

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on September 20, 2012. The meeting was convened at 8:30 a.m. by Chairman Latta. The following members were present constituting a quorum:

Jim Latta, Chairman, Pinedale  
Ted Ertman, Vice Chairman, Newcastle  
Cactus Covello, Jr., Commissioner, Torrington  
Milt Coulter, 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; Lieutenant Colonel Shannon Ratliff, Assistant Highway Patrol Administrator; Doug Moench, Senior Assistant Attorney General; Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Robert Eatmon, Financial Manager, Federal Highway Administration.

Others present: State Representative Pete Illoway, Wyoming State House District 42 (Laramie County); Kathleen Quinn and Keith Cowie, Happy Jack Road residents; Lydia Harless, Happy Jack Road resident and accident victim; Guy Landers, Happy Jack Road resident and pastor of the Happy Jack Country Church; John Francis, representing Laramie County Fire District Number 8; and Pat Persson, District Engineer, and Randy Griesbach, District Traffic Engineer, from Laramie.

Dennis Byrne, Aeronautics Administrator, was absent.

1. Pledge of Allegiance: Chairman Latta led the attendees in the Pledge of Allegiance.
2. Changes/Additions to the Agenda: Secretary Scott suggested that Agenda Item 12.b, Happy Jack Road, be moved up on the agenda so that the delegation would not have to wait until later in the meeting to address the issue. Chairman Latta agreed to do so, and advised that the Happy Jack Road topic will follow Item 5, Old Business.
3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried to approve the minutes from the August 16, 2012, breakfast meeting, regular business meeting, and education session.

4. Correspondence: Three items of correspondence were received from the delegation, Kathleen Quinn, and they were distributed to the commissioners and executive staff before the meeting began. The first document detailed Ms. Quinn's concerns about a 1.8 mile section of U.S. Highway 210 (Happy Jack Road) and her suggestions for improving traffic safety in the area. The second item was a September 19, 2012, letter from Rod and Hollie Romer, Proprietors of the Bunkhouse Bar and Grill on Happy Jack Road, expressing their concerns and asking for the installation of turn lanes and the implementation of a no-passing zone and a reduced speed limit in the area. The third item of correspondence was a letter from Dr. Mark Stock, Laramie County School District Number One Superintendent of Schools, requesting a reduced speed limit in the area of Gilchrist School, which is also located within the 1.8-mile stretch of Happy Jack Road that was the focus of discussion.

5. Happy Jack Road: Mrs. Quinn introduced herself and her guests in attendance and voiced her concerns about the safety over a 1.8 mile stretch of U.S. Highway 210 (Happy Jack Road) near the Bunkhouse Bar and Grill and Gilchrist Elementary School in Laramie County. There are many accesses to residential properties in the area, headquarters for Laramie County Fire District Number 8, as well as 104 mailboxes on the south side of the road that need to be accessed virtually every day, all of which cause considerable congestion in the area.

On September 3, 2012, Ms. Lydia Harless' vehicle was rear-ended while she was waiting to make a left-hand turn to the entrance of her property across from the Bunkhouse Bar and Grill. No turn lanes are available at the crash site, and Mrs. Quinn requested that turn lanes be installed in front of the Bunkhouse Bar for the safety of the traveling public. Business at the Bunkhouse Bar has been steadily increasing, with over 71,000 plates being served between June 1 and September 3, 2012. Mrs. Quinn indicated that she has had vehicles pass her on the left and on the right while she has been waiting for traffic to clear so that she can turn into the entrance to her property.

Mr. Francis advised that he has witnessed several bad crashes near his property on Happy Jack Road, and he stated that virtually every trip he makes to Cheyenne involves someone passing him in a no-passing zone. Mr. Francis displayed a map depicting the subject area, and asked that fewer nonessential signs be posted in such a congested the area, and more specifically he requested turn lanes, better traffic-related signage, a center turn lane be added through the entire project that was built in 2008, and that possibly even a four-lane highway with a reduced speed limit be added.

Representative Illoway stated that WYDOT has done a great job in widening and rehabilitating Happy Jack Road, but he would like to see safety improvements made in the area. According to Representative Illoway, the subject 1.8 miles of highway draws a significant amount of traffic to the Curt Gowdy State Park and its new visitor center, the Bunkhouse Bar and Grill has become very busy, Gilchrist School is in the area, and many more people are using Happy Jack Road as a means of getting to and from Laramie.

Chairman Latta asked the commissioners if they would like to add any comments, but there were none.

Mr. Persson met with the delegation on September 19, 2012, to gather information about the situation. The crash history for this stretch of road has involved four deer and one flagger being struck when the roadway was being reconstructed in 2008. Traffic counts, turning movements, and vehicle speeds were also reviewed in the area. There is currently an eight-foot shoulder on the roadway. Adding turn lanes would reduce the shoulder width to just two feet, but Mr. Persson agreed that perhaps now is the time to implement new left turn lanes into the Bunkhouse Bar and Grill and to the residential properties directly across the road.

Director Cox concurred with the installation of turn lanes as suggested by Mr. Persson, but encouraged a reduced speed limit to accompany the lane modifications. Director Cox further noted that even if these traffic-related changes had been implemented before Ms. Harless' accident, it is almost certain that the changes would not have made a difference in the outcome of her accident. The crash was caused by a young driver who was allegedly driving while under the influence, and he was driving at an excessive rate of speed. Making the suggested traffic-related changes should not give a false sense of security or give a false perception of eliminating future crashes.

Mrs. Quinn asked about the possibility of occasionally placing portable speed detector trailers along the roadway to alert motorists about how fast they are driving. Lieutenant Colonel Ratliff agreed that this might be a good way to slow down drivers. According to Lieutenant Colonel Ratliff, the Highway Patrol patrols the area regularly to provide law enforcement.

Commissioner Covello advised that he supports the idea of installing turn lanes and a reduced speed limit in the area.

In summary, Mr. Persson reiterated that a reduced speed zone of 55 mph, and painting a left turn lanes on the roadway at the Bunkhouse Bar and Grill and at the entrance to the three residential properties that are located directly across the road would be done.

Director Cox advised that there was no need for formal Commission action on the matter, as traffic-related changes are routinely made by WYDOT administration. Mr. Moench agreed that Commission action was not necessary regarding the matter.

Representative Illoway, Mrs. Quinn, Ms. Harless, and Messrs. Cowie, Landers, Francis, Persson, and Griesbach left the meeting.

6. Director Cox presented the Director's report.

Director Cox stated that he had no report for the Commission this month.

Vice Chairman Ertman received an e-mail from Wyoming Liberty Group on September 19, 2012, titled, "Taking a Ride on the Budget Cut Highway of Dreams." The e-mail contained erroneous and inaccurate statements and information. Vice Chairman Ertman asked Director Cox to prepare a white paper for the commissioners' use in responding to such correspondence. The information will also be helpful when talking with constituents about the pending fuel tax legislation, which will be a hot topic during the upcoming legislative session. Director Cox agreed to prepare some factual responses for the commissioners' use.

7. Mr. Hibbard presented the Budget report, including some details from the monthly budget report.

Fiscal Year (FY) 2013 Operating Budget: Mr. Hibbard thanked the Commission for their time spent in reviewing the 2013 budget summaries and the budget presentation, and he offered the FY 2013 budget for Commission consideration. The annual budget was presented in detail at a meeting held in the Commission Room on Wednesday, September 19, 2012.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to approve the FY 2013 Operating Budget. Commissioner Covello thanked the Budget office staff for their hard work in preparing the annual budget and the budget presentation.

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

17 Mile Road Project: A groundbreaking ceremony was held for the 17 Mile Road project on August 22, 2012. The long-awaited project is a joint effort of the Wind River Reservation (WRR), FHWA, FHWA Central Federal Lands Highway Division, and WYDOT. The project was unique, not only in Wyoming, but throughout the country, because of the manner in which it will be constructed and administered. It is a county road that is within the boundaries of the WRR, and it will be constructed by WRR personnel and a private contractor, with several entities making a cooperative effort on the project. The project utilized \$8.33 million in Transportation Investment Generating Economic Recovery (TIGER) funds, as well as state and federal funding that passed through WYDOT's Commission Road Improvement Program (CRIP), Fremont County funds, and Department of Tourism funds.

Big Horn Basin School District (BHCS D) Fuel Supplier: Mr. McOmie distributed an article from the Big Horn Co-op Newsletter titled, "Board changes fuel supplier," which contains some erroneous and inaccurate statements. WYDOT was recently approached by the Big Horn County School District No. 4 about supplying fuel for its vehicle fleet. The Department is not providing a bid for the fuel; the fuel will be provided to the BHCS D at WYDOT's cost. WYDOT currently provides fuel to other local entities through Authority for Rendering Services agreements, and this situation is no different from those contracts. Ms. Shelby Carlson, District Engineer for District 5, will write to the Big Horn Co-op to make them aware that WYDOT is not competing

for fuel suppliers' business, but it is merely providing a service that is made available to other similar entities.

Beartooth Highway Meeting: The annual cooperative meeting of the Beartooth Highway was recently held in Cody, Wyoming. There were attendees from the Yellowstone National Park, Montana and Wyoming Departments of Transportation, the FHWA, local governments from Wyoming and Montana, Montana and Wyoming Congressional Representatives, and local tourism groups.

The Beartooth Highway is on the National Highway System, but is known as an "orphan highway." The National Park Service is responsible for maintaining the roadway, and it lies within Forest Service boundaries. Obtaining more than \$130 million to improve the highway has been difficult because of the lack of ownership of the road, which has been an ongoing controversy for years. The project started out as a reconstruction but has been gradually scaled back over the years just to keep the road passable. The Montana and Wyoming Departments of Transportation and the National Park Service are co-chairs for the group that has tried to secure funding for the project, and the Forest Service, several counties, the Friends of the Beartooth, and chambers of commerce have all participated in attempting to gain funding for the project. Wyoming recently applied for Public Lands Highway (PLH) discretionary funds and was granted about \$5.5 million. There was also about \$300,000 acquired from previous projects, so FHWA Central Federal Lands plans to let a \$5.8 million project for improvements to the Beartooth Highway, with the option of performing an additional \$2 million in future work, if funds can be secured. The project is scheduled to begin in the summer of 2013 and will be complete by November 2013.

9. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 13, 2012, in Sheridan.

**COMMISSION DISTRICT 1  
Cactus Covello - Commissioner**

State project SCP-B121091, involving grading, draining, placing crushed base and bituminous pavement surfacing, sidewalk, curb and gutter, sod, electrical, signing, and miscellaneous work at the WYDOT Headquarters facility in Cheyenne, in Laramie County.

Engineer's Estimate	\$676,785.35	
<b>Simon Contractors and Subsidiaries, Cheyenne, WY</b>	<b>\$621,050.57</b>	<b>-8.2%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$637,884.25	
Connell Resources, Inc., Fort Collins, CO	\$662,579.00	
Plus 5% for Comparison	\$695,707.95	
Irregular Proposal		
S & S Builders, LLC, Gillette, WY	\$681,466.75	
Knife River, Cheyenne, WY	\$694,198.00	

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Dooley, 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.

State project DR21763, involving damage repair and miscellaneous work on the bridge over the North Laramie River on Interstate 25 at reference marker (RM) 87.03, north of Wheatland, in Platte County.

Engineer's Estimate	\$43,160.00	
<b>Reiman Corp. and Subsidiary, Cheyenne, WY</b>	<b>\$27,760.00</b>	<b>-35.7%</b>
S & S Builders, LLC, Gillette, WY	\$33,257.35	
Dietzler Construction Corporation, Torrington, WY	\$54,420.00	
Plus 5% for Comparison	\$57,141.00	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that **Reiman Corp. and Subsidiary, 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 3**  
**Jim Latta - Chairman**

State project PEG1231, 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, Teton, and Uinta counties.

Engineer's Estimate	\$1,212,764.00	
<b>Evans Construction Company, Jackson, WY</b>	<b>\$1,170,396.01</b>	<b>-3.5%</b>
Kilroy, LLC., Afton, WY	\$1,238,702.01	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Covello, 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**  
**Milt Coulter - Commissioner**

Federal projects IM-I901114 and PEG1241 combined, involving grading, draining, milling plant mix, placing crushed base, and bituminous pavement surfacing, plant mix wearing course, concrete pavement, bridge rehabilitations, guardrail, signing, fencing, and miscellaneous work on

7.78 miles on I-90, beginning at reference marker (RM) 20.51, just north of Sheridan, in Sheridan County.

Engineer's Estimate	\$ 8,999,806.35	
<b>Intermountain Construction &amp; Materials, Gillette, WY</b>	<b>\$11,363,169.75</b>	<b>+26.3%</b>
Simon Contractors and Subsidiaries, Cheyenne, WY	\$11,484,114.74	
Riverside Contracting, Inc., Missoula, MT	\$11,487,039.75	
McMurry Ready-Mix Co., Casper, WY	\$11,565,550.65	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Covello, and carried that **Intermountain Construction & Materials, 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.

State project SCP-DR41299, involving slide repair including grading, draining, placing crushed base and bituminous pavement surfacing, and miscellaneous work on WYO 345 at RM 13.7, in Sheridan County.

Engineer's Estimate	\$1,088,675.00	
<b>McMurry Ready-Mix Co., Casper, WY</b>	<b>\$ 895,673.75</b>	<b>-17.7%</b>
Mountain View Building, Inc., Sheridan, WY	\$ 944,835.00	
DRM, Inc., Gillette, WY	\$ 991,875.35	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$1,100,645.00	
Intermountain Construction & Materials, Gillette, WY	\$1,107,873.00	
Oftedal Construction, Inc., Miles City, MT	\$1,198,900.00	

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried that **McMurry Ready-Mix 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.

**COMMISSION DISTRICT 5**  
**Bruce McCormack - Commissioner**

State project PEG1251, involving crushing and stockpiling of crushed surfacing material of designated stockpiles, and miscellaneous work at various locations in Transportation District 5, in Washakie County.

Engineer's Estimate	\$ 550,000.00	
<b>Mountain Construction Company, Lovell, WY</b>	<b>\$ 631,684.34</b>	<b>+14.9%</b>
Frost Rock Products Company, Lovell, WY	\$ 792,800.00	
McGarvin-Moberly Construction Company, Worland, WY	\$1,037,750.61	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that **Mountain Construction Company, Lovell, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal projects NH-DR50901 and NH-SR-N311096 combined, involving bridge repair and miscellaneous work on US 14/16/20 at RM 0.28 and 2.26, in Park County.

Engineer's Estimate	\$271,077.00
<b>Dietzler Construction Corporation, Torrington, WY</b>	<b>\$387,531.00 +43.0%</b>
Reiman Corp. and Subsidiary, Cheyenne, WY	\$392,094.50
Cannon Builders, Inc., Blackfoot, ID	\$489,139.00

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Coulter, and carried that **Dietzler Construction Corporation, 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. Commissioner Covello abstained from voting because of a conflict of interest.

**COMMISSION DISTRICT 6**  
**Ted Ertman - Vice Chairman**

Federal project STP-DR41301, involving damage repair involving grading, placing bituminous pavement surfacing, and miscellaneous work on WYO 24, at reference marker 21.5 east of Hulett, in Crook County.

Engineer's Estimate	\$1,488,545.00
<b>Heavy Constructors, Inc., Rapid City, SD</b>	<b>\$ 885,556.00 -40.5%</b>
Intermountain Construction & Materials, Gillette, WY	\$1,059,189.44
DRM, Inc., Gillette, WY	\$1,243,336.30

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner Anderson, and carried that **Heavy Constructors, Inc., Rapid City, South Dakota**, 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.

State project RHQ-SL12-B112097, involving the installation of railroad quiet zones, including grading, placing crushed base and bituminous pavement surfacing, removal and replacement of curb and gutter, and miscellaneous work on 0.08 mile of roadway between West Griffith Street and 3<sup>rd</sup> Avenue in the town of Lusk, in Niobrara County.

Engineer's Estimate	\$ 88,240.00
<b>Habitat Construction, LLC., Rocky Ford, CO</b>	<b>\$ 98,302.20 +11.4%</b>
Plus 5% for Comparison	\$103,217.31
71 Construction, Casper, WY	\$133,547.00
Reiman Corp. and Subsidiary, Cheyenne, WY	\$144,028.00

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried that **Habitat Construction, LLC., Rocky Ford, Colorado**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 7**  
**Clair Anderson - Commissioner**

Federal project NH-DR50913, involving grading, machine placed rip-rap, fencing, and miscellaneous work on US 26/287 at RM 69.00, between Dubois and Diversion Dam (Red Rocks erosion repair), in Fremont County.

Engineer's Estimate	\$111,720.06
<b>ERI Engineering Inc., Riverton, WY</b>	<b>\$ 92,281.00 -17.4%</b>
Patrick Construction, Inc., Lander, WY	\$109,987.15
Habitat Construction, LLC., Rocky Ford, CO	\$145,253.10
Oftedal Construction, Inc., Miles City, MT	\$153,750.75
71 Construction, Casper, WY	\$185,710.00

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman Ertman, and carried that **ERI Engineering Inc., Riverton, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project NH-DR50907, involving erosion repair, including grading, milling plant mix, placing crushed base, rip-rap, fencing, and miscellaneous work, beginning at RM 104.02, between Diversion Dam and Riverton, in Fremont County.

Engineer's Estimate	\$301,641.78
<b>71 Construction, Casper, WY</b>	<b>\$432,327.50 +43.3%</b>
Oftedal Construction, Inc., Miles City, MT	\$453,689.25
Patrick Construction, Inc., Lander, WY	\$459,114.95

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried that **71 Construction, 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.

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

**COMMISSION DISTRICT 4**

Rural Interstate

NH-SR 0.00 B134035; Sheridan County; Highway District 4, I-90, various locations; RM 6.3, 9.88, and 11.86; bridge rehabilitation; FY 2013; request federal preliminary engineering funds of \$28,000; request federal construction engineering and construction funds of \$536,000

Rural Minor Arterial

STP-SR 0.00 B134034; Campbell County; Highway District 4, various locations, bridge rehabilitation, FY 2013, request federal preliminary engineering funds of \$9,350; request federal construction engineering and construction funds of \$179,350

Rural Major Collector

STP-SR 0.00 B134036; Sheridan County; Highway District 4, various locations; bridge rehabilitation; FY 2013; request federal preliminary engineering funds of \$39,000; request federal construction engineering and construction funds of \$749,000

**COMMISSION DISTRICT 5**

Rural Minor Arterial

SBWY 0.00 WY12002; Park County; Scenic Byway, Beartooth Highway; economic impact study; FY 2012; total cost \$157,206; request federal funds of \$57,406; overmatch provided by the Friends of the Beartooth All-American Highway \$99,800

**COMMISSION DISTRICT 7**

Rural Interstate

ACNH 141.41 I253109; Converse County; Douglas to Glenrock, East/West Section, northbound lane; RM 141.41 to 145.49; widen and overlay, isolated reconstruction; request move from FY 2012 to FY 2013; request federal construction engineering and construction funds of \$5,114,406

Rural Principal Arterial

ACNH 28.25 N302051; Fremont County; Moran Junction to Dubois; RM 28.25 to 28.35; land slide mitigation; FY 2013; request federal preliminary engineering funds of \$150,000; request federal construction engineering and construction funds of \$1,650,000

**COMMISSION DISTRICT M (Miscellaneous)**

Rural Principal Arterial

ACNH 8.25 N301026; Teton and Fremont counties; Moran Junction to Dubois; RM 8.25 to 38.35; wetland construction; FY 2013; request federal preliminary engineering funds of \$120,400; request federal construction engineering and construction funds of \$1,693,880

11. FY 2013 State Transportation Improvement Program (STIP): Mr. Fredrick presented the FY 2013 STIP and provided some details about its development and how it is organized. It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve the FY 2013 STIP.

12. Resolution for the Exercise of Eminent Domain: Project P471001, Casper Streets/US 20/26 is for the reconstruction of the US 20/26 Spur and Wyoming State Highway 254, (Salt Creek Highway) in Natrona County. The project is scheduled to be let in October 2013. One landowner negotiation remains to be finalized before the project can be underway, involving about 0.58 acres of land. The property is owned by Rocky Mountain Power, which has several significant issues yet to be addressed.

The project is scheduled to be constructed in FY 2014, but \$400,000 must be obligated to the project in 2013. Mr. Fredrick stated that WYDOT's Utility Section, Right of Way personnel, and the District Engineer need to meet with Rocky Mountain Power representatives to work out the details of the utility adjustment and land acquisition. Commissioner Covello stated that he wasn't convinced that acting upon this resolution was necessary before the meeting takes place. Chairman Latta agreed with Commissioner Covello's comments.

Vice Chairman Ertman stated that, although he agreed with having the meeting to pursue the negotiations, having a resolution in place would prepare WYDOT to take immediate action should the negotiations fail.

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift. Commissioners Covello and Anderson voted no.

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

**WHEREAS**, pursuant to W.S. 1-26-512, 1-26-801 and 24-2-102, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

**WHEREAS**, the public interest and necessity require the construction of Project P471001, the Casper Streets/US 20/26 Road, in Natrona County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in the SE¼NE¼, Section 31, T34N, R79W, of the 6th P.M., Natrona County, Wyoming and constitute approximately 0.58 of an acre of property for additional right-of-way and approximately 0.16 of an acre of property for temporary construction easements.

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

13. Lieutenant Colonel Ratliff presented the Highway Patrol report in Colonel Butler's absence.

The Fatal Crash Summary through August 31, 2012, includes 73 fatal crashes involving 82 deaths. The fatalities include 35 rollover crashes, 30 multi-car crashes, 3 fixed objects, 10 motorcycles and all-terrain vehicles, and 4 pedestrians. Of the 73 crashes that occurred so far this year, 16 involved commercial vehicles.

There have been 16 crashes to date deemed alcohol related, that resulted in 16 deaths. Of those deaths, 13 were attributed to not using occupant restraints.

Of the 82 deaths that have occurred to date this year, 41 can be attributed to the non-use of occupant restraints, with 30 involving rollover crashes, 8 involving multi-car collisions, and 2 involving fixed objects. Of the 41 deaths that occurred from non-use of occupant restraints, 35 were Wyoming residents, and 6 were non-residents. Nine of those who perished were under 20 years of age, and 4 of those fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through July 31, 2012. The summary depicts 3,253 crashes statewide, of which 2,655 involved non-commercial vehicles, and 598 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of August 31, 2012, have been DUI related. There have been 1,013 field arrests made so far this year, including:

- DUI arrests from crashes – 93
- DUI arrests from traffic stops – 440

- DUI arrests from the REDDI Program – 103
- DUI arrests from ports-of-entry – 5
- NCIC hits (person) – 39
- Wyoming warrants hits – 130
- Drug arrests – 97
- Other arrests – 106

Wyoming's fatality rate remains somewhat lower than in recent years. It is difficult to pinpoint a specific reason for the success, but the Highway Patrol has made the secondary seatbelt and child restraint laws a priority, and it is taking a zero tolerance in its law enforcement efforts in these areas.

14. 2012 Hell's Angels/Ham 'N' Jam Deployment and District 4 K-9 Deployment: The Wyoming Highway Patrol and the South Dakota Highway Patrols deployed troops for the Hell's Angels/Ham 'N' Jam event that was recently held near Hulett, Wyoming, August 5-14, 2012. No problems were reported during the event. The Wyoming Highway Patrol Special Services Squad was deployed, and they worked in shifts, with the shifts overlapping during the hours of peak activity. WYDOT provided variable message signs to assist with traffic congestion. No fatalities were reported during the event.

15. Mobile Education Enforcement Team (MEET) Report: Lieutenant Colonel Ratliff presented an annual MEET report. Ports-of-entry personnel and troopers are occasionally deployed to conduct inspections on commercial and oversize vehicles, and law enforcement is imposed upon drivers that are not in compliance with the law. The report contained information from June 29 and August 10 on Teton Pass, and September 11-13, 2012, at Sand Draw and Marbleton. There were 996 violations recorded overall, resulting in 139 citations and 693 warnings being issued.

16. Director Cox presented the September 2012 Aeronautics Flight Operations Passenger Summary Report in Mr. Byrne's absence.

17. Mr. Loftin presented the Support Services report.

Mr. Loftin presented a revised rule for Chapter 1, Driver's Licenses, from the *Wyoming Department of Transportation Rules and Regulations*, Motor Vehicles and Licensing Section. No public comments were received during the statutory comment period.

The revised rule updates procedures relating to Ignition Interlock Device provisions, technical revisions, and other issues. This revised rule and regulation incorporates legislative changes from the 2012 Wyoming State Legislature, and it replaces an emergency rule that went into effect July 1, 2012. The revised rule implements a \$100 per driver's license fee for the installation of an ignition interlock device in a vehicle.

It was recommended by Mr. Loftin, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve the following resolution.

### **RESOLUTION**

**WHEREAS**, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, and W.S. 31-7-401, is authorized to promulgate rules and regulations as described in the following; and

**WHEREAS**, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Motor Vehicles and Licensing Section, Chapter 1, Driver's Licenses, a revised rule and regulation of the Wyoming Department of Transportation, to administer various matters relating to driver's licenses and commercial driver's licenses (CDL) and to describe updates and procedures relating to Ignition Interlock Device provisions, technical revisions, and other issues; and

**WHEREAS**, a 45-day public comment period was held to solicit written comments concerning these rules; and

**WHEREAS**, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

**NOW, THEREFORE, BE IT RESOLVED**, that the Transportation Commission of Wyoming officially adopts Motor Vehicles and Licensing Section, Chapter 1, Driver's Licenses.

18. Afton Driver's License Site Location: WYDOT currently leases its Afton driver's license facility from a private entity. The entity is experiencing severe hardship, and WYDOT has decided to move its facility to another location. Mr. Loftin asked Mr. McOmie to review the current Afton Shop site to determine whether it could accommodate an addition to house a new driver's license office.

Mr. McOmie recently performed a site reconnaissance visit, and he met with the Afton Resident Engineer Mike Garner about the potential project. There may be enough space to construct a new building there, but the current access to the property would necessitate building the office space on the east or north sides of the building. Weigh scales currently exist on those sides of the building, making building access difficult because of the additional necessary parking for driver's license patrons. The roadway grade in front of the existing shop is also rather high, which would necessitate the placement of structural retaining walls that would add to the project cost.

Mr. McOmie also reviewed a potential location at the south end of Afton where office space is available. Some modifications would be necessary to make the space ADA compliant and to set up stations to accommodate driver's license testing. Office space is also available in Thayne. The building has already been remodeled.

Mr. Loftin stated that, from a business perspective, moving the driver's license facility to Thayne is a far more economical option. Commissioner McCormack believed that it was in the Department's best interest to keep the driver's license location in Afton. The other commissioners agreed that moving the facility to Thayne would realize a significant cost savings to the state, and therefore it was a more appealing location.

Mr. Loftin advised that much more information needs to be gathered before a final decision can be made about the location, and that he would keep the Commission apprised of the outcome. The Department's existing lease on the Afton driver's license building runs out December 31, 2012. A new location will be found regardless of whether the building's owner goes through with a bankruptcy.

19. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-200 to furnish Enterprise Research Project (ERP) hosting services. The contract was awarded to TriCore Solutions, LLC, of Norwell, Massachusetts, for the sum of \$2,235,240.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-267 to furnish janitorial maintenance at the Bitter Creek Rest Areas (eastbound and westbound lanes) for a 12-month period. The contract was awarded to Ben Ragland, of Broadview, Montana, for the sum of \$74,880.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-270 to furnish a 30' x 40' salt/sand storage building, to be constructed in Glendo, Wyoming. The bid was awarded to Norb Olind Construction Company, of Wheatland, Wyoming, for the sum of \$174,750.00. Vice Chairman Ertman voted no.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-282 to furnish drilling water wells at the ports of entry located on I-80 and US 85, near Cheyenne, Wyoming. The bid was awarded to Atnip Well & Pump Service, Inc., of Lander, Wyoming, for the sum of \$118,030.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-284 to furnish a 40' x 60' salt/sand storage building, to be constructed in Torrington, Wyoming. The bid was awarded to Diamond Point Construction, of Buffalo, Wyoming, for the sum of \$250,000.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-287 to furnish a salt brine production system for installation at the WYDOT facility in Rawlins, Wyoming. The bid was awarded to Kois Brothers Equipment Co., of Commerce City, Colorado, for the sum of \$76,332.50.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-289 to furnish and install wayside horn systems in Newcastle and Torrington, Wyoming. The bid was awarded to CTC, Inc., of Fort Worth, Texas, for the sum of \$400,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-291 to furnish 43 each, new, current model Dodge Chargers, four-door patrol sedans with police packages, for delivery in Evans, Colorado. The bid was awarded to Sheridan Motor, Inc., of Sheridan, Wyoming, for the sum of \$1,011,446.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-292 to furnish three each, new, current model Chevrolet Tahoe four-wheel-drive vehicles, with special service packages, for delivery in Evans, Colorado. The bid was awarded to Fremont Chevrolet GMC, of Lander, Wyoming, for the sum of \$90,297.60.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-293 to furnish 14 each, new, current model Chevrolet Tahoe two-wheel-drive vehicles, with police packages, for delivery in Evans, Colorado. The bid was awarded to Fremont Chevrolet GMC, of Lander, Wyoming, for the sum of \$376,420.80.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-294 to furnish a 30' x 40' storage building, to be constructed at the WYDOT facility in Riverton, Wyoming. The bid was awarded to Rimfire Enterprises, of Carpenter, Wyoming, for the sum of \$58,710.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-297 to furnish 8,200 each, aluminum sheets and sign blanks. The bid was awarded to Vulcan Aluminum, of Foley, Alabama, for the sum of \$84,425.75.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve purchase for Requisition Number 0000026480 to furnish 26,500 tons of maintenance stockpiled material (salt/sand), for use by the District 1

Maintenance Program. The bid was awarded to Willits Co., Inc., of Cheyenne, Wyoming, for the sum of \$712,700.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to approve purchase for Requisition Number 0000027670 to furnish Kistler brand roadway sensors for use by the WYDOT Planning Program in Cheyenne. The bid was awarded to ECM, Inc./Electronique Controle Measure, Inc., of Buda, Texas, for the sum of \$66,110.00.

20. It was moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to adjourn the meeting. Chairman Latta adjourned the meeting at 11:35 a.m. on Thursday, September 20, 2012.