINT OF BEGINNING:

thence S 89° 41' 30" E 38.88 feet along the south boundary of said Tynwald Addition to the existing southeasterly right-of-way boundary of said state highway;

thence N 50° 15' 27" E 466.19 feet along the southeasterly right-of-way boundary of said state highway to the north boundary of said Tynwald Addition;

thence N 89° 41' 37" W 38.56 feet along the north boundary of said Tynwald Addition to the northwest corner thereof, being monumented with a 5/8-inch-diameter rebar set by PLS 264;

thence S 50° 16' 59" W 466.44 feet along the northwesterly boundary of said Tynwald Addition to the point of beginning.

The basis of bearing is N 89° 45' 57" W between the Quarter-Section Corner common to Sections 5 and 8 and the Section Corner common to Sections 5, 6, 7 and 8.

The above described parcel contains 0.27 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Commission of Wyoming hereby abandons the above-described land to the adjacent landowners as provided for under provisions and authority of W.S. 24-3-126.

20. Correspondence from Bob and Lolly Martin, Project 0N25-05(040): Mr. Fredrick summarized the letter that was received from the Martins regarding their property that was purchased by the Department for the purpose of rerouting U.S. Highway 16 east of Newcastle. The road is being moved because of a recurring landslide. Mrs. Martin expressed two specific issues with respect to this project. The first involved the public meeting and the information and documentation presented that implied the fatalities on this road were the basis of, and was the overriding reason for the project. Mr. Fredrick noted that within the published documents there were references to the fatalities, but it was stated that these were not within the project limits and not the basis for the project. Instead, the ongoing movement of the Flying V slide and the need to stabilize the roadway was the reason for the project. Her second concern was in reference to one specific sale that was used in the appraisal of her property. Mrs. Martin claims that "glaring misinformation" was considered in the valuation of her property. Mr. Fredrick explained that the Martins' property was fairly and appropriately valued and noted that a WYDOT Right-of-Way representative did contact Mrs. Martin to discuss her concerns. The meeting revealed that Mrs. Martin was satisfied with the property settlement and that the Department's process was acceptable. Commissioner Ertman noted that he had visited with Mrs. Martin as well, and he felt that she understood the need for the project and she also indicated to him that she received a fair price for her property. A response letter was sent to Mrs. Martin by Mr. John Sherman, WYDOT Right-of-Way Administrator, to close the matter.

Mr. Engels stated that his experience with meeting in person with landowners is an invaluable tool in resolving right-of-way matters. Landowners appreciate meeting face-to-face with negotiators and the odds of reaching an amicable resolution before going to court are much better when an effort is made to meet one-on-one with a landowner.

21. Eminent Domain Statistics: Mr. Fredrick provided some statistics on those projects that the Commission has approved a resolution for the exercise of eminent domain in the last two fiscal years. Of the 476 parcels on 19 highway projects, complaints were filed on 14 parcels, and 4 parcels were involved in formal condemnation hearings. Two of the hearings have been resolved so far.

22. Sheridan North, I-90 Interchange, Correspondence from The Wrench Ranch: Mr. Fredrick addressed the letter that was received from The Wrench Ranch, which borders a proposed construction project at the North Sheridan I-90 interchange. Mr. Fredrick provided some background as to the status of the project and noted that at the last public meeting, the five alternate interchange

locations had been reduced to three based on the purpose and need of the project. The three options are being considered in the ongoing environmental process. In her letter, "Neltje" (formerly Neltje Kings), the owner of The Wrench Ranch, expressed her concerns and preferences regarding the placement of the interchange.

Neltje also offered land to place the interchange at her preferred locations. Director Cox replied to Neltje's letter, explaining that the project is still in the development stage and that her comments would be considered in the ongoing public involvement process. When the final design alternative has been selected and right-of-way needs are known, the Department will assess the valuation of the required right-of-way based on established rules and regulations. At that time the Transportation Commission will be happy to meet with Neltje to discuss the details of the final design and her generous offer to contribute to the project if the final project design involves her land.

23. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2010, includes 83 fatal crashes involving 94 deaths. The fatalities include 34 involving rollover crashes, 25 involving multi-car crashes, 14 involving commercial vehicles, 25 involving motorcycles and all-terrain vehicles, 3 involving pedestrians, and 7 involving fixed objects.

There have been 35 crashes to date deemed alcohol related, resulting in 39 deaths. Of those deaths, 22 were attributed to not using restraints.

Of the 94 deaths that have occurred to date in 2010, 47 can be attributed to the non-use of occupant restraints, with 29 involving rollover crashes, 12 involving multi-car collisions, and 6 involving fixed objects. Of the 47 deaths that occurred from non-use of occupant restraints, 38 were Wyoming residents and 9 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through July 31, 2010. The summary depicts 3,215 crashes statewide, of which 2,684 involved non-commercial vehicles and 406 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of August 31, 2010, have been DUI related. Field arrests total 1,223 to date, including the following:

- DUI arrests from crashes – 76
- DUI arrests from traffic stops – 485
- DUI arrests from the REDDI Program – 147
- DUI arrests from ports-of-entry – 2
- NCIC hits (person) – 33
- Wyoming warrants hits – 135
- Drug arrests – 166
- Other arrests – 179

24. Mr. Byrne was absent, but copies of the August 2010 Aeronautics Flight Operations Passenger Summary and the Wyoming Aircraft Accident reports were distributed at the meeting.

25. Mr. Loftin presented the Support Services report.

New Driver License Update: About two-thirds of all WYDOT driver license locations have made the transition to issuing the new driver license, and the remaining locations are expected to be operational by September 20, 2010. Mr. Loftin indicated that a few glitches have occurred in the process, but none of them have been unsurmountable. WYDOT's Information Technology Program is working with the software consultant to set up the necessary document scanning system. The new driver license system meets the national requirements of the REAL ID Act of 2005.

Embossed License Plate Update: Mr. Loftin indicated that only 138 embossed license plates have been purchased statewide.

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

U.S. Highway 77: Mr. McOmie reported that Highway 77 south of Casper is in poor condition. The road would require millions of dollars to bring it up to standard, and funding is not available. District staff suggested grinding the plant mix pavement surface and converting it to a gravel roadway. The road is the former Casper outer belt, which has a low traffic count and steep shoulders and would cost millions of dollars to bring back up to standard.

Commissioner Ertman asked if WYDOT has considered converting the roadway to gravel and offering it to the county to maintain. Mr. McOmie advised that the Department has done this in the past when it has offered better manageability for all of the involved parties, but this idea had not yet been considered for Highway 77. The Commission suggested gathering comments from the public in the area to gain their perspective about what should be done with the road.

27. It was moved by Commissioner Latta, seconded by Vice Chairman Covello, and carried to adjourn the meeting. Chairman Monk adjourned the meeting at 11:37 a.m., on Thursday, September 16, 2010.