

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on August 20, 2015. The meeting was convened at 8:30 a.m. by Chairman Anderson. The following members were present constituting a quorum:

Clair Anderson, Chairman, Riverton  
K. John Dooley, Vice Chairman, Laramie  
Bruce McCormack, Commissioner, Cody  
Bob Ruwart, Commissioner, Wheatland  
Todd Seeton, Commissioner, Jackson  
Mike Larson, Commissioner, Lusk  
Rick Newton, Commissioner, Buffalo  
John 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 Perry Jones, Support Services Commander, Wyoming Highway Patrol; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Senior Assistant Attorney General; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Chairman Dave Zwonitzer (Cheyenne) and Representative Tom Reeder (Casper), of the Joint Transportation, Highways & Military Affairs Committee; Bob McLaurin, Jackson Town Manager; Phil Pratt, Area Engineer, FHWA; Sam Voyles, Assistant Attorney General; and Nicole Alonzo, Highway Project Delivery Program Manager.

Mr. Rodney Freier, Budget Officer; was absent.

1. Pledge of Allegiance: Chairman Anderson led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner McCormack, seconded by Commissioner Ruwart, and carried to approve the minutes from the July 16, 2015, teleconference business meeting.
3. Mr. Shultz presented the monthly Budget report in Mr. Freier's absence.
4. Mr. McOmie presented the Chief Engineer's report.

I-90 Speed Limit Increase: An 80-mile-per-hour speed zone was recently added on I-90 from the east side of Sundance to the South Dakota state line. WYDOT delayed implementation of the increased speed on that road section because it was under construction when the initial speed increases were made. WYDOT also worked with the South Dakota Department of

Transportation to coordinate their increased speed limit on I-90 for continuity in the two states implementing the speed increase.

WYDOT is considering a speed increase on I-80 between Rawlins and Walcott Junction. Further review of accident statistics is necessary before a final decision is reached. Mr. McOmie will bring additional information about the speed increases to the Commission at a future meeting.

Riverton South Project Tour: The Wyoming Contractors Association and WYDOT will host a tour of the Riverton South project following the August 25, 2015, Joint Transportation, Highways & Military Affairs Committee meeting in Riverton. The road is being widened to five lanes, and includes acceleration/deceleration lanes, pedestrian paths, curb and gutter, and bridge work.

Tri-State Contractors' Association Meeting: Mr. McOmie will also attend the Wyoming Contractors Association annual tri-state meeting in Cody, August 27, 2015. Representatives from executive boards from Wyoming, Utah, and Montana will attend to discuss funding, safety, construction technology and trends, and other transportation-related issues. Mr. McOmie is scheduled to speak at the meeting.

Jackson Budge Slide Funding: At its April 16, 2015, business meeting, the Commission voted to participate in the Jackson Budge Drive slide repair at a cost not to exceed \$1 million. WYDOT executive staff has worked through the draft FY 2016 budget and determined that the Department can afford to contribute only \$600,000 toward the Jackson Budge Drive landslide repairs.

Each of WYDOT's district budgets was cut by at least \$200,000 to meet revenue projections.

Mr. McLaurin expressed his gratitude and appreciation for the Commission's contribution toward the Town of Jackson and the need for the slide repair.

Mr. McLaurin also advised that increased tourism in Jackson has impacted traffic flow, and he asked that the Department and the Commission consider placing Jackson's "Y" project back in its future State Transportation Improvement Program (STIP). The project was programmed some time ago, but the public didn't want the project at the time, so it was postponed indefinitely. Mr. McOmie advised that the Department will review the current traffic counts and consider Mr. McLaurin's request.

Commissioner Seeton has met with Jackson's mayor, city council members, and county commissioners about the traffic influx, and he feels that WYDOT will eventually have to get involved to find an appropriate solution to the problem.

John Cox entered the meeting. Mr. McLaurin left the meeting.

5. Mr. Fredrick presented the Engineering and Planning report.

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

**COMMISSION DISTRICT 3**

Rural Principal Arterial

ARSCT 146.02 N104A01; Teton County; Hoback Junction to Jackson; Snake River North Section; reference marker (RM) 146.02; roadway and pathway underpasses; FY 2017; request preliminary engineering funds of \$90,000; estimated construction engineering and construction cost is \$990,000; to be reimbursed by Teton County

**COMMISSION DISTRICT 5**

Rural Minor Collector

IRP 0.00 CN09063; Big Horn County; County Road 7½, Airport Road; FY 2016; request preliminary engineering funds of \$121,000; estimated construction engineering and construction cost is \$1,450,740; state IRP funds are \$785,870, and Big Horn County funds are \$785,870

**COMMISSION DISTRICT 6**

Rural Principal Arterial

STP 0.00 DR23462; Niobrara County; Lusk, Old Woman Creek; structure erosion repair; FY 2016; request federal preliminary engineering funds of \$50,000; estimated construction engineering and construction cost is \$350,000

STP 0.00 DR23463; Niobrara County; Lusk, various locations; roadway erosion repair; FY 2016; request federal preliminary engineering funds of \$30,000; estimated construction engineering and construction cost is \$330,000

**COMMISSION DISTRICT M**

Various

STP-BR 0.00 B175020; Highway District 5, various locations; bridge rehabilitation; FY 2017; request federal preliminary engineering funds of \$100,000; estimated construction engineering and construction cost is \$2,000,000

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

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN FOR ACCESS FACILITY**

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801, 24-2-102, and 24-6-106, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project 0901091, Sheridan Marginal Road, in Sheridan County, that the property shown on the right-of-way plans for this project be acquired for highway purposes; and

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

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Section 9, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 10, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 15, T56N, R84W, 6th P.M., Sheridan County, Wyoming, and the Suburban Homes Company Addition, Sheridan County, Wyoming, and constitute approximately 42.25 acres of property for additional right-of-way, and approximately 4.39 acres of property for temporary construction easements.

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

7. US 85 Relocation and Designation: Mr. Fredrick provided information about the proposed relocation of US 85, which is necessary because of the road reconstruction recently completed in Torrington. The relocation of US Highway 85 begins 0.5 miles south of the present intersection with US 26. From that point, the new roadway continues northeasterly for 0.8 miles over the UPRR, intersects with US 26, and continues 0.34 miles along that route to the intersection of Main Street.

With Commission approval, a request will be made to the American Association of State Highway and Transportation Officials (AASHTO) Subcommittee on Route Numbering for its consideration. The nomination will ultimately have to be approved by the AASHTO Standing Committee on Highways.

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Larson, and carried to approve the relocation of US 85 in Torrington.

8. Highway Project Delivery Program Overview: Ms. Alonzo explained the responsibilities of the Highway Project Delivery Program. The program was established in March 2013, and it was tasked with providing project management oversight to the Department-designed STIP projects. Shelf projects, which are projects designed 6 to 18 months before they are let, have been a major program initiative. The Department's goal is to have one year's worth of projects on the shelf. In March 2013, the Department had \$30 million in projects on the shelf, and by the end of the year there was \$100 million on the shelf. At the end of 2014, WYDOT had about \$200 million in reserves, and Ms. Alonzo anticipates \$250 million on the shelf by the end of 2015. The future goal is to main a level of reserve projects equivalent to that which is let by the Department in a

given year. Mr. Fredrick expressed his appreciation for the work that Nicole and her program have accomplished.

9. Major Jones presented the Highway Patrol report in Lieutenant Colonel Ratliff's absence.

The Fatal Crash Summary through July 31, 2015, includes 75<sup>1</sup> fatal crashes involving 83<sup>1</sup> deaths. The fatalities include 38 rollover crashes, 23 multi-car crashes, 4 fixed objects, 14 motorcycles and all-terrain vehicles, and 4 pedestrians. Of the 75 fatal crashes that occurred so far this year, 12<sup>2</sup> involved commercial vehicles.

There have been 29<sup>3</sup> crashes to date deemed alcohol related, resulting in 30<sup>3</sup> deaths. Of those deaths, 24 were attributed to not using occupant restraints.

Of the 83 deaths that have occurred to date this year, 41 can be attributed to the non-use of occupant restraints, with 34 involving rollover crashes, 4 involving multi-car collisions, and 3 involving fixed objects. Of the 41 deaths that occurred from non-use of occupant restraints, 36 were Wyoming residents, and 5 were non-residents. Seven of those who perished were under 21 years of age, and 5 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 75 fatal crashes that have occurred to date this year, 40 (51 percent) of them occurred on primary/secondary highways, 17 (22 percent) occurred on interstate highways, and 21 (27 percent) occurred on city/county roads.

Six multi-fatality crashes have occurred on Wyoming highways so far this year, of which 4 involved multiple vehicles, 2 involved commercial vehicles, and 2 were alcohol related.

Inclement weather or road conditions contributed to 8 vehicle crashes so far this year, which resulted in 13 deaths. Speed was considered a factor in 23 of the vehicle crashes that caused 30 deaths.

The days of the week for fatal crashes in 2015 are as follows:

Sunday	9 crashes
Monday	8 crashes
Tuesday	12 crashes
Wednesday	12 crashes
Thursday	9 crashes
Friday	11 crashes
Saturday	17 crashes

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<sup>1</sup>Numbers at the time of reporting; final numbers may change.

<sup>2</sup>Number not included in total deaths (sub-crash data).

<sup>3</sup>Not all chemical test results were available at the time of reporting.

The times of day for fatal crashes in 2015 are as follows:

12:00 a.m. to 6:00 a.m.	14 crashes
6:00 a.m. to 12:00 p.m.	15 crashes
12:00 p.m. to 6:00 p.m.	25 crashes
6:00 p.m. to 12:00 a.m.	24 crashes

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 3,303<sup>4</sup> crashes statewide, of which 2,701<sup>4</sup> involved non-commercial vehicles, and 602<sup>4</sup> involved commercial vehicles.

Major Jones noted that seven of the last nine Wyoming fatalities have been motorcycle crashes, and 13 (52 percent) of the last 24 fatal crashes involved motorcycles. Between July 1 through August 20, 2014, 5 of 21 the fatal crashes involved motorcycles.

Ham ‘n Jam Rally Briefing: A 2015 Ham ‘n Jam Deployment, Sturgis Rally After-Action Report was provided to the Commission. The Wyoming Highway Patrol deployed 28 troopers to assist with law enforcement for the Ham ‘n Jam Rally and the related Sturgis Motorcycle Rally, which celebrated its 75<sup>th</sup> anniversary this year. The deployment was made July 29 through August 10, 2015. The traffic count for the Hulett Ham ‘n Jam on Wednesday, August 5, was 17,106. Troopers made 1,463 contacts and 1,090 stops. There were also 17 crashes, but no fatalities were reported on that day.

The Highway Patrol worked with WYDOT to implement digital message signs and portable traffic lights at strategic locations in and around Hulett, which significantly helped with traffic flow in the area.

Representative Zwonitzer left the meeting.

10. Mr. Byrne presented the Aeronautics report, including the July 2015 Aeronautics Flight Operations Passenger Summary Report, and the Wyoming Aircraft Accident Report.

Sheridan Air Service Update: Mr. Byrne provided information about the status of Sheridan air service. In early summer, the Sheridan Airport lost its air service because of the pilot shortage.

Key Lime Air currently operates a charter service that can provide passenger service under its charter certification. Some challenges still exist, as Key Lime Air does not have baggage handling or codeshare agreements with other airlines, so passengers will be required to go to the baggage carousel to claim their luggage and go through security before boarding a connecting flight. Solutions are being sought to remedy these issues.

The Commercial Air Service Taskforce (CAST) of Sheridan submitted an application to the Wyoming Aeronautics Commission for consideration. The Aeronautics Commission reviewed

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<sup>4</sup>Does not contain all crashes worked; some reports are still pending.

and approved the application on August 11, 2015, and Sheridan will regain commercial air service in early November.

Riverton may also benefit from a similar service, and Key Lime Air may investigate the possibility of serving that community, too.

Director Cox expressed his appreciation of Mr. Byrne and Ms. Sheri Taylor, Air Service Development Program Manager, for their significant efforts in bringing air service back to Sheridan.

Hot Springs County Airport Update: Commissioner McCormack asked about the status of the new Hot Springs County Airport in Thermopolis. Mr. Byrne advised that the new airport is expected to open October, and the old airport will then be closed.

11. Mr. Loftin presented the Support Services report.

Joint Transportation, Highways & Military Affairs Committee (JTC) Meeting: The JTC will meet August 25-26, 2015, in Riverton. Mr. Loftin briefed the Commission about the WYDOT-related agenda topics to be addressed at the meeting, including updates on federal surface transportation funding, WyoLink, Real ID, high value vehicle registration, and county roads. Draft bills will also be considered regarding railroad quiet zones, a transportation technology system upgrade, abandoned vehicles, and branded vehicle titles for hail damaged vehicles. The Veteran's Cemetery bridge will also be discussed at the meeting.

The Western States Transportation Alliance (WSTA) will also update the JTC on current events, and will present information about potential changes to the federal CDL requirements, lowering the age requirement for acquiring a CDL, and lobbying efforts regarding driver shortages.

12. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried to approve, by consent, the following bids:

- Bid number 15-267 to furnish a roof replacement at the WYDOT facility in Gillette. The bid was awarded to Dave Loden Construction, Inc., of Buffalo, Wyoming, for the sum of \$51,885.00.
- Bid number 15-276 to furnish 16,500 tons of maintenance stockpiled material (on-demand salt/sand) for use by District 1. The bid was awarded to Knife River, of Cheyenne, Wyoming, for the sum of \$355,650.00.
- Bid number 15-281 to furnish 9,000 each, aluminum backing angles, and 7,500 each galvanized steel angles, for mounting roadside signs, for delivery in Cheyenne. The bid was awarded to Gillette Steel Center, of Gillette, Wyoming, for the sum of \$94,450.00.
- Bid number 15-282 to furnish 30,000 tons of maintenance stockpiled material, Type A, 3/8-inch, (on-demand salt/sand), for use at various District 4 locations, and to be delivered to Gillette, Sundance, and Sheridan. The bid was awarded to Croell Redi-Mix, Inc., of Sundance, Wyoming, for the sum of \$1,035,500.00.

Bid number 15-285 to furnish 203,500 gallons of liquid organic accelerator, for use at various statewide locations. The bid was awarded to SNI Solutions, Inc., of Geneseo, Illinois, for the sum of \$227,575.00.

It was recommended by Mr. Shultz, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried to approve purchase for bid number 15-273 to furnish janitorial maintenance at the northeast welcome center, located in Sundance, for a period of 12 months. The bid was awarded to Nadia Reitz, of Beulah, Wyoming, for the sum of \$54,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Newton, seconded by Commissioner Larson, and carried to approve purchase for bid number 15-283 to furnish 9,675 tons of bulk sodium chloride, for use at various statewide locations. The bid was awarded to Tri-State Commodities, Inc., of Greeley, Colorado, for the sum of \$724,190.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Seeton, and carried to approve purchase for bid number 15-286 to furnish 307,500 gallons of Category 1 liquid anti-icers/deicers, and 8,595 tons of Category 2 solid anti-icers/deicers, for use at various statewide locations. The bid for Category 1 liquid anti-icers/deicers was awarded to Dustbusters Enterprises, Inc., of Evanston, Wyoming, for the sum of \$247,390.00, and the bid for Category 2 solid anti-icers/deicers was awarded to Desert Mountain Corporation, of Riverton, Wyoming, for the sum of \$1,189,044.80, for a total sum of \$1,436,434.80.

SAP Software Audit Results: WYDOT utilizes SAP (Systems Applications and Products) software, which requires a user license for every CPU where it is installed. About two years ago, the Department had significant difficulty with the software. CPUs became bound up, even after rebooting the server. WYDOT's Information Technology Program worked with the software vendor to resolve the problem. Additional software was temporarily loaded on additional CPUs, which ultimately resolved the problem. The software was inadvertently left on the CPUs, which was discovered about one year later when the software company audited WYDOT's software usage. The Department corrected the infraction immediately, as the additional licenses were not needed.

SAP initially proposed charging the Department approximately \$750,000 to compensate for the excess software that was used. Negotiations with SAP resulted in the vendor reducing the amount to approximately \$197,000. This solution includes some maintenance charges for the time the software was out of compliance and a change in the license model to prevent this from happening again. The Department of Enterprise Technology Services (ETS) was consulted during this time. ETS indicated that the situation appeared to be moving in an appropriate direction.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, and seconded by Commissioner Seeton, to approve payment not to exceed \$197,000 to SAP, for the licenses and maintenance agreement for the period that WYDOT was not in compliance with its license agreement.



Mr. Shultz advised that the vendor did not give authorization for WYDOT to install the software on additional CPUs.

Director Cox asked Mr. Shultz, when the Department was trying to solve the software overload problem, “Was SAP actively engaged in working with WYDOT to resolve the problem?” Mr. Shultz advised that SAP was somewhat engaged, but they were not receiving timely responses from the vendor, which significantly slowed WYDOT’s productivity.

Director Cox asked Mr. Kahler for advice about how to proceed. Mr. Kahler advised that WYDOT puts the blame on SAP for causing the Department to lean out of compliance to make the software work, but it was the Department’s responsibility to come back into compliance once the software malfunction was corrected. Mr. Kahler felt that SAP has recognized some liability on their part by lowering the initial fine from about \$750,000 to about \$197,000. The fine is being assessed primarily for software maintenance for the non-compliance period.

Chairman Anderson called for the vote on the earlier motion to approve payment of up to \$197,000 to SAP. The motion unanimously failed. Further details will be brought to the September meeting for Commission action.

13. Director Cox presented the Director’s report.

Federal Highway Bill Update: Surface transportation funding continues to come through a short-term extension to MAP-21 through October 2015. The U.S. Senate has passed the Federal DRIVE (Developing a Reliable and Innovative Vision for the Economy) Act, which will extend many provisions of MAP-21, if it passes. The House continues to write its own version of the bill.

Director Cox advised that the widespread consensus among state departments of transportation is that a long-term bill is critical before the end of 2015, but it is uncertain how it will be funded. Director Cox asked the Commission to convey the importance of the bill’s passage to Wyoming’s Congressional delegates if the opportunity arises.

AASHTO Presidency: Director Cox’s AASHTO presidency will end in September at the annual AASHTO meeting in Chicago, Illinois. As the AASHTO president, Director Cox has represented Wyoming at all the regional meetings, which has required significant travel. Director Cox thanked all of the executive staff for their assistance in managing Department issues in his absence.

WYDOT Budget Preparations: The Department will bring a balanced budget for Commission consideration in September. Significant cuts were made to the budget in the review process. The recommended amount the Commission will consider for the Budget Slide in Jackson will also be affected by the anticipated tight budget.

Ken Sailors Memorial Statue: Part of the University of Wyoming (UW) Arena Auditorium upgrade will be a tribute to the Hillsdale native, Mr. Ken Sailors, a 5-foot-10-inch UW basketball icon who is notable for popularizing the jump shot in the 1940s. Mr. Sailors also went on to play

professional basketball. WYDOT has had the opportunity to work with UW to allow a statue of Mr. Sailors to be displayed at the Pine Bluffs Rest Area on I-80, at no cost to the Department. The display is anticipated in 2016.

14. It was moved by Commissioner Newton, seconded by Commissioner Ruwart, and carried to adjourn the meeting. Chairman Anderson adjourned the meeting at 11:30 a.m., on Thursday, August 19, 2015.