

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on January 15, 2015. The meeting was convened at 8:30 p.m. by Chairman McCormack. The following members were present constituting a quorum:

Bruce McCormack, Chairman, Cody
Clair Anderson, Vice Chairman, Riverton
Ted Ertman, Commissioner, Newcastle
Milt Coulter, Commissioner, Gillette (via telephone)
K. John Dooley, Commissioner, Laramie
Bob Ruwart, Commissioner, Wheatland
Todd Seeton, Commissioner, Jackson
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; Colonel John Butler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Senior Assistant Attorney General; Rodney Freier, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Mark Gillett, District Engineer from Sheridan; Rod Liesinger, Sheridan County Public Works Director; Bob McLaurin, Jackson Town Manager; Larry Ayres and Bob Ayres, Ayres & Baker Post and Pole, of Mountain View; and Walley Buckingham, President of Buckingham Lumber Company, of Buffalo.

1. Pledge of Allegiance: Chairman McCormack led the attendees in the Pledge of Allegiance.
2. Changes/Additions to the Agenda: Secretary Scott advised that the Employer Support of the Guard and Reserves awards have been postponed until the February 19, 2015, Transportation Commission meeting.

It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to remove Mr. Max Carre, ESGR; Colonel Harold Walker, Army Guard; and Lieutenant Colonel Ryan Scofield, as delegations from the agenda.

3. Approval of Minutes: It was recommended by Secretary Scott, moved by Vice Chairman Anderson, seconded by Commissioner Ertman, and carried to approve the minutes from the December 11, 2014, informal lunch meeting and regular business meeting.
4. Correspondence: Secretary Scott presented a December 16, 2014, letter that was copied to Chairman Bruce McCormack. The letter from Patricia O'Brien Arp, Deputy Secretary State, thanked the WYDOT Aeronautics Division for assisting the Wyoming Secretary of State's office

during the primary and general elections. To assure the elections run smoothly, the WYDOT Aeronautics Division holds a state plane on each of those election days in case any type of election problem arises throughout the state. Fortunately, there were no issues during either of the 2014 election events, and the aircraft were not needed.

Chairman McCormack acknowledged the importance of the Aeronautics Division's role in assisting with the election by reserving a state plane for use by election officials during primary and general elections.

Commissioner Coulter joined the meeting via telephone.

5. Old Business - Sheridan County Commission Road Improvement Program (CRIP) Funding Request: Mr. Liesinger presented some follow-up information to a request that he originally made on September 18, 2014, for funding through the Commission Road Improvement Program (CRIP) for a project on Holloway Avenue in Sheridan County.

At its September 18 meeting, the Transportation Commission advised that Sheridan County needed to take ownership of Holloway Avenue for it to be eligible for CRIP funding. Sheridan County has taken the necessary steps, and effective January 5, 2015, Holloway Avenue, from the north boundary line of 13th Street to the south boundary line of 15th Street, was deemed Sheridan County Road 80A. Mr. Liesinger provided a copy of Sheridan County Resolution 15-01-001, Establishment of a portion of Holloway Avenue as a County Road, with the Transportation Commission.

A letter was received from Sheridan County requesting \$554,000 in CRIP funding, which is 85 percent of the estimated \$650,000 needed for the project.

Mr. Gillett indicated he has driven Holloway Avenue and he believes that the request is warranted. Sheridan County has offered to provide snow maintenance on a five-mile section of WYO 332 in exchange for the requested CRIP funding in lieu of a road exchange.

Mr. McOmie supported the Sheridan County CRIP funding request, and indicated that it meets the criteria of WYDOT Operating Policy 2-1, CRIP. Mr. McOmie advised Mr. Liesinger that federal guidelines will need to be adhered to since federal funds will be used for the project. Mr. Liesinger stated that Sheridan County will hire a consultant for the design and contract administration for the project to ensure that all federal guidelines are followed.

It was recommended by Mr. McOmie, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve the Sheridan County CRIP Funding Request in the amount of \$554,000. When the project is complete, the road will be maintained by Sheridan County and/or the City of Sheridan.

Messrs. Liesinger and Gillett left the meeting.

6. Director Cox presented the Director's report.

Annual American Association of State Highway and Transportation Officials (AASHTO) D.C. Briefing: The annual AASHTO D.C. Briefing will be held in Washington, D.C., February 25-27, 2015. The U.S. Senate Committee on Environment and Public Works (EPW) and the House Transportation and Infrastructure Committee (T&I) will hold hearings at the same time. One or more AASHTO delegates will likely testify at the EPW meeting, including Director Cox.

WYDOT Reclassification Study and Associated Compensation: WYDOT and other state agencies have received approval from Governor Mead for necessary reclassification compensation adjustments. A policy change will be implemented through the Department of Administration and Information (A&I) that will rectify some fairly significant inequities that were created by a 2010 reclassification policy implementation, which limited adjustments to the bottom of the employee's new pay range after reclassification. About 180 WYDOT employees were affected, and a pay adjustment will be made for those employees with the January payroll, bringing their compensation in line with the median for others in the same classification at WYDOT and in Wyoming state government.

7. Mr. Freier presented the Budget report.

First-Quarter Budget Revision: Mr. Freier presented the FY 2015 first quarter budget revisions. One of the major changes included in the first quarter budget modification is the FY 2014 rollover for purchase orders that were encumbered but not expended last year. Another significant change is the budget authority rollover. Mr. Freier also delineated some of the other significant changes in the first quarter.

It was recommended by Mr. Freier, moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried to approve the FY 2015 First-Quarter Budget Revision.

Monthly Budget Report: The December 2014 budget report revealed that the Commission budget is 22 percent expended, and the Legislative budget is 25 percent expended, for an overall budget expenditure of 23 percent for FY 2015, which is within the target budget tolerances.

Snow control budget expenditures are about \$2 million less today than they were at this time last year.

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

Jackson Landslide Funding Request: Mr. McLaurin presented a request for funding for a landslide in the town of Jackson. A time lapse video was presented of the slide that started its course on April 3, 2014, and is still moving very slowly today. The slide destroyed a house, and it has damaged Budge Drive, the Walgreens Drug Store, a portion of a nearby parking structure, a pump house, the utilities, and curb and gutters along Broadway Avenue in its path. The Town of Jackson attempted to build retaining walls to contain the slide, but to no avail. Temporary water and sewer utilities have been established at the site for residents in the area. The estimated cost for the repairs will be about \$25 million, of which the Town of Jackson believes its responsibility will be about \$9 million in addition to the \$1 million that has already been spent.

The slide will likely move further in the spring, which may potentially damage Broadway Avenue, which is WYDOT's responsibility to maintain. Mr. McLaurin asked the Commission to consider contributing funds toward the project, but he did not specify an amount.

Commissioner Dooley asked Mr. Kahler if the Department could be liable for future damage caused by the slide if the Department contributes funds toward the repairs. Mr. Kahler advised that the Department would have to investigate what the funds were used for to gauge its liability in the matter. Litigation is ongoing now, but WYDOT has not been named in any lawsuit so far.

Commissioner Seeton asked how close the slide is to Broadway Avenue, which is where WYDOT's responsibility begins. Mr. McLaurin indicated that the slide has deformed the curb and gutter along Broadway Avenue today, but it has not affected the roadway so far. Mr. McOmie noted that the Department is responsible for the right-of-way that borders the sidewalk.

Mr. McOmie offered to have key WYDOT personnel gather in Jackson to investigate the scope and time line for the project, and come back to the Commission next month with more information. Mr. McLaurin welcomed the Department's offer to review the plans for the repair and evaluate the situation.

Mr. McLaurin advised that the Town of Jackson has about \$2 million to put toward the repairs. The project is not eligible for Federal Emergency Management Agency (FEMA) assistance. The town will also request funding from the State Land and Investment Board (SLIB), and it will likely have to borrow funds to meet the project needs.

Commissioner Ertman noted that if funding is provided for the Jackson slide, the Department will need to forego another project that is already planned.

Director Cox echoed the Commission's concerns about where the funding will come from and what concessions can be made for the project.

Chairman McCormack asked Mr. McLaurin to gather more information for Commission consideration in the future.

Mr. McLaurin left the meeting.

North Fork Highway Landslide: Another landslide is occurring on the North Fork Highway west of the tunnels, and east of the Wapiti School. The slide is affecting the WYDOT structure over the Shoshone River. Mr. McOmie provided a photograph of the slow-moving slide. WYDOT is assisting Park County with monitoring its progress.

Chairman McCormack advised that the North Fork Highway is the primary road in and out of Yellowstone Park, and that it plays a crucial part of Wyoming's tourism industry.

Mr. Randy Tiley, of American Contracting, entered the meeting.

District Engineer Appointment: Mr. Keith Compton was selected to fill the position of District Engineer in Rock Springs. Mr. Compton replaces former district engineer John Eddins who retired in early December.

9. Chairman McCormack asked Mr. Shultz to present Procurement Services Bid Number 15-041 so that Messrs. Kevin Hansen, of Construction Specialists, and Randy Tiley, of American Contracting, Inc., would not be required to wait until later in the meeting to hear the outcome.

Bid number 15-041 is for the remodeling of Building No. 6568, the former Driver Services building, in Cheyenne. American Contracting was the low bidder for the project, but their bid bond was deemed insufficient. The bid from Construction Specialists met the specifications and was deemed an acceptable bid.

Mr. Tiley explained the reasoning behind his company's error in submitting a 5 percent, versus the necessary 10 percent, bid bond, and he noted the potential savings that would be realized if the Commission decided to award to American Contracting.

Mr. Hansen advised that his company followed the specifications when bidding the project, and he asked that the Commission recognize his efforts when considering the award.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to approve purchase for bid number 15-041 to furnish a renovation of Building No. 6568. The bid was awarded to Construction Specialists, Inc., of Cheyenne, for the sum of \$662,000.00.

Mr. Tiley left the meeting.

10. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held January 8, 2014, in Laramie.

COMMISSION DISTRICTS 1, 2 and 3
Bob Ruwart - Commissioner
K. John Dooley - Commissioner
Todd Seeton - Commissioner

State project SCP-TRFSIGN, involving upgrading logo signs and miscellaneous work at various locations in Transportation Districts 1 and 3, in Albany, Carbon, Laramie, Sweetwater, and Uinta counties. Completion date: October 31, 2015

Engineer's Estimate	\$309,572.50	
S & L Industrial, Cowley, WY	\$181,660.00	-41.3%
Cache Valley Electric Company and subsidiaries, Salt Lake City, UT	\$222,135.96	
Plus 5% for Comparison	\$233,242.76	
Keyhole Technologies, LLC, Mills, WY	\$225,358.00	
Traffic Safety Service, Inc., Bismark, ND	\$249,902.40	
Plus 5% for Comparison	\$262,397.52	
TK Construction US, LLC, Grand Junction, CO	\$290,013.34	
Plus 5% for Comparison	\$304,514.01	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Dooley, and carried that S & L Industrial, Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 2
K. John Dooley - Commissioner

Federal project NHPPI-I804259, involving milling plant mix, milling concrete, placing crushed base, high performance wearing course, concrete slab replacement, sealing joints, and miscellaneous work on 16.39 miles of I-80, beginning at reference marker (RM) 258.97, between Elk Mountain and Laramie, in Carbon County. Completion date: October 31, 2015

Engineer's Estimate	\$7,223,250.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$ 7,258,620.00	+0.5%
Knife River, Casper, WY	\$8,969,958.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ruwart, and carried that Simon Contractors and its 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.

State project SCP-TC-P232040, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, fencing, and miscellaneous work on 6.61 miles on US 30, beginning at RM 283.44, between Medicine Bow and Bosler Junction, in Albany County. Completion date: July 31, 2016

Engineer's Estimate	\$5,385,716.75	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$ 5,893,274.51	+9.4%
Oftedal Construction, Inc., Casper, WY	\$6,594,365.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried that Simon Contractors and its 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.

COMMISSION DISTRICT 5
Bruce McCormack - Chairman

State project SCP-TC-2201021, involving milling plant mix, placing crushed base and bituminous pavement surfacing, chip sealing, and miscellaneous work on 10.11 miles of WYO 432, beginning at RM 0.70, south of Worland, in Washakie County. Completion date: October 31, 2015

Engineer's Estimate	\$3,036,875.25	
McGarvin-Moberly Construction Company, Worland, WY	\$ 3,108,323.54	+2.4%
Mountain Construction Company, Lovell, WY	\$3,216,573.02	
Century Companies, Inc. and Affiliates, Lewistown, MT	\$3,319,371.50	
Plus 5% for Comparison	\$3,485,340.08	

It was recommended by Mr. Fredrick, moved by Vice Chairman Anderson, seconded by Commissioner Ruwart, and carried that McGarvin-Moberly Construction Company, Worland, 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 7
Clair Anderson - Vice Chairman

Federal projects NHPPI-0254147 and STP-E-I254148 combined, involving grading, placing crushed base and bituminous pavement surfacing, plant mix wearing course, bridge rehabilitation, removal and replacement of guardrails, electrical, removal and replacement of signs, and miscellaneous work on 3.33 miles of I-25, beginning at RM 188.89, in Casper, in Natrona County. Completion date: October 31, 2016

Engineer's Estimate	\$14,651,071.70	
Hedquist Construction, Inc., Mills, WY	\$ 16,047,904.19	+9.5%
Riverside Contracting, Inc., Missoula, MT	\$16,767,342.25	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$17,605,436.86	

It was recommended by Mr. Fredrick, moved by Vice Chairman Anderson, seconded by Commissioner Seeton, and carried that Hedquist Construction, Inc., Mills, 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.

11. It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve the following project authorization:

COMMISSION DISTRICT 1

Various

STP 0.00 B151109; Laramie County; Highway District One, various locations; Surtite delineation; FY 2015; request federal preliminary engineering funds of \$20,000; request federal construction engineering and construction funds of \$452,500

12. First-Quarter State Transportation Improvement Program (STIP) Addendum: Mr. Fredrick presented the first-quarter addendum to the 2015 STIP.

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve the first-quarter addendum to the STIP project list.

13. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through December 31, 2014, includes 130¹ fatal crashes involving 149¹ deaths. The fatalities include 63 rollover crashes, 54 multi-car crashes, 6 fixed objects, 16 motorcycles and all-terrain vehicles, and 10 pedestrians and bicyclists. Of the 130 crashes that occurred in 2014, 38² involved commercial vehicles.

There were 38³ crashes deemed alcohol related last year, resulting in 48³ deaths. Of those deaths, 22 were attributed to not using occupant restraints.

Of the 149 deaths that have occurred to date this year, 73 can be attributed to the non-use of occupant restraints, with 47 involving rollover crashes, 22 involving multi-car collisions, and 4 involving fixed objects. Of the 73 deaths that occurred from non-use of occupant restraints, 51 were Wyoming residents, and 22 were non-residents. Sixteen of those who perished were under 21 years of age, and 11 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 130 fatal crashes that have occurred to date this year, 64 (49 percent) of them occurred on primary/secondary highways, 30 (23 percent) occurred on interstate highways, and 36 (28 percent) occurred on city/county roads.

Fifteen multi-fatality crashes have occurred on Wyoming highways so far this year, of which 10 involved multiple vehicles, 8 involved commercial vehicles, and 2 were alcohol related.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 6,696⁴ crashes statewide, of which 5,378 involved non-commercial vehicles, and 1,318 involved commercial vehicles.

¹Numbers at the time of reporting; final numbers may change.

²Number not included in total deaths (sub-crash data).

³Not all chemical test results were available at the time of reporting.

⁴Does not contain all crashes worked; some December reports are pending.

Colonel Butler advised that there were four more fatalities than the annual average over the last 10 years. There were five fatalities involving bicyclists last year, of which three were caused by the driver of the automobile and the remaining two were the fault of the cyclist.

Chairman McCormack asked Colonel Butler whether he could identify any factors, such as weather or seat belt usage, which may have contributed to the fatalities hitting a record low in 2013 compared to a more average year in 2014. Colonel Butler indicated that the Highway Patrol is investigating the factors and the numbers, and will report to the Commission when their research is complete.

14. Mr. Byrne presented the Aeronautics report, including the December 2014 Aeronautics Flight Operations Passenger Summary Report.

15. Mr. Shultz presented the Operations report.

Mr. Larry Ayres, President of Ayres Post and Pole, and Kim Buckingham, of Buckingham Lumber, joined the meeting via telephone.

Mr. Shultz presented information about Bid Number 15-074. The low bid, from Ayres Post and Pole, was not signed. The second low bid, from Buckingham Lumber, met specifications.

Mr. Ayres indicated that when he printed the bid documents, the signature page did not print so it was not sent with the bid. Mr. Ayres has since printed the signature page and has signed the document.

Mrs. Buckingham stated that her company provided its bid in accordance with specifications, and respectfully asked that the Commission follow the rules that govern the bidding process.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried to approve purchase for bid number 15-074 to furnish 10,237 each treated sign and fence posts, for delivery at various statewide locations. The bid was awarded to Buckingham Lumber Co., of Buffalo, Wyoming, for the sum of \$103,987.25.

Mr. Ayres and Mrs. Buckingham left the meeting.

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

- Bid number 15-057 to furnish 750,000 each, 2015 Wyoming state highway maps, for distribution by the Public Affairs Program in Cheyenne. The bid was awarded to Fredric Printing, of Aurora, Colorado, for the sum of \$85,125.00.
- Bid number 15-066 to furnish three each, new, current model, 35-series, extended cab and chassis for body, for delivery in Cheyenne and Jackson. The bid was awarded to Greiner Motor Co.-Casper, of Casper, Wyoming, for the sum of \$77,937.00.

- Bid number 15-067 to furnish a roof replacement for the Highway Patrol building in Cheyenne. The bid was awarded to Inman Roofing, of Cheyenne, Wyoming, for the sum of \$182,848.00.
- Bid number 15-076 to furnish six each, new, current model, power-reverse, parallel lift snow plows, for delivery in Cheyenne. The bid was awarded to Henke Manufacturing, of Leavenworth, Kansas, for the sum of \$52,416.00.
- Bid number 15-085 to furnish 24,295 each, steel delineator posts, for delivery at various statewide locations. The bid was awarded to Sunwest Sales Company, of San Leandro, California, for the sum of \$161,143.50.
- Bid number 15-086 to furnish 165 each cattle guard wings, units, and sections, for delivery at various statewide locations. The bid was awarded to Geotec Industrial Supply, of Mills, Wyoming, for the sum of \$102,946.00.
- Bid number 15-087 to furnish 1,000 each snow plow carbide tipped blades, for delivery in Hulett, Moorcroft, Newcastle, and Wright, Wyoming. The bid was awarded to Wyoming Machinery Co., of Cheyenne, Wyoming, for the sum of \$182,680.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Vice Chairman Anderson, and carried to approve purchase for bid number 15-050 to furnish an annual contract to conduct 610 drug and alcohol tests for WYDOT commercial drivers' license (CDL) holders. The bid was awarded to Drug & Alcohol Testing Services, Inc., of Cheyenne, Wyoming, for the sum of \$53,050.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 15-084 to furnish 99,700 each delineator buttons, for delivery at various statewide locations. The bid was awarded to Geotec Industrial Supply, of Mills, Wyoming, for the sum of \$71,815.00.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Seeton, and carried to approve purchase for bid number 15-103 to furnish four each, trailer-mounted, dynamic message signs, for delivery in Cheyenne. The bid was awarded to Wanco, Inc., of Arvada, Colorado, for the sum of \$56,396.00.

16. Bitter Creek Rest Area Janitorial Contract: The janitorial contract for the Bitter Creek Rest Area was recently terminated because the contractor failed to perform in accordance with the contract conditions. The Bitter Creek Rest area is one of the busiest in the state. WYDOT's Patrick Draw personnel are tending to the ongoing facility maintenance, but its crew of only two individuals makes it difficult to keep up with the rest area needs in addition to its regular workload.

A new contract is being sought through the Procurement Services Program, and bids will be opened on February 4, 2015. Mr. Shultz suggested expediting the award of the contract, with the Director's and Chairman McCormack's approval, before the next Commission meeting.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve purchase for janitorial services at the Bitter Creek Rest Area, after opening bids on February 4, 2015, with final concurrence from Director Cox and Chairman McCormack. The estimated cost is \$75,000 to \$85,000 for a one-year contract.

17. It was moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried to adjourn the meeting. Chairman McCormack adjourned the meeting at 11:15 a.m., on Thursday, January 15, 2015.