

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on February 17, 2011. 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 (via telephone)  
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; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Ms. Kristin Burkart, Internal Review Services Manager; David Stearns, Financial Services Administrator; and Dan Kline, Systems Planning and Railroad Supervisor, were also present.

1. It was recommended by Secretary Scott, moved by Vice Chairman Covello, seconded by Commissioner Dziardziel, and carried to approve the minutes from the January 19, 2011, Commission planning retreat and one-on-one meeting with Director Cox and the January 20, 2011, regular business meeting.

2. Secretary Scott presented a letter that was forwarded to the Commission from Governor Matt Mead. The letter was from Mr. Joseph C. Szabo, Administrator of the U.S. Department of Transportation Federal Railroad Administration, and it addressed sight obstructions at passive highway-rail grade crossings. Mr. Szabo encouraged states to enact proposed model legislation to reduce fatalities, injuries, and property damage caused by collisions at passive highway-rail grade crossings. Mr. Fredrick advised that he and Mr. Dan Kline are preparing a response to the request, and he will provide a copy to the Commission upon its completion.

3. Director Cox presented the Director's report.

American Association of State Highway and Transportation Officials (AASHTO) Washington Briefing: Director Cox will attend an AASHTO meeting in Washington, D.C., March 2-4, 2011.

A conference call was held on February 16, 2011, with the U.S. Department of Transportation (USDOT). The purpose of the call was for USDOT Secretary Ray LaHood to introduce high points of President Obama's proposed transportation budget. The President's proposed budget is actually higher than that of former USDOT Transportation and Infrastructure Chairman Oberstar's draft bill, which languished in recent years because of the inability to fund the bill. The proposed Federal Highway Bill that will come from the House Transportation and Infrastructure Committee will be more conservative than President Obama's proposed transportation budget.

Director Cox advised that, according to a preliminary assessment, Wyoming will receive less federal funding than in past years. Wyoming will continue to stay involved in formulating the final bill as much as possible.

House Bill 120 - Public Meetings: Secretary Scott briefed the Commission about pending HB120 in the Wyoming State Legislature. If passed, the bill requires that 12 hours notice be given before holding a public meeting, audio recordings be kept of executive sessions, and the presiding officer of the governing body announces the topic to be considered with as much specificity as can be provided without compromising the reason for the executive session.

Director Cox expressed his sincere appreciation to Chairman Monk and Commissioners Dziardziel and McCormick for their exemplary service to the Commission and to the citizens of Wyoming throughout their Commission terms.

4. Mr. Kevin Hibbard presented the Budget report.

The January budget report revealed that the Commission budget is 33 percent expended and the Department's legislative budget is 28 percent expended. Both of these statistics are within the 5 percent budget tolerance.

Mr. Hibbard reported that recent federal mineral royalty (FMR) and state severance tax (SST) revenue collections were received sooner than anticipated this year. Early receipt has no impact on the total amount allotted to WYDOT under the FMR and SST caps, which were established by 2001 de-earmarking legislation.

The State Infrastructure Bank (SIB) balance is now about \$35 million, which is about \$13 million more than last year. Mr. Hibbard advised that the entire SIB balance will be let to contract this year. Mr. Hibbard also indicated that the SIB balance will decline over the next two years; however, interest from the account will continue to supplement the Department's surface transportation budget. Since 1998, the Department has received about \$8.1 million in SIB interest, which has been spent on highway projects.

Projects let in FY 2010 totaled \$274 million. In 2011, the Department will be faced with significant challenges, particularly without any anticipated supplemental funding, such as the American Reinvestment and Recovery Act funds and potential further delays of the Federal Highway Bill. Mr.

Hibbard advised that the money released from the SIB this year will help keep construction contracts close to the amount let to contract last year. Mr. Hibbard advised that the Department does its best to get all available funds let to contract each year as soon as possible while doing its best to maintain consistent lettings from one year to the next.

Mr. Hibbard also offered his appreciation to the retiring commissioners. The Department has faced some challenging times in recent years. Mr. Hibbard indicated that Commissioners Monk, Dziardziel, and McCormick have been most enjoyable to work with and that they will be missed.

5. Mr. Fredrick presented the Engineering and Planning report, beginning with the following bid tabulations from the letting held February 10, 2011, in Cheyenne.

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

State project SCP-1117001, involving bridge removal and miscellaneous work on US 30 at reference marker (RM) 0.55, at the Union Pacific Railroad overpass bridge between Laramie and Cheyenne, in Laramie County. Completion date – June 30, 2011

Engineer's Estimate	\$159,617.50	
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$176,527.00</b>	<b>+10.6%</b>
Penhall Company and Subsidiaries, Rogers, MN	\$168,710.00	
Plus 5% for comparison	\$177,145.50	
Stonehouse, Inc., Laramie, WY	\$217,160.00	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$275,155.64	
Hout Fencing of Wyoming, Inc., Worland, WY	\$352,162.00	
Albin Carlson & Co., Addison, IL	\$352,177.50	
Plus 5% for comparison	\$369,786.38	
Caylor & Genz Earthmovers, Inc., Torrington, WY	\$650,866.00	

It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried that **Reiman Corp., Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 2  
Sandi McCormick - Commissioner**

Federal project STP-P551020, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, removal and replacement of curb, gutter and sidewalk, and miscellaneous work on 0.46 mile along Grand Avenue, between 21<sup>st</sup> Street and 30<sup>th</sup> Street, in the city of Laramie, in Albany County. Completion date – July 31, 2011

Engineer's Estimate	\$727,496.00	
<b>Simon Contractors and Subsidiaries, Cheyenne, WY</b>	<b>\$683,570.63</b>	<b>-6.0%</b>

It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Dziardziel, and carried that **Simon Contractors and Subsidiaries, 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 STP-P551019, involving construction of inset parking, including removal of sidewalk, curb and gutter, and surfacing on Grand Avenue, between 18<sup>th</sup> Street and 19<sup>th</sup> Street, in the city of Laramie, in Albany County. Completion date – June 30, 2011

Engineer's Estimate	\$125,527.00	
<b>Simon Contractors and Subsidiaries, Cheyenne, WY</b>	<b>\$ 76,779.64</b>	<b>-38.8%</b>
S & S Builders, LLC., Gillette, WY	\$ 97,440.80	
Reiman Corp., Cheyenne, WY	\$ 99,073.50	

It was recommended by Mr. Fredrick, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried that **Simon Contractors and Subsidiaries, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 3**  
**Jim Latta - Commissioner**

Federal project IM-SR-B113022, involving bridge rehabilitation and miscellaneous work at various locations along I-80 in Transportation District 3, in Uinta County. Completion date – September 30, 2011

Engineer's Estimate	\$2,010,388.00	
<b>DeBernardi Construction Company, Inc., Rock Springs, WY</b>	<b>\$1,554,500.00</b>	<b>-22.7%</b>
Penhall Company and Subsidiaries, Rogers, MN	\$1,834,643.60	
Reiman Corp., Cheyenne, WY	\$1,859,748.35	
Cannon Builders, Inc., Blackfoot, ID	\$1,873,185.09	
Gerber Construction, Inc., and Subsidiary, Lehi, UT	\$1,896,115.70	
S & S Builders, LLC., Gillette, WY	\$2,065,426.11	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Vice Chairman Covello, and carried that **DeBernardi Construction Company, 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.

Federal project STP-1804005, involving grading, milling plant mix, bituminous pavement surfacing, bridge repair, and miscellaneous work on 15.51 miles of WYO 353, beginning at Boulder and U.S. 191 at RM 0.00, in Sublette County. Completion date – October 31, 2011

Engineer's Estimate	\$2,010,267.00	
<b>LeGrand Johnson Construction Co., Logan, UT</b>	<b>\$1,887,345.00</b>	<b>-6.1%</b>
H-K Contractors, Inc., Idaho Falls, ID	\$1,939,469.10	
Knife River, Cheyenne, WY	\$2,027,444.00	
McMurry Ready-Mix Co., Casper, WY	\$2,112,568.80	
McGarvin-Moberly Construction Company, Worland, WY	\$2,165,039.56	
Western Wyoming Construction Co., Lander, WY	\$2,183,056.00	
Lewis & Lewis, Inc., Rock Springs, WY	\$2,190,725.90	

It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Vice Chairman Covello, and carried that **LeGrand Johnson Construction Co., Logan, Utah**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 4**  
**Jim Hladky - Commissioner**

Federal project STP-E-1006018, involving construction of a decorative wall, landscaping, electrical, removal and replacement of sidewalk, installation of an irrigation system, and miscellaneous work on Main Street, in the town of Kaycee, in Johnson County. Completion date – August 31, 2011

Engineer's Estimate	\$325,404.00	
<b>Modern Electric Co., Casper, WY</b>	<b>\$297,634.00</b>	<b>-8.5%</b>
W.L. Contractors, Inc., Arvada, CO	\$319,380.25	
71 Construction, Casper, WY	\$330,123.85	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried that **Modern Electric Co., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICTS 4 and 6**

**Jim Hladky - Commissioner**

**Ted Ertman - Commissioner**

Federal project IM-B104025, involving bridge rehabilitation, including grading, placing bituminous pavement surfacing, bridge deck repair, and miscellaneous work at various locations along Interstate 90, between Gillette and Moorcroft, in Campbell and Crook counties. Completion date – September 30, 2011

Engineer’s Estimate	\$1,161,876.00	
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$1,213,742.40</b>	<b>+4.5%</b>
S & S Builders, LLC., Gillette, WY	\$1,230,404.70	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$1,313,541.80	

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

**COMMISSION DISTRICT 5**

**Charlie Monk - Chairman**

Federal project NH-N311094, involving grading, placing riprap, removal of structures and obstructions, and miscellaneous work to repair erosion on US 14/16/20 at RM 9.358 and 12.300, between Yellowstone National Park and Cody, in Park County. Completion date – May 15, 2011

Engineer’s Estimate	\$213,352.50	
<b>Donnes, Inc., Shepherd, MT</b>	<b>\$169,787.00</b>	<b>-20.4%</b>
Wilson Bros. Construction, Inc., Cowley, WY	\$251,100.00	
COP Wyoming LLC., Sheridan, WY	\$290,681.50	

It was recommended by Mr. Fredrick, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried that **Donnes, Inc., Shepherd, 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 DISTRICT 6**

**Ted Ertman - Commissioner**

Federal project IM-B114033, involving bridge rehabilitation, including grading, placing bituminous pavement surfacing, bridge deck repair, and miscellaneous work at various locations along Interstate 90, between Moorcroft and the South Dakota state line, in Crook County. Completion date – September 30, 2011

Engineer's Estimate	\$1,655,567.05	
<b>S &amp; S Builders, LLC., Gillette, WY</b>	<b>\$1,494,130.92</b>	<b>-9.8%</b>
Reiman Corp., Cheyenne, WY	\$1,560,115.00	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$1,753,177.60	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormick, 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.

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

### **COMMISSION DISTRICT 1**

#### Urbanized Local

ARSCT 0.00 B109A01; Laramie County; Cheyenne Streets; Traffic Interconnect Network Element; FY 2011; request funds of \$54,856; to be reimbursed by the City of Cheyenne

### **COMMISSION DISTRICT 3**

#### Rural Minor Collector

IRP 0.00 CN19035; Uinta County; Haystack Mine Road; reconstruction; FY 2011; total project cost including preliminary engineering, construction engineering and construction of \$3,896,280; request state IRP funds of \$1,500,000; county match/overmatch of \$2,396,280

#### Rural Local

ARSCT 0.00 PEG3A08; Uinta County; Evanston; produce salt and sand mix; FY 2011; request funds of \$65,000; to be reimbursed by the City of Evanston

### **COMMISSION DISTRICT 5**

#### Rural Principal Arterial

NH 43.75 N311095; Park County; Yellowstone Park to Cody; RM 43.75 to 45.37; rock fall mitigation; FY 2011; request state preliminary engineering funds of \$5,000

7. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Hladky, 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 Moorcroft Shop Site near Interstate 90, Crook County, Wyoming, established under Wyoming State Highway Project No. I-90-4 is no longer needed for state highway use purposes.

Said portion being described as follows:

A parcel of land being a portion of a tract located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36, T50N, R68W of 6th Principal Meridian, Crook County, Wyoming. Said tract filed for record December 3, 1970 and described in Book 113 of photos, Page 639, Patent No. 2764, the Grantor being the State of Wyoming and the Grantee being the Wyoming State Highway Department. Said strip of land for an easement being described as follows;

Beginning at the East Quarter Corner of Section 36, T50N, R68W, of the 6th Principal Meridian, Crook County Wyoming. Said East Quarter Corner is monumented with a  $\frac{3}{4}$  inch brass cap by PLS 366;

Thence S 0°02'41" E a distance of 156.83 feet to the point of intersection of the east line of Section 36 with a curve concave to the northeast on the presently existing northeasterly right-of-way boundary of Interstate 90. Said point of intersection being monumented with a standard State Highway Department reference marker stamped sta. 85+25.1;

Thence along the presently existing northeasterly right-of-way boundary of Interstate 90 through a curve concave to the northeast with a radius of 11,259.2 feet, a central angle of 2°12'08", a length of 432.76 feet and a chord bearing N 67°39'19" W a distance of 432.73 feet to the end of curve being monumented with a standard State Highway Department reference marker stamped sta. 80+85.5;

Thence N 46 °32'10" W a distance of 728.58 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a standard State Highway Department reference marker stamped sta. 74+00;

Thence N 66 °34'39"W a distance of 449.86 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a broken State Highway Department reference marker (cap missing);

Thence N 23°25'21" E a distance of 100.00 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a  $\frac{3}{4}$  inch aluminum cap stamped PLS 8308;

Thence S 62°26'40" E a distance of 475.08 feet to a point being a  $\frac{3}{4}$  inch aluminum cap stamped PLS 8308;



Thence S 47°28'36" E a distance of 457.36 feet to a point being a 3¼ inch aluminum cap stamped PLS 8308;

Thence S 50°06'47" E a distance of 250.75 feet to a point being a 3¼ inch aluminum cap stamped PLS 8308;

Thence S 75°40'00" E a distance of 362.58 feet to the point of beginning.

The above described parcel of land contains 3.286 acres, more or less.

BASIS OF BEARING for this survey is S 0°02'41" E between the east quarter corner and the southeast corner of Section 36, T50N, R68W together with "Exhibit A" being attached hereto and made parts hereof.

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

8. It was recommended by Mr. Fredrick, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve the following resolution for the designation of a state highway.

### **RESOLUTION**

This Resolution, made by the Transportation Commission of Wyoming, in compliance with and is in part fulfillment of the Cooperative Agreement entered into March 11, 2005, under which the Transportation Commission of Wyoming and the Sweetwater County Commission have agreed to exchange certain roads by Cooperative Agreement, and

**WHEREAS**, the Transportation Commission of Wyoming will take onto the State Highway System the portion of Sweetwater County Road No. 45, reconstructed under Wyoming Department of Transportation Project 0C04078, Middle Baxter Road, County Road 45, Sweetwater County, (4.9 miles) being located in the NW¼SE¼, W½NE¼ of Section 14, the W½SE¼, E½W½ of Section 11, the E½SW¼, NW¼SW¼, S½NW¼, Lot 8 of Section 2, T18N, R104W, and the W½W½ of Section 35, W½SW¼ of Section 26, and the NE¼SE¼, S½NE¼, NW¼NE¼ of Section 27, T19N, R104W, all of 6<sup>th</sup> P.M., Sweetwater County, Wyoming, and as shown on Exhibit "A" being attached hereto and made parts hereof; and

**WHEREAS**, Chapter 48-105, Wyoming Compiled Statutes, 1945, provides the Transportation Commission of Wyoming the authority to designate public highways to be known as State Highways,

**NOW, THEREFORE BE IT RESOLVED**, the Transportation Commission of Wyoming hereby designates the above described road as a state highway and hereby assumes all title and interest in accordance with the provisions of W.S. 24-2-109.

**Exhibit A**

All that portion of Sweetwater County Road No. 45, as shown on that certain Record of Survey recorded June 6, 2007, Recorded #1515706 of the Sweetwater County Records and as reconstructed under Wyoming Department of Transportation Project 0C04078, Middle Baxter Road, County Road 45, Sweetwater County, (4.9 miles) being located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 14, the W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  of Section 11, the E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 8 of Section 2, T18N, R104W, and the W $\frac{1}{2}$ W $\frac{1}{2}$  of Section 35, W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 26, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 27, T19N, R104W, all of 6<sup>th</sup> P.M., Sweetwater County, Wyoming and being more particularly described as follows:

Commencing at the southeast corner of said Section 14, T18N, R104W, said corner being monumented by a stone; thence N 57°17'09.1"W a distance of 2,715.06 to the point intersection of the northerly boundary of the existing highway right-of-way boundary of Wyoming State Highway 430 and the easterly right-of-way boundary of said Sweetwater County Road No. 45, the TRUE POINT OF BEGINNING; said point being monumented by a 3" aluminum cap on a 5/8" rebar stamped WYDOT 201 PLS 2928, Date 2007, Proj 0C04-00(078)";

Thence along the easterly boundary of said County Road No. 45, N 04°20'00"E a distance of 2,385.46 feet to the point of beginning of a 0°58'58.2" circular curve concaved westerly, the radius of which is 5,829.58 feet, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 203 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary along said curve through a central angle of 14°16'35.1" a distance of 1,452.56 feet to a point located on the northern boundary of said Section 14, said point also being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 205 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary and along said curve through a central angle of 1°23'24.9" a distance of 141.45 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 207 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary N 11°20'00"W a distance of 5,243.04 feet to a point located on the northerly boundary of said Section 11, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 209 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary N 11°20'00"W, a distance of 5,375.14 feet to a point located on the northerly boundary of said Section 2, said point being

monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 211 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary N 11°20'00"W a distance of 1,817.08 feet the point of beginning of a 1°32'25.2" circular curve concaved easterly, the radius of which is 3,719.72 feet, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 213 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary and along said curve through a central angle of 15°31'00.0" a distance of 1,007.36 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 215 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary N 4°11'00"E a distance of 2,501.87 feet to a point located on the northerly boundary of said Section 35, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 217 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right of way boundary N 4°11'00"E, a distance of 430.12 feet to the point of beginning of a 2°51'02.6" circular curve concaved westerly, the radius of which is 2,009.86 feet, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 219 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said easterly right-of-way boundary and along said curve through a central angle of 41°52'00.0" a distance of 1,468.63 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 221 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing northeasterly along said right-of-way boundary N 37°41'00"W a distance of 412.52 feet to a point located on the easterly boundary of said Section 27, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 223 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing northeasterly along said right-of-way boundary N 37°41'00"W a distance of 3,135.58 feet to the point of beginning of a 8°48'53.0" non tangent circular curve concaved easterly, the radius of which is 650.00 feet and a line tangent to said curve bears N 13°43'39.5"W, said point also being located on the easterly boundary of that certain tract of land as described in Book 1133 at Page 119 of the Sweetwater County Records,

Thence northerly along said boundary through a central angle of 25°01'58.5" a distance of 283.99 feet until said curve intersects with the presently existing southerly right-of-way boundary of State Highway 370;

Thence along said southerly right-of-way boundary N 78°41'41.0"W a distance of 200.00 feet to a point of beginning of a non tangent circular curve concave easterly, the radius of which is 850.00 feet and a line tangent to said curve bears S 11°18'19.0"W;

Thence southerly along said curve through a central angle of 28°04'34.5" a distance of 416.52 feet to a point on the presently existing southwesterly right-of-way boundary of said Sweetwater County Road No. 45;

Thence southeasterly along said right-of-way boundary S 37°41'00"E a distance of 3,431.97 feet to a point located on the easterly boundary of said Section 27, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 224 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing southeasterly along said right-of-way boundary S 37°41'00"E a distance of 155.11 feet to the point of beginning of a 3°09'56.7" circular curve concaved westerly, the radius of which is 1,809.86, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 222 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary and said curve through a central angle of 41°52'00.0" a distance of 1,322.48 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 220 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 04°11'00"W a distance of 442.69 feet to a point located on the north boundary of said Section 35, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 218 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 04°11'00"W a distance of 2,489.30 feet to the point of beginning of a 1°27'42.2" circular curve concaved easterly, the radius of which is 3,919.72 feet, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 216 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary and along said curve through a central angle of 15°31'00.0" a distance of 1,061.53 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 214 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 11°20'00"E a distance of 1,775.12 feet to a point located on the northerly boundary of said Section 2, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 212 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 11°20'00"E a distance of 5,374.39 feet to a point located on the northerly boundary of said Section 11, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 210 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 11°20'00"E a distance of 5,285.76 feet to the point of beginning of a 1°01'03.9" circular curve concaved westerly, the radius of which is 5,629.58 feet, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 208 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary and along said curve through a central angle of 1°00'53.1" a distance of 99.70 feet to a point located on the northerly boundary of said Section 14, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 206 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary and along said curve through a central angle of 14°39'06.9" a distance of 1,439.62 feet to the point of ending of said curve, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 204 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence continuing along said westerly right-of-way boundary S 4°20'00"W a distance of 2,414.64 feet to a point located on the northerly right-of-way boundary of said Wyoming State Highway 430, said point being monumented by a 3" aluminum cap on 5/8" rebar stamped "WYDOT 202 PLS, 2928, Date 2007, Proj 0C04-00(078)";

Thence N.86°01'55"E. along said northerly right-of-way boundary a distance of 202.12 feet to the point of beginning.

Said described right-of-way contains 117.97 acres, more or less.

9. Petition for At-Grade Railroad Crossing, Tie Plant Road, Near Laramie: Mr. Kline briefed the Commission about a proposed at-grade rail crossing conversion from private to public status on the Tie Plant Road near Laramie, Wyoming, in Albany County.

Mr. McOmie advised that a relinquishment is expected to come before the Commission in the future to relinquish a piece of state-owned property to Albany County in trade for a very small piece of land that is needed for the Tie Plant Road near Laramie.

It was recommended by Mr. Fredrick, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve the proposed at-grade rail crossing conversion from private to public status on the Tie Plant Road near Laramie, Wyoming, in Albany County.

10. Mr. Fredrick thanked Chairman Monk and Commissioners Dziardziel and McCormick for their part in his learning process and for their support in assisting him in his transition to Assistant Chief Engineer.

Mr. Kline left the meeting.

11. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through January 31, 2011, includes three fatal crashes involving three deaths. The fatalities include two rollover crashes and one involving a pedestrian.

No alcohol-related crashes have been recorded yet this year.

Of the three deaths so far this year, two can be attributed to the non-use of occupant restraints, both of which involved rollover crashes. Of the two deaths that occurred from non-use of occupant restraints, one was a Wyoming resident and the other was a non-resident.

Patrol-Investigated Crash Summary: The Patrol-investigated crash summary reflects activity through December 31, 2010. The summary depicts 6,124 crashes statewide, of which 5,096 involved non-commercial vehicles and 780 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of January 31, 2011, have been DUI related. Field arrests total 123 to date, including the following:

- DUI arrests from crashes – 13
- DUI arrests from traffic stops – 48
- DUI arrests from the REDDI Program – 12
- DUI arrests from ports-of-entry – 0
- NCIC hits (person) – 0
- Wyoming warrants hits – 11
- Drug arrests – 13
- Other arrests – 24

12. Colonel Oyler also provided some revisions to the December 31, 2010, Patrol Report, which included the following final 2010 fatality statistics.

The fatal crash summary through December 31, 2010, included 137 fatal crashes involving 153 deaths. The fatalities included 62 involving rollover crashes, 41 involving multi-car crashes, 26 involving commercial vehicles, 36 involving motorcycles and all-terrain vehicles, 3 involving pedestrians, and 11 involving fixed objects.

There were 63 crashes deemed alcohol related, resulting in 68 deaths. Of those deaths, 42 were attributed to not using restraints.

Of the 153 deaths that occurred in 2010, 76 can be attributed to the non-use of occupant restraints, with 51 involving rollover crashes, 18 involving multi-car collisions, and 7 involving fixed objects. Of the 76 deaths that occurred from non-use of occupant restraints, 60 were Wyoming residents and 16 were non-residents.

13. Colonel Oyler thanked the three retiring commissioners for their guidance and support throughout his transition to Colonel of the Highway Patrol and offered his appreciation of the opportunity to work with each of them. He wished them all the best in their future endeavors.

14. Mr. Byrne presented the Aeronautics report, including the January 2011 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Mr. Byrne echoed the sentiments of the other executive staff members by wishing the three retiring commissioners well. He indicated that they will be sorely missed.

15. Mr. Loftin presented the Support Services report.

Mr. Loftin briefed the Commission about several pending legislative bills. Senate File 0018, Federal Motor Carrier Safety Act (FMCSA) Compliance, originated because of a 2009 audit that revealed some necessary statutory changes in order to be compliant with the FMCSA. The bill has been passed by the House and is on its way to Governor Mead for his consideration.

SF137, Ignition Interlock Devices, is also on its way to the Governor's office for consideration. If it passes, the bill specifies standards for the imposition of interlock device penalties related to driving while under the influence of alcohol.

House Bill (HB) 0077, Disabled Veteran's License Plate - Handicap Parking, was introduced in the House and referred to the House Transportation, Highways & Military Affairs Committee but did not make it out of Committee before the cutoff. The bill would have allowed persons who have been issued disabled veteran's license plates to park in handicapped parking spaces.

Mr. Loftin thanked Chairman Monk and Commissioners Dziardziel and McCormick for their support during his time as Support Services Administrator.

16. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve the FY 2010 A-133 Audit, as presented by Ms. Vikki Nunn of Porter, Muirhead, Cornia & Howard (PMCH), Certified Public Accountants of Casper, Wyoming, on Wednesday, February 16, 2011.

Mr. Dailey strongly recommended that a new auditor be selected to perform the next annual Department-wide audit for diversity. Mr. Dailey indicated that, historically, when an auditor is used

repeatedly, a fresh perspective is often lost. Mr. Tim Hibbard advised that a formal request for proposals is currently underway and that PMCH has not been precluded from the selection process.

Mr. Stearns advised that cost represents only about 25 percent of the selection process. He also agreed that, in his experience, a fresh set of eyes and perspective may be beneficial from time to time. Mr. Stearns indicated that PMCH was selected the last time because of their vast knowledge of the newly implemented Enterprise Resource Project (ERP) accounting software.

17. It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Vice Chairman Covello, and carried to approve purchase for bid number 10-319 to furnish a bar code system to include software, hardware, and implementation for use by the Purchasing Program in Cheyenne in conjunction with the Department's ERP system. The bid was awarded to HighJump Software, of Eden Prairie, Minnesota, for the sum of \$354,218.26. Potential future uses for the bar code system are driver license, Patrol inventory, and records management (Falcon), enterprise-wide.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for bid number 11-089 to furnish siding replacement at the WYDOT facility in Casper. The bid was awarded to Platte River Builders, Inc., of Casper, Wyoming, for the sum of \$85,717.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for bid number 11-092 to furnish 1,875 each carbide tipped snow plow blades for delivery in Gillette, Laramie, Rock Springs, Sheridan, and Sundance. The bid was awarded to Wyoming Machinery Company, of Cheyenne, Wyoming, for the sum of \$288,750.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-093 to furnish 1,138 each straight and curb plow guards for delivery in Casper, Gillette, Laramie, Rock Springs, and Sundance. The bid was awarded to Equipment Express, LLC, of Beachwood, Ohio, for the sum of \$143,873.70.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Vice Chairman Covello, and carried to approve purchase for bid number 11-094 to furnish a water system at the WYDOT facility in Farson, Wyoming. The bid was awarded to Atnip Well & Pump Service, Inc., of Lander, Wyoming, for the sum of \$52,650.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for bid number 11-098 to furnish guardrail repair and associated work in Districts 1 and 2. The bid was awarded to Generation X, Inc., Sheridan, Wyoming, for the sum of \$318,266.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve purchase for bid number 11-099 to furnish guardrail repair and



associated work in Districts 3 and 5. The bid was awarded to Generation X, Inc., of Sheridan, Wyoming, for the estimated sum of \$346,453.50.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Vice Chairman Covello, and carried to approve purchase for bid number 11-100 to furnish five each, new, current model, all-wheel-drive wheel tractors with five each, front end loader attachments, for delivery in Cheyenne, Casper, Evanston, Gillette, and Cody. The bid was awarded to Brown Co., of Wheatland, Wyoming, for the sum of \$224,850.

It was recommended by Mr. Hibbard, moved by Vice Chairman Covello, seconded by Commissioner McCormick, and carried to approve purchase for bid number 11-101 to furnish annual sterilization of guardrail/delineators in District 4. The bid was awarded to Welford Industries, of Cheyenne, Wyoming, for the sum of \$59,064.29.

It was recommended by Mr. Hibbard, moved by Commissioner Ertman, seconded by Vice Chairman Covello, and carried to approve purchase for bid number 11-102 to furnish annual broadleaf control and growth retardant in District 4. The bid was awarded to RMK Applicators, of Torrington, Wyoming, for the sum of \$85,606.02.

Mr. Hibbard thanked the departing commissioners for their support and utmost credibility during his tenure as Assistant Chief Engineer.

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

Lander Shop Site: Mr. McOmie indicated that the Legislature is considering a bill that would permit WYDOT to purchase land for a future WYDOT facility in Lander. The Department would not build on the site for about 10 years, but the state property is currently used for pasture and is well suited for the Department's needs. The future site will house WYDOT Driver Services, Highway Patrol, and a maintenance shop. The City of Lander is interested in purchasing the current WYDOT shop if the land purchase is approved.

Natural Gas Vehicles: A bill is also pending that would allow the state to retrofit 40 vehicles to use natural gas and to build a compressed natural gas fueling facility at the WYDOT site in Rawlins. The fuel site would be available for use by all agencies who currently use the site and would not be for public use. The project would be a pilot project and, if proven successful, may be expanded in the future.

Appropriations Bill: Early predictions indicate that the Department could receive \$40 million for surface transportation, \$6 million for railroad quiet zones, and \$3.9 million for air service enhancements. In its current form, the bill will also strip 82 positions from WYDOT's pool of vacant positions.

Review of State Executive Department Positions: HB252, Review of State Executive Department Positions, will require that a study be conducted of state executive branch positions. The study would identify the classification of at-will state executive branch employees employed as directors, executive secretaries, and deputy directors by Wyoming boards and commissions. The study may review positions as far down as agency program managers.

Oversize Load Movements: The Department is facing challenges with the gradual increase in the size of truck loads on Wyoming highways. Industry continues to build larger dump bodies for use in the oil fields and construction profession, and even larger trucks are expected in the future. Mr. McOmie expressed concern about the mobility of these mega-loads, their wear and tear on Wyoming highways, and the safety issue involved in transporting them. A recent request was received asking WYDOT to move signage and lights to accommodate moving a mega-load from Casper to the Gillette area. The district office is working with the company who made the request, but the Department may need to consider its typical highway designs and its Rules and Regulations in the future, depending upon the frequency of such requests, to accommodate the trend.

Commissioner Latta stressed the importance of government not impeding commerce but suggested that perhaps the Commission should review the fees that are imposed on such moves. Colonel Oyler offered to research the number and frequency of mega-loads that are moved on Wyoming highways. Director Cox voiced concerns that the Department shouldn't have to change its infrastructure to accommodate such large loads and that safety should be the first consideration.

Commissioner Hladky also stated his concerns about impacting business that is vital to Wyoming, but he indicated that other states have changed their rules and regulations to disallow some mega-loads, presumably because of safety concerns.

State Transportation Improvement Program (STIP): The Department is changing its philosophy about the approach that will be taken toward the STIP projects. Reduced funding will necessitate moving from a highway improvement program to a pavement preservation plan. The intent will be to finish larger projects already underway, but the Department will have to begin focusing primarily on preserving the roads. This will result in far fewer large reconstruction projects and more concentration on maintenance of existing pavement. Mr. McOmie will present an education session on March 17, 2011, to brief the commissioners in further detail.

Mr. McOmie offered his gratitude to the three retiring commissioners for their efforts during their tenure on the Commission.

Vice Chairman Covello thanked Chairman Monk and Commissioners Dziardziel and McCormick for their leadership on the Commission and shared the others' sentiments that they will be sorely missed. Commissioner Latta echoed the Vice Chairman's comments.

19. It was moved by Commissioner Hladky, seconded by Vice Chairman Covello, and carried to move into executive session to address a land purchase litigation issue. The Commission went into executive session at 10:37 a.m., on Thursday, February 17, 2011.

20. It was moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to move out of executive session. The Commission came out of executive session at 11:28 a.m., on Thursday, February 17, 2011.

21. It was moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to write a letter to Mr. Pat Crank indicating that the Commission would contest the judge's ruling in the Casper West Belt Loop land negotiations with regard to litigation and attorneys' fees. The letter will defer further negotiation of the land purchase that is necessary for the project until a ruling is received on the litigation and attorneys' fees.

22. It was moved by Vice Chairman Covello, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chairman Monk adjourned the meeting at 11:30 a.m., on Thursday, February 17, 2011.