

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on March 19, 2015. The meeting was convened at 8:30 a.m. by Chairman McCormack. The following members were present constituting a quorum:

Bruce McCormack, Chairman, Cody
Clair Anderson, Vice Chairman, Riverton
K. John Dooley, Commissioner, Laramie
Bob Ruwart, Commissioner, Wheatland
Todd Seeton, Commissioner, Jackson
Mike Larson, Commissioner, Lusk
John Cox, Director
Sandra J. Scott, Commission Secretary

Commissioner Rick Newton, of Buffalo, whose Commission term becomes effective April 5, 2015, also attended the meeting as a non-voting member.

Others 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 Jeff Purdy, Planning and Right-of-Way Program Manager, Federal Highway Administration (FHWA).

Others present: Chairman Curt Meier and Senator Fred Emerich, Senate Transportation, Highways & Military Affairs Committee; and Bob McLaurin, Jackson Town Manager.

1. Pledge of Allegiance: Chairman McCormack led the attendees in the Pledge of Allegiance.

2. Election of Officers: Chairman McCormack asked for nominations from the floor for the election of a new Commission chairman. It was moved by Commissioner Dooley, seconded by Commissioner Seeton, and carried to nominate Vice Chairman Anderson as chairman. There were no other nominations. It was moved by Commissioner Dooley, seconded by Commissioner Seeton, and unanimously carried to elect Vice Chairman Anderson as chairman.

Chairman Anderson asked for nominations from the floor for the election of a new vice chairman. It was moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried to nominate Commissioner Dooley as vice chairman. There were no other nominations. It was moved by Commissioner Ruwart, seconded by Commissioner Dooley, and unanimously carried to elect Commissioner Dooley as vice chairman.

3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried to approve the minutes from the February 19, 2015, breakfast meeting, regular business meeting, and education session.
4. Director Cox presented the Director's report.

Annual American Association of State Highway and Transportation Officials (AASHTO) Washington Briefing: Director Cox attended the annual AASHTO Washington Briefing meeting in Washington, D.C., February 25-27, 2015. The dominant discussion topic was the transportation reauthorization bill. WYDOT receives about 68 percent of its highway construction funding from the federal government, compared to the national average of 40 percent. The passage of a federal transportation bill is critical to WYDOT's mission and that of virtually every state. MAP-21 (Moving Ahead for Progress in the 21st Century), the current federal transportation bill, expired September 30, 2014, and was extended through May 31, 2015. Action is needed for a new bill or an additional extension by that time.

The biggest Congressional issue is finding additional funding. The Highway Trust Fund (HTF) will become insolvent by mid-summer, as inflows from user fees are short of the demand on the fund, which amplifies the need for action.

The Obama administration and the U.S. Department of Transportation have proposed a transportation bill (the Grow America Act) that, if passed, would accelerate a large amount of funding for the nation's transportation system. Director Cox believes that some of the proposed programs and regulations that come with it are not favorable to Wyoming and other rural states. The proposed bill would cost much more, minimally benefit the highway fund, sharply increase federal discretionary grant programs, and would likely result in more federal regulation.

The U.S. Senate Committee on Environment and Public Works (EPW) and the U.S. House Transportation and Infrastructure (T & I) Committee are expected to propose legislation that would provide transportation funding similar to what MAP-21 has provided in the past.

Director Cox hopes that a bill will be passed in 2015 to avoid the issues becoming caught up in another election cycle. With the HTF running low on funds, the Department is bracing for some constraints on federal reimbursements.

U.S. House TI Committee Meeting: As AASHTO president, Director Cox testified before the House of Representatives T & I Committee on March 17, 2016. Others who testified were the president of the National League of Cities and Salt Lake City Mayor Ralph Becker, and the Governor of North Carolina, Pat McCrory, who represented the National Governors' Association. Mr. Becker gave strong testimony in support of having a larger portion of HTF funding go directly to metropolitan cities rather than it passing through state departments of transportation. Director Cox pointed out that AASHTO and the states do not support that strategy.

5. Mr. Freier presented the Budget report.

Snow Control Budget Update: A five-year summary of snow control expenditures was distributed to the Commission. Snow maintenance has cost \$16.3 million so far in FY 2015, which is comparable to the five-year average.

Monthly Budget Report: The February 2015 budget report revealed that the Commission budget is 40 percent expended, and the Legislative budget is 41 percent expended, for an overall budget expenditure of 40 percent for FY 2015, which is within the target budget tolerances.

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

Jackson Budge Slide Update: Mr. McOmie updated the Commission on the status of the Budge Drive landslide in Jackson. A meeting was recently held with the Town of Jackson engineers; WYDOT representatives; and Nelson Engineering, the consultant who is working on the design for the repairs.

Nelson Engineering provided Mr. McOmie with a letter detailing the cost of mitigating the slide. The consultant estimates that the preliminary design cost for the repairs is \$8,719,900, and the mitigation cost that will benefit WYDOT is \$5,923,116. WYDOT's chief engineering geologist estimates that WYDOT would benefit only about \$2.7 million from the repairs.

Mr. McOmie asked the Commission what direction the Department should take with the repairs, as WYDOT's right-of-way does stand to be impacted if a catastrophic failure occurs.

Commissioner Seeton would like WYDOT to stay involved in the project and provide whatever support possible, as it has been doing, and continue its good working relationship with the local government. At this time, it is uncertain what WYDOT's involvement will be in the slide mitigation.

Mr. McLaurin indicated that the Budge family has filed a lawsuit, but WYDOT has not been named in any litigation so far. The Town of Jackson's focus is to repair the slide, not to blame anyone for what actions throughout the years may have caused the slide. Mr. McOmie believes that it is important to address the issue now to avoid further damage to the roadway, and that he prefers to be proactive in addressing the issue.

It was moved by Commissioner Seeton, seconded by Commissioner McCormack, and unanimously carried to investigate how much funding the Department may be able to contribute for the slide repairs, if any, and to report back to the Commission at its April 16 business meeting.

Chairman Meier and Mr. McLaurin left the meeting.

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

Mr. Fredrick advised that the Department will adjust its bid lettings because of the uncertainty of the HTF. Three major projects were delayed in the March letting, the June letting has been

cancelled, and the August letting will likely also be cancelled to better allow the Department to manage its contractor payments.

Mr. Fredrick presented the following bid results from the letting held March 12, 2015, in Casper.

COMMISSION DISTRICT 1
Bob Ruwart - Commissioner

State project SCP-BR-SL15-B151024, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, bridge rehabilitations, and miscellaneous work at various locations in Transportation District 1, in Laramie County. Completion date: October 31, 2015

Engineer's Estimate	\$1,476,919.25
S & S Builders, LLC, Gillette, WY	\$1,693,874.35 +14.7%
Dietzler Construction Corporation, Torrington, WY	\$1,613,323.23
Plus 5% for Comparison	\$1,693,989.39
Reiman Corp. and Subsidiary, Cheyenne, WY	\$2,218,522.90

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

Colonel John Butler, Highway Patrol Administrator, entered the meeting.

Federal projects NHPP-N253080, NHPP-E-N253082, NHPP-E-N273009, and SCP-TC-N273008 combined, involving grading, draining, milling concrete and plant mix, sidewalk, curb and gutter, concrete slab replacement, electrical, thermoplastic pavement markings, and miscellaneous work on 3.89 miles of US 85/26 (Valley Road), beginning at reference marker (RM) 9.61 in the town of Torrington, in Goshen County. Completion date: October 31, 2016

Engineer's Estimate	\$3,151,904.82
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$3,229,954.50 +2.5%

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

COMMISSION DISTRICTS 1 and 2
Bob Ruwart - Commissioner
K. John Dooley - Vice Chairman

State project CMP-PM-SL15-B151012, involving placing crushed base and bituminous pavement surfacing, milling plant mix, sidewalk, curb and gutter, and miscellaneous work at various locations in Transportation District 1, including Albany and Laramie counties. Completion date: October 31, 2015

Engineer's Estimate	\$3,145,180.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$2,878,000.00	-8.5%
Knife River, Casper, WY	\$2,899,683.30	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Larson, 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 DISTRICTS 1, 2, 3, 4, 5, 6, and 7
Bob Ruwart - Commissioner
K. John Dooley - Vice Chairman
Todd Seeton - Commissioner
Rick Newton - Commissioner
Bruce McCormack - Commissioner
Mike Larson - Commissioner
Clair Anderson - Chairman

Federal project HSIP-SEP-B169021, involving installation of rumble strips at various statewide locations. Completion date: June 30, 2016

Engineer's Estimate	\$1,315,400.00	
Surface Preparation Technologies, LLC, Mechanicsburg, PA	\$1,060,349.92	-19.4%
Diamond Surface, Inc., Rogers, MN	\$1,320,015.00	
B. Jackson Construction Group, West Jordan, UT	\$1,962,605.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Seeton, and carried that **Surface Preparation Technologies, LLC, Mechanicsburg, Pennsylvania**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 7
Clair Anderson - Chairman

State project SCP-TC-P142050, involving grading, milling plant mix, placing pit run subbase and bituminous pavement surfacing, chip seal, and miscellaneous work on 3.86 miles of WYO

28, beginning at RM 59.65, between Lander and Farson, in Fremont County. Completion date: October 31, 2016

Engineer's Estimate	\$1,930,353.00	
McGarvin-Moberly Construction Company, Worland, WY	\$1,972,864.15	+2.2%
H-K Contractors, Inc., Idaho Falls, ID	\$1,939,669.00	
Plus 5% for Comparison	\$2,036,652.45	
LeGrand Johnson Construction Co., Logan, UT	\$2,095,113.35	
Plus 5% for Comparison	\$2,199,869.02	
Mountain Construction Company, Lovell, WY	\$2,233,485.62	

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

Federal project NHPP-N431034, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, rumble strips, and miscellaneous work on 2.01 miles of WYO 59, beginning at RM 5.8, between Douglas and Gillette, in Converse County. Completion date: June 30, 2016

Engineer's Estimate	\$1,923,532.50	
Knife River, Casper, WY	\$1,962,347.46	+2.0%
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$2,133,271.86	
Oftedal Construction, Inc., Casper, WY	\$2,342,711.00	
71 Construction, Casper, WY	\$2,583,347.10	

It was recommended by Mr. Fredrick, moved by Commissioner Larson, seconded by Commissioner Seeton, and carried that **Knife River, 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.

Mrs. Kristin Burkart, Internal Review Services Manager, and Mr. David Stearns, Financial Services Administrator, entered the meeting.

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

COMMISSION DISTRICT 3

Local

BROS 0.00 CN19036; Uinta County; County Road 19-159, bridge over Sulphur Creek; bridge replacement; FY 2020; request federal preliminary engineering funds of \$205,000; estimated construction engineering and construction cost is \$479,000

ARSCT 0.00 PEG3A14; Uinta County; city of Evanston; purchase salt and sand material; FY 2015; request preliminary engineering funds of \$500, request construction engineering and construction funds of \$39,500; to be reimbursed by the City of Evanston

COMMISSION DISTRICT M (Miscellaneous)

Various

STP-PM 0.00 B165024; Big Horn and Fremont counties; US 14A, US 287 & WY 789; crack seal; FY 2016; request federal preliminary engineering funds of \$20,000; estimated construction engineering and construction cost is \$500,000

9. Development of State Transportation Improvement Program (STIP) Projects: Mr. Fredrick explained the project selection process to the new commissioners. WYDOT is beginning the process of adjusting the STIP to fit the anticipated funding over the next six years.

Governor Mead included \$21.6 million in his budget request to build passing lanes on WYO 59 and US 20/26. Although not approved, the Legislature included a footnote that provides \$2 million for the preliminary design of the passing lanes, and directs the Department to use \$10 million in highway safety improvement funds, or a like amount of other funds, to build them. Should additional funding be available based on the earnings from the permanent mineral trust fund, an additional \$5 million may be appropriated to fund the passing lanes. As a result of this legislation, the Department will have to re-prioritize and postpone many projects that have been programmed for some time to come up with adequate funding for these projects. Considering inflation and the movement of projects from one fiscal year to the next, about \$70 million in existing STIP projects will have to be postponed each fiscal year from 2017 through 2020 because of the legislation. The passing lanes will be built in 2016.

10. Wilson to Idaho State Line Runaway Truck Ramp Project: WYDOT is designing two new runaway truck ramps on WYO 22 between Wilson and the Idaho state line in Teton County. Right-of-way acquisition for the truck ramp on the upper side of the mountain is complete, but the Department has not yet obtained the necessary right-of-way for the lower truck ramp near Wilson. Two landowners have agreed to allow the necessary right-of-way, but several others do not support the project. The land needed for the project are very small parcels, and require only temporary construction permits to allow for minor grading and installation of drainage culverts at the landowners' approaches to allow better access to their property.

WYDOT Right-of-Way Program negotiators have attempted to talk terms with the landowners, but to no avail. The Department is reviewing the plans to investigate all possible solutions, but Mr. Fredrick advised that, in April, the Commission may be asked to consider a resolution for the exercise of eminent domain if it appears that an agreement cannot be reached. Currently, the upper and lower truck ramps will be let as one project, so the land acquisition for the lower ramp is holding up the entire project. The Commission discussed the issues and options available to move the project forward.

11. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through February 28, 2015, includes 13¹ fatal crashes involving 14¹ deaths. The fatalities include 10 rollover crashes, 3 multi-car crashes, and 1 fixed object. Of the 13 crashes that occurred so far this year, 2² involved commercial vehicles.

There have been seven³ crashes to date deemed alcohol related, resulting in seven³ deaths, which were all attributed to not using occupant restraints.

Of the 14 deaths that have occurred to date this year, 10 can be attributed to the non-use of occupant restraints, with 9 involving rollover crashes, and one involving a fixed object. Of the 10 deaths that occurred from non-use of occupant restraints, 9 were Wyoming residents, and one was a non-resident. Three of those who perished were under 21 years of age, and all of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 13 fatal crashes that have occurred to date this year, 6 (46 percent) of them occurred on primary/secondary highways, 3 (23 percent) occurred on interstate highways, and 4 (31 percent) occurred on city/county roads.

One multi-fatality crash has occurred on Wyoming highways so far this year. The crash involved multiple vehicles, including one commercial vehicle.

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

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 897⁴ crashes statewide, of which 724⁴ involved non-commercial vehicles, and 173⁴ involved commercial vehicles.

Commissioning of New Highway Patrol Troopers: Colonel Butler reported that four new troopers were commissioned earlier that day. The new troopers are excited about their assignments, and they are on their way to serve in their designated areas.

12. Mr. Byrne presented the Aeronautics report, including the February 2015 Aeronautics Flight Operations Passenger Summary Report.

13. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Ruwart, and carried to approve the proposed consent list.

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

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

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

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

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

- Bid number 15-139 to furnish 16,040 tons of performance grade 64-22 oil, ½-inch, hot mix bituminous pavement material, ½-inch and tack oil, for delivery in Cheyenne and Laramie. The bid was awarded to Simon Contractors, of Cheyenne, Wyoming, for the sum of \$946,250.00.
- Bid number 15-140 to furnish 22,800 tons of performance grade asphalt binder, hot plant mix bituminous pavement material, for delivery in Casper and Douglas. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$1,073,375.00.
- Bid number 15-141 to furnish 26,635 tons of performance grade asphalt binder, ½-inch, hot plant mix bituminous pavement material, for delivery in Gillette and Sundance. The bid was awarded to Intermountain Construction and Materials, of Gillette, Wyoming, for the sum of \$1,672,050.00.
- Bid number 15-142 to furnish 17,411 tons of performance grade asphalt binder; ¾-inch, warm plant mix bituminous pavement material; commercial cold mix; and tack oil, for delivery in Riverton and Cody. The bid was awarded to Mountain Construction Company, of Lovell, Wyoming, for the sum of \$659,883.67, and 71 Construction, of Riverton, Wyoming, for the sum of \$546,440.00, for a total sum of \$1,206,323.67.
- Bid number 15-148 to furnish 2,530 tons of performance grade asphalt binder, for delivery to various locations in Districts 1, 2, and 4. The bid was awarded to Sinclair Oil, of Salt Lake City, Utah, for the sum of \$736,272.00, and Mountain States Materials, of Cheyenne, Wyoming, for the sum of \$404,950.00, for a total sum of \$1,141,222.00.
- Bid number 15-152 to furnish 6,123 tons of asphalt emulsions, for delivery at various statewide locations. The bid was awarded to Peak Asphalt, LLC, of Rawlins, Wyoming, for the sum of \$2,483,265.75; Western Emulsions, Inc., of Billings, Montana, for the sum of \$32,023.89; and Mountain State Materials, of Cheyenne, Wyoming, for the sum of \$20,950.00, for a total sum of \$2,536,239.64.
- Bid number 15-163 to furnish 61 each, high mast lighting control cabinets, for delivery in Laramie, Casper, Rock Springs, Sheridan, and Gillette. The bid was awarded to Cheyenne Winlectric, of Cheyenne, Wyoming, for the sum of \$186,660.00.

Only one bid was received for Bid Number 15-146. The bidder, KR Radiant, of Pine Bluffs, Wyoming, did not provide the required bid bond with its bid proposal since they received their bid bond late from the bonding company because of poor road conditions. KR Radiant did provide the proper bid bond after the bid opening that day, but the bid was still considered irregular at the bid opening.

It was recommended by Mr. Shultz that bid number 15-146 to furnish a co-ray-vac heating system at the WYDOT facility in Kemmerer be rejected and bid again in the future. The recommendation failed due to the lack of a motion.

It was moved by Commissioner McCormack, seconded by Commissioner Seeton, and unanimously carried to approve bid number 15-146 to furnish a co-ray-vac heating system at the WYDOT facility in Kemmerer. The bid was awarded to KR Radiant, Inc., of Pine Bluffs, Wyoming, for the sum of \$68,100.00.

14. 2014 Financial Statements and Single Audit Report: Mr. Shultz noted that the 2014 A-133 audit was considered clean. The audit revealed only very minor findings, and the Department will continue to find ways to mitigate those issues. The auditors looked at WYDOT's internal controls and processes, and indicated that the items found were a very low risk to the agency and to the state. Director Cox was very pleased with the audit results, and he congratulated the Financial Services and Internal Review Services staff on a successful year.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Ruwart, and carried to approve the FY 2014 Financial Statement and Single Audit Report that was presented in detail on March 18, 2015, by CliftonLarsonAllen, LLP, of Greenwood Village, Colorado.

Mr. Shultz also noted that a request for proposals (RFP) has been issued to hire an auditor for the 2015 audit. Mr. Stearns advised that a pre-selection meeting will be held on Monday, March 23, 2015. Commissioner Seeton will be on the selection team. Four firms have expressed interest in providing a proposal for the new auditing contract. In past years, the WYDOT Internal Review staff has conducted the single audit compliance portion of the audit, but the selection team will consider hiring a consultant to perform those services next year.

15. It was moved by Commissioner McCormack, seconded by Commissioner Seeton, and carried to adjourn the meeting. Chairman Anderson adjourned the meeting at 11:20 a.m., on Thursday, March 19, 2015.