

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on August 18, 2011. The meeting was convened at 8:40 a.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington
Jim Latta, Vice Chairman, Pinedale
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
Clair Anderson, Commissioner, Riverton
K. John Dooley, Commissioner, Laramie
Bruce McCormack, Commissioner, Cody
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; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Major Shannon Ratliff, Highway Patrol Field Operations Commander; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Dave Kingham, Assistant Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Alice Platt of Encampment; Randy Griesbach, District Traffic Engineer, from Laramie; Mike Ginther, Traffic Technician, from Laramie; Joel Meena, State Traffic Engineer; John Sherman, Lands Management Administrator; and Jeff Mellor, District Traffic Engineer, from Basin (via telephone).

1. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to approve the minutes from the July 14, 2011, regular business meeting and executive session and the July 21, 2011, teleconference meeting.

2. Correspondence: Secretary Scott presented a letter that was received from Mr. Jerald L. Hallett of Cheyenne concerning Laramie County Road 237 north of Cheyenne. Mr. Hallett voiced his concern about the increased road usage by oil companies carrying very large amounts of water from a well to fill semi-truck water tankers. The trucks have deteriorated the roadway over a very short period of time. Mr. Hallett expressed his desire to stop the truck traffic from destroying the roadway and specifically asked county officials to repair the road. Additionally, he requested that, if the truck traffic cannot be stopped, the county should properly reconstruct County Road 237 to handle the substantial increase in truck traffic.

3. Mr. Hibbard presented the Budget report, beginning with the monthly budget report.

FY 2012 Budget Summary Review: Mr. Hibbard provided some highlights from the draft FY 2012 biennial budget, which will be presented in complete detail at the September 14, 2011, Commission budget presentation meeting in Torrington.

The Operating Budget document represents the entire WYDOT budget, including the FY 2012 Commission budget and one-half of the legislative biennium budget. A significant portion of the Commission budget is zero-based, including but not limited to the Surface Transportation Program, professional services contracts, training, equipment, regular maintenance, out-of-state travel, and general property. The Operating Budget is revised quarterly to reflect the necessary Department-wide changes in revenue and associated expenditures. The budget is revenue controlled and is based on estimates of anticipated revenue that is received from the federal government, highway user fees, general funds, and royalties/severance taxes. About \$23 million has been cut from the overall budget so far to balance this year's anticipated revenue with anticipated expenditures.

Mr. Hibbard delineated several items in the draft budget, including building expenditures that are estimated to be about \$11.8 million, and the Department's five-year computer replacement policy, contrasting a four-year replacement policy throughout other state government agencies. Seven hundred WYDOT computers were identified for replacement in 2012. The Department of Administration and Information (A&I) bills agencies monthly for using the state e-mail system. WYDOT's portion is based on the number of computers in its inventory to the total number of the state's computer inventory. General property purchases have also been budgeted this year, including tools and office equipment. These purchases are very heavily scrutinized by district, program, and executive staff members. Mr. Hibbard briefly summarized the training, equipment, travel, engineering and maintenance studies, and professional services fees that are currently included in the 2012 Operating Budget.

Mr. Hibbard summarized the current FY 2013-2014 Legislative Biennium Budget Request. The legislative budget is submitted by Director Cox to the Department of A&I, which ultimately compiles the state's legislative budget for review by the Governor's office. The Governor's office makes recommendations and submits the legislative budget to the Wyoming State Legislature on or before December 1, 2011, for final approval. Mr. Hibbard noted that the Transportation Commission has little authority over the legislative budget but is always kept apprised of its performance. Mr. Hibbard also noted that a significant effort was made to prepare the upcoming biennium budget, making cuts where possible and realigning the financial system account codes to the Wyoming Online Financial System (WOLFS) object codes through the legislative net-to-zero process to be included in the Department of A&I's Chapter 17 report.

Mr. Matt Carlson, State Highway Safety Engineer, entered the meeting.

4. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held August 11, 2011, in Cheyenne.

COMMISSION DISTRICT 2
K. John Dooley – Commissioner

Federal project HSIP-I804254, involving sign installation and miscellaneous work on I-80 at various locations in Transportation District 1, in Albany, Carbon and Sweetwater counties. Completion date – September 30, 2012

Engineer's Estimate	\$693,915.00	
S & L Industrial, Cowley, WY	\$729,645.00	+5.1%
Modern Electric Co., Casper, WY	\$999,035.88	

It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried that **S & L Industrial, Cowley, 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 STP-SR-B113073, involving bridge rehabilitation including grading, bridge deck repair, structure and miscellaneous work at two locations on WYO 376, in the city of Rock Springs, in Sweetwater County. Completion date – September 30, 2012

Engineer's Estimate	\$576,894.50	
S & S Builders, LLC., Gillette, WY	\$459,931.97	-20.3%
Reiman Corp., Cheyenne, WY	\$493,611.00	
Cannon Builders, Inc., Blackfoot, ID	\$518,351.00	
DeBernardi Construction Company, Inc., Rock Springs, WY	\$622,721.90	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried that **S & S Builders, LLC., 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.

COMMISSION DISTRICT 3
Jim Latta – Vice Chairman

Federal project IM-SR-B113072, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 3, in Uinta County. Completion date – September 30, 2012

Engineer's Estimate	\$343,859.00	
Cannon Builders, Inc., Blackfoot, ID	\$294,980.00	-14.2%
S & S Builders, LLC., Gillette, WY	\$307,201.40	
Gerber Construction, Inc., and Subsidiary, Lehi, UT	\$314,315.00	
Reiman Corp., Cheyenne, WY	\$357,373.00	

It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Anderson, and carried that **Cannon Builders, Inc., Blackfoot, 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 5
Bruce McCormack – Commissioner

Federal project NH-N361055-OTH1, involving removal and stockpiling of topsoil, temporary erosion control, fencing, and miscellaneous work at reference marker (RM) 46.40, at Meadowlark Lane, between Ten Sleep and Buffalo, in Big Horn County. Completion date – October 15, 2011

Engineer's Estimate	\$354,409.00	
DRM, Inc., Gillette, WY	\$234,913.50	-33.7%
Wilson Bros. Construction, Inc., Cowley, WY	\$367,414.00	
Oftedal Construction, Inc., Miles City, MT	\$480,484.00	
JWright Companies, Inc., Evanston, WY	\$499,214.00	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormack, 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.

COMMISSION DISTRICT 7
Clair Anderson – Commissioner

Federal project NH-N203066, involving slide repair, including grading, placing crushed base, fence, sidewalk, and miscellaneous work at RM 81.40 on urban WYO 789 in the town of Lander, in Fremont County. Completion date – April 30, 2012

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Engineer's Estimate	\$358,488.50	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$292,209.07	-18.5%
Patrick Construction, Inc., Lander, WY	\$304,134.81	
Western Wyoming Construction Co., Lander, WY	\$312,580.00	
High Country Construction, Inc., Lander, WY	\$329,902.70	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried that **Rice-Kilroy Construction Company Inc., Dubois, 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 projects NH-N151026 and NH-N203067 combined, involving removal of debris, repair of embankment using an erosion control geotextile and gabions, and placing riprap at Structures DIY, BTS and DBH, and miscellaneous work on US 287 and WYO 789, in Fremont County. Completion date – May 31, 2012

Engineer's Estimate	\$284,633.25	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$242,207.07	-14.9%
Patrick Construction, Inc., Lander, WY	\$262,610.95	
Western Wyoming Construction Co., Lander, WY	\$305,670.00	
Reiman Corp., Cheyenne, WY	\$446,679.00	
71 Construction, Casper, WY	\$530,271.00	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried that **Rice-Kilroy Construction Company Inc., Dubois, 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.

5. Mr. Fredrick presented the following bid tabulations from the informal letting held August 16, 2011, in Cheyenne.

Federal project N253081-OTH1, involving asbestos abatement, demolishing and removal of the building, shed and appurtenances known as the Oregon Trail Motel, located at 710 East Valley Road in Torrington, Wyoming, in Goshen County.

Engineer's Estimate	\$ 95,000.00	
TDS Collection, Torrington, WY	\$100,130.00	+5.4%
Seneca Environmental, Denver, CO	\$129,813.00	
Excel Environmental Inc., Aurora, CO	\$142,852.00	
Big Horn Contractors, Inc., Burns, WY	\$157,700.00	
Robinson Contracting, Inc., Casper, WY	\$171,100.00	

WYDOT typically manages demolition contracts through its Right-of-Way Program, as this type of work usually costs less than \$40,000. However, this job involves a particularly large building, and an informal bid letting was pursued because of the anticipated costs. Disadvantaged Business Enterprise (DBE) participation was not noted in the bid documents and none of the bidders satisfactorily solicited DBE participation. Mr. Fredrick noted that in a recent DBE review, the Federal Highway Administration indicated that WYDOT may waive the DBE requirements on smaller projects. Because WYDOT consistently exceeds its DBE goals, the nature of the work, consistency with past practices, the dollar amount, and a short construction time frame, the FHWA deemed that DBE solicitation is not required on this project.

It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried that **TDS Collection, Torrington, 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.

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

COMMISSION DISTRICT 4

Rural Interstate

ACIM 16.30 DR41314; Sheridan County; I-90, westbound lane; RM 16.30; slide repair; FY 2011; request federal preliminary engineering funds of \$12,000; request federal construction engineering and construction funds of \$440,000

ACIM 4.80 DR41323; Sheridan County; I-90, eastbound; RM 4.80; slide repair; FY 2011; request federal preliminary engineering funds of \$8,000; request federal construction engineering and construction funds of \$330,000

ACIM 7.80 DR41324; Sheridan County; I-90, westbound lane; RM 7.80; slide repair; FY 2011; request federal preliminary engineering funds of \$8,000; request federal construction engineering and construction funds of \$275,000

Rural Principal Arterial

ACNH 75.40 DR41305; Sheridan County; Burgess Junction to Dayton; RM 75.40; slide repair; FY 2011; request federal preliminary engineering funds of \$25,000; request federal construction engineering and construction funds of \$330,000

COMMISSION DISTRICT 5

Rural Principal Arterial

ACNH 70.40 DR50898; Park County; Meeteetse to Cody; RM 70.40 to 70.80; slide repair; FY 2012 construction; request federal preliminary engineering funds of \$6,000

ACNH 0.40 DR50901; Park County; Yellowstone Park to Cody; RM 0.40 to 0.60; slide repair; FY 2012 construction; request federal preliminary engineering funds of \$20,000

ACNH 113.00 DR50911; Hot Springs and Fremont Counties; Shoshoni to Thermopolis, Wind River; RM 113.00 to 128.00; rock fall mitigation, scaling; FY 2011; request federal construction engineering and construction funds of \$611,584

ACNH 19.70 DR50915; Big Horn County; Greybull to Burgess Junction, Shell Canyon; RM 19.70 to 21.50; rock fall mitigation, scaling; FY 2011; request federal construction engineering and construction funds of \$285,000

ACNH 202.27 DR50916; Big Horn County; Basin to Greybull, Greybull River; RM 202.27 to 202.77; erosion repair; FY 2012 construction; request federal preliminary engineering funds of \$20,000

ACNH 20.55 DR50929; Big Horn County; Greybull to Burgess Junction; RM 20.55 to 20.60; erosion scour repair; FY 2012 construction; request federal preliminary engineering funds of \$20,000

ACNH 152.20 DR50930; Washakie County; Thermopolis to Worland; RM 152.20 to 152.40; slide repair; FY 2012 construction; request federal preliminary engineering funds of \$2,000

Rural Major Collector

ACSTP 55.80 DR50920; Big Horn County; Lovell to Burgess Junction; RM 55.80 to 57.10; erosion and scour repair; FY 2012 construction; request federal preliminary engineering funds of \$50,000

ACSTP 0.00 DR50934; Washakie County; County Road 10 and Lane 6; erosion scour repair; FY 2012 construction; request federal preliminary engineering funds of \$2,000

ACSTP 0.00 DR50935; Big Horn County; Manderson to Tensleep, Paintrock Creek; erosion repair; FY 2012 construction; request federal preliminary engineering funds of \$5,000

COMMISSION DISTRICT 6

Rural Principal Arterial

ACNH 187.80 DR41320; Crook County; Moorcroft to Upton, US 14, Log Cabin Slide; RM 187.80; slide repair; FY 2011; request federal preliminary engineering funds of \$25,000; request federal construction engineering and construction funds of \$110,000

COMMISSION DISTRICT 7

Rural Principal Arterial

ACNH 102.00 DR50890; Fremont County; Hudson to Riverton; RM 102.00; erosion and scour repair; FY 2012 construction; request federal preliminary engineering funds of \$6,000

ACNH 102.80 DR50907; Fremont County; Diversion Dam to Riverton; RM 102.80 to 103.40; erosion and scour repair; FY 2012 construction; request federal preliminary engineering funds of \$15,000

ACNH 15.92 DR50927; Fremont and Teton Counties; Moran Junction to Dubois; RM 15.92 to 40.15; slide repair; FY 2012 construction; request federal preliminary engineering funds of \$3,000

ACNH 28.25 DR50933; Fremont County; Moran Junction to Dubois; RM 28.25 to 28.35; slide repair; FY 2012 construction; request federal preliminary engineering funds of \$3,000

7. It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Anderson, and carried to approve the Town of Afton Safe Routes to Schools (SRTS) project in the amount of \$15,000. The funds will be used to develop the required comprehensive SRTS plan in which the community will be able to identify and prioritize non-motorized transportation infrastructure projects for grades K-8 students.

8. IK Ranch Access Appeal: Mr. Meena introduced Ms. Alice Platt to present her request for access to her property located on WYO 230 near Encampment, Wyoming.

Ms. Platt described the property location for which she was requesting access. She is a rancher and would like to sell her property, but it is not marketable without an established access. The owner of the adjacent property, Silver Spur Land and Cattle, LLC, has expressed an interest in buying the land. Ms. Platt indicated that the piece of property is landlocked because the landowner to the east will not grant her access to her property. The other side of her property has a barbed wire fence that is accessed seasonally by an occasional four-wheeler. Ms. Platt advised that she has been denied use of the existing access by the neighboring landowner to the east.

Chairman Covello conveyed to Ms. Platt that the access that she is requesting does not meet the minimum 50-foot spacing requirement, as detailed in the WYDOT Rules and Regulations, Chapter 13, Section 13, and creates a safety concern along the highway. Chairman Covello added that selling off her surrounding property to others in the past has created an unfortunate situation, but that granting an exception to the WYDOT rule would not be in the best interest of safety for the traveling public.

Commissioner Ertman asked Ms. Platt whether she has gone to the Carbon County Commission to request a “forced access” to gain permission to use the existing access or to create a joint access to her property. Ms. Platt stated that she has not taken the issue to the county for its consideration. Mr. Meena agreed that requesting a forced access through the county may be a potential solution to the predicament. Mr. Ginther indicated that minimal improvements to the existing access would be necessary to create a joint access that is compliant with the standard rule.

Mr. Moench advised that he is not intimately familiar with the applicable statutes regarding a forced access situation and could not offer a legal perspective at this time. However, certain criteria must typically be met for a county entity to consider forced access approval.

Mr. Moench asked Ms. Platt if there was a possibility of creating a joint access with the neighboring landowner if the county were to grant a forced access. Ms. Platt stated that she would be agreeable to it, but she believed that gaining concurrence from the adjoining landowner was very unlikely.

Director Cox asked Ms. Platt how the property in question was accessed before selling the adjoining property to Silver Spur Land and Cattle. Ms. Platt indicated that she has not needed wheeled access before, as she’s always used horses to access that piece of property. Director Cox encouraged the Commission to have Ms. Platt explore her options with the county before making a final decision about the appeal. Mr. Moench suggested that the Commission could table its decision until further inquiry could be made through the county.

It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and unanimously carried to deny Ms. Platt’s request for an additional access because the location does not meet the minimum spacing requirements as required in WYDOT Rules and Regulations, Chapter 13, Section 13.

Ms. Platt thanked the Commission for its time and consideration.

Ms. Platt and Mr. Ginther left the meeting.

The following individuals joined the meeting by telephone: Messrs. S. Joseph (Joey) Darrah, of Darrah, Darrah & Brown, P.C., of Powell, attorney representing Mountain Construction Company; David Frost, of Mountain Construction Co., in Lovell; Fred Hopkin, General Partner, Heritage FLP, of Powell; and Jeff Mellor, WYDOT District Traffic Engineer in Basin.

9. Mountain Construction Company Access Appeal: Mr. Meena briefed the Commission about Mountain Construction’s request for access to land at Milepost 109.47 on Highway 32, known as the Hopkin Gravel Pit, which is owned by Heritage, FLP. The request was denied by the Access Review Committee in July 2010 because the approach did not meet the minimum spacing

requirements as detailed in the WYDOT Rules and Regulations, Chapter 13, Section 13. Mr. Joey Darrah, attorney, was representing Mountain Construction via telephone at the meeting.

Mr. Darrah introduced the others who were on the phone with him. Mr. Frost indicated that his company has mined over 90 million tons of gravel from the pit over the past three years for use on highway projects; some of them were WYDOT projects. Mountain Construction would like to expand the pit for use as a Department of Environmental Quality (DEQ) small mine, but the DEQ permit requires WYDOT concurrence. The existing approach is very difficult, at best, to access along the county road because it is not a typical county road; it is very narrow, and the road has a large irrigation ditch that runs alongside of it.

Mr. Darrah explained the exhibits that he had provided to the Commission. Inberg-Miller Engineers (IME) was hired to measure and evaluate the turn radius for a truck trailer and produced drawings of its findings. IME's evaluation revealed that a truck turning onto the highway would take virtually the entire width of the roadway to make the turn from the property. Mr. Frost indicated that the pit would be used only intermittently and will not be used on a regular basis.

Mr. Fred Hopkin, the landowner and the director of Elk Water Users Association, advised that the irrigation district is opposed to any type of bridge over the irrigation ditch to access the property. The adjacent field has 10-foot-high corn, which obstructs visibility at a site further down the road where the Department's proposed access would fit. Mr. Hopkin indicated that the current access has far better visibility and would work better for truck access.

Vice Chairman Latta asked Messrs. Darrah and Frost to offer their solutions to the issue. Mr. Darrah indicated that, in his opinion, the current location is the only known solution.

Mr. Morgan Hespe, of Modern Electric Company in Casper, entered the meeting.

Commissioner McCormack asked if there was a way to create an access on the back side of the property. Mr. Darrah indicated that Mountain Construction would still have to traverse the lateral ground and would end up on private property from that side of the property.

Mr. Meena voiced his concern about the trucks turning onto the roadway, crossing the centerline, and facing oncoming traffic before traveling down the road. Mr. McOmie, through Chairman Covello, suggested creating a turn lane, widening the approach to the property so that trucks turning onto the highway would not have to cross the centerline, and limiting access to certain times of the day when traffic counts are lower. Chairman Covello asked Mr. Frost if his company would be agreeable to amending the approach and installing a turn lane to the access site. The design and construction expenses incurred to amend the approach and to install the turn lane would be borne by Mountain Construction. Mr. Frost stated that he was agreeable to Chairman Covello's proposal.

Mr. Moench suggested that the Commission table the Mountain Construction access appeal topic and refer the matter back to the Access Review Committee. The Committee would then work with Mountain Construction toward an acceptable design and construction of the amendments.

It was moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried to table the Mountain Construction Co. access appeal and refer it back to the Access Review Committee. The Committee will work with Mountain Construction and its engineering consultant to establish acceptable design drawings for constructing a turn lane and widening the approach to the property and to establish limitations for using the access during certain times of the day when traffic counts are lower.

Messrs. Darrah, Frost, Hopkin, Mellor, and Griesbach left the meeting.

10. Major Ratliff presented the Highway Patrol report in Colonel Oyler's absence.

The Fatal Crash Summary through July 31, 2011, includes 63 fatal crashes involving 72 deaths. The fatalities include 29 rollover crashes, 23 multi-car crashes, 13 commercial vehicles, 11 motorcycles and all-terrain vehicles, 2 pedestrians, and 7 fixed objects.

There have been 20 crashes to date deemed alcohol related, resulting in 24 deaths. Of those deaths, 16 were attributed to not using occupant restraints.

Of the 72 deaths that have occurred so far in 2011, 33 can be attributed to the non-use of occupant restraints, with 24 involving rollover crashes, 8 involving multi-car collisions, and 1 involving a fixed object. Of the 33 deaths that occurred from non-use of occupant restraints, 22 were Wyoming residents and 11 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through June 30, 2011. The summary depicts 2,697 crashes statewide, of which 2,277 involved non-commercial vehicles and 420 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of July 31, 2011, have been DUI related. There have been 823 field arrests made so far this year, including:

- DUI arrests from crashes – 59
- DUI arrests from traffic stops – 369
- DUI arrests from the REDDI Program – 84
- DUI arrests from ports-of-entry – 8
- NCIC hits (person) – 26
- Wyoming warrants hits – 81
- Drug arrests – 87
- Other arrests – 109

11. 2011 Ham ‘N’ Jam Deployment: Major Ratliff provided statistics from the recent Ham ‘N’ Jam Rally that took place in northeast Wyoming. The Wyoming Highway Patrol worked closely with the sheriff’s offices in Crook and Weston counties and several other law enforcement agencies at the event. Crews were deployed in eight-hour shifts that ended on August 15. A highway safety grant will be used to cover the expenses of the Wyoming Highway Patrol enforcement activities.

According to Major Ratliff, WYOLINK worked very well for the Highway Patrol throughout the event, even though local law enforcement and fire rescue did not have WYOLINK capabilities and operated on conventional radio. There were three fatalities that occurred during the event—one that happened the day before the event began and two others that were caused by motorcyclists falling asleep while driving. No alcohol-related fatalities were reported during the event. There were 11 drug arrests, one DUI arrest, and four warrant arrests made during the Ham ‘N’ Jam.

Chairman Covello thanked Major Ratliff and the Wyoming Highway Patrol for their commendable efforts during the week-long event.

12. Mr. Shultz presented the Operations report.

Bid Number 11-235: Mr. Shultz advised that bids were received and opened for large-scale electrical modifications throughout the WYDOT Headquarters Complex in Cheyenne. The low bid met specification requirements. All bids were considerably higher than the budgeted amount and the consultant’s estimate for the work. The Department would like to make some changes to the bid specifications because of some late-discovered amendments that will be necessary. Therefore, Mr. Shultz recommended that the Commission reject all bids and rebid the project in the future.

Mr. Hesse thanked the Commission for accommodating his request to testify on such short notice. He explained that market prices are extremely volatile right now, particularly copper prices, and that there is no guarantee that bidders could offer the same prices if the project was rebid. Equipment prices may also go up. A considerable expense was also incurred by each bidder to prepare his or her bid for this project. Subcontractor prices have now been exposed, which makes rebidding problematic and potentially creates the implication of “bid-shopping” on the part of the other bidders.

Vice Chairman Latta agreed with Mr. Hesse’s concerns and asked Mr. Shultz if there was a way to move forward with the original bids as presented and to make subsequent changes to the contract through a change order. Mr. Hesse indicated that this would be a more acceptable way to handle the project. Mr. Shultz explained what changes were needed to the contract, and Mr. Hesse agreed that they could work with a change order in light of the described circumstances.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-235 to furnish large-scale electrical modifications at the WYDOT Headquarters complex in Cheyenne. The bid was awarded to Modern Electric Co., of Casper, Wyoming, for the sum of \$1,054,197.

Mr. Hespe thanked the Commission for its consideration and left the meeting.

13. It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-217 to provide a roof replacement for Building No. 6101, the Materials Lab building, at WYDOT Headquarters in Cheyenne. The bid was awarded to Weathercraft Company of Scottsbluff-Gering, of Gering, Nebraska, for the sum of \$157,380.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve purchase for bid number 11-218 to furnish above-ground fuel storage at the WYDOT facility in Shoshoni. The bid was awarded to C Bar K Petroleum Services, LLC II, of Sheridan, Wyoming, for the sum of \$188,150.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-226 to furnish a curtain wall replacement for Building No. 6100, the main Headquarters building, at WYDOT in Cheyenne. The bid was awarded to Goshawk, LLC, of Cheyenne, Wyoming, for the sum of \$132,600.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-227 to construct two each, 40' x 60' metal salt/sand storage buildings at the WYDOT facilities in Kaycee and Midwest. The bid was awarded to Diamond Point Construction, Inc., of Buffalo, Wyoming, for the sum of \$451,130.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-228 to construct one each 40' x 60' metal salt/sand storage building at the WYDOT facility in Muddy Gap. The bid was awarded to Mid-Valley General Contractors, of Riverton, Wyoming, for the sum of \$207,400.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-231 to construct four each 26' x 26' garages at the WYDOT facilities at Baggs and Elk Mountain. The bid was awarded to Morrison Custom Builders, LLC, of Steamboat Springs, Colorado, for the sum of \$93,771.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-232 to furnish 32,500 tons of maintenance stockpiled salt/sand material for delivery at Chugwater, Douglas, Lusk, Torrington, Wheatland, Casper, and Guernsey. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$452,470, and 71 Construction, of Casper, Wyoming, for the sum of \$301,045, for a total sum of \$753,515.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-233 to construct one each, new shop building and one each salt/sand storage building at the WYDOT facility at Togwotee Pass. The bid was awarded to Sehnert Systems, Inc., of Riverton, Wyoming, for the sum of \$541,679.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-236 to construct one each 65' x 160', one each 65' x 120', and two each 65' x 60' fabric covered buildings, all on foundations, at the Hillsdale, Summit, Gun Barrel, and Harriman WYDOT facilities. The bid was awarded to Lost Cabin Constructors, Inc., of Rapid City, South Dakota, for the sum of \$244,900.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-237 to furnish one each modular home for delivery and set-up at Arlington. The bid was awarded to King Enterprises, of Casper, Wyoming, for the sum of \$107,161.

It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner Dooley, and carried to approve purchase for bid number 11-238 to furnish snow removal services at the Cheyenne Headquarters Complex; Cheyenne's I-80, I-25, and US 85 ports of entry; the I-25 Travel Center; the Aeronautics hangar; and various sidewalk locations. The bid was awarded to 4 Quarters Excavation & Development, Inc., of Cheyenne, Wyoming, for the sum of \$66,900.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-239 to furnish four each, new heating, ventilation, and air conditioning (HVAC) units and six each replacement HVAC units at the Virgin Hill, Morton Hill, North Albin, US 85 South, 9-Mile, Divide Hill, Sherman Hill, Baggs Hill, Aspen Mountain, and Dead Indian telecommunications sites. The bid was awarded to Wyatt Works, of Aurora, Colorado, for the sum of \$64,975.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve purchase for Requisition Number 0000022810 to furnish four each brine maker systems and shelters for use by District 2 and for delivery in Casper, Chugwater, Midwest, and Wheatland. The contract was awarded to VariTech Industries, Inc., of Alexandria, Minnesota, for the sum of \$96,600.

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It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Commissioner McCormack, and carried to approve purchase for Requisition Number 0000022890 to furnish 72 each Cisco Catalyst 2960S switches for use by the Information Technology Program. The contract was awarded to Information Systems Consulting, of Casper, Wyoming, for the sum of \$73,762.80.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 00000222904 to furnish Intergraph software for mobile computers for use by the Wyoming Highway Patrol division. The contract was awarded to Intergraph Corporation, of Englewood, Colorado, for the sum of \$485,030.

Chairman Covello recessed the meeting at 11:55 a.m., on Thursday, August 18, 2011, to attend the service award luncheon.

Chairman Covello reconvened the meeting at 2:20 p.m. on Thursday, August 18, 2011.

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

Natural Disaster Update: The estimate for repairing damages caused by this year's landslide and flooding events is about \$31 million so far. As water levels recede, district personnel are inspecting bridges, and additional damage is probable. WYDOT staff continues to work with the FHWA and district personnel to establish time lines for the slide repairs and to establish cost estimates for projects to be let to contract. Some of the repairs may be eligible for federal emergency relief funding.

Mr. McOmie noted that, of all the slides around the state, the one of greatest concern is US 14 near Shell, Wyoming, leading into Greybull. There were two slides at this location in spring 2011, and one of them has started moving more rapidly in recent weeks. The slide is on a very steep terrain and should the road fail, there are no alternative routes in the area, which will make detours significant, particularly for truck traffic. The estimated cost for a short-term remedy for this slide is about \$1 million.

The Department plans to let a number of landslide and flood-related projects as early as September 27, 2011.

15. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to move into executive session to discuss a legal matter. The Commission went into executive session at 2:25 p.m. on Thursday, August 18, 2011.

Messrs. Byrne, Loftin, Shultz, Kingham, Hibbard, and Carlson and Major Ratliff left the meeting.

16. It was moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to move out of executive session. The Commission moved out of executive session at 3:55 p.m. on Thursday, August 18, 2011.

17. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 3:55 p.m. on Thursday, August 18, 2011.