

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on September 15, 2016. The meeting was convened at 8:30 a.m. by Chairman Dooley. The following members were present constituting a quorum:

K. John Dooley, Chairman, Laramie  
Todd Seeton, Vice Chairman, Jackson  
Clair Anderson, Commissioner, Riverton (via telephone)  
Bruce McCormack, Commissioner, Cody  
Bob Ruwart, Commissioner, Wheatland  
Mike Larson, Commissioner, Lusk  
Rick Newton, Commissioner, Buffalo  
Bill Panos, Director  
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were Dennis Byrne, Chief Financial Officer; Gregg Fredrick, Chief Engineer; Keith Fulton, Assistant Chief Engineer of Engineering & Planning; Taylor Rossetti, Support Services Administrator; Colonel Kebin Haller, Highway Patrol Administrator; Mike Kahler, Senior Assistant Attorney General; Sam Voyles, Senior Assistant Attorney General; Rodney Freier, Budget Officer; Aimee Inama, Public Affairs Specialist; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Patty Smith, Owner, Ed Routon, General Manager, and Jim Hess, Compliance Administrator, for Bar S Services; Brian Burrus, Sales Representative, and Scott Gilbert, Owner, IBC Construction; Kyle Brown, Owner, and Dave Wilkening, Ph.D./Chemist, Saltworx; Lynn James, Desert Mountain Corporation; Steve Clark, Ph.D./Chemist, EnviroTech Services; and Matt Murphy, Reporter, Wyoming Tribune Eagle Newspaper.

Ms. Christy Yaffa, Interim Aeronautics Administrator, was absent.

1. Pledge of Allegiance: Chairman Dooley led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ruwart, seconded by Commissioner Larson, and carried to approve the minutes from the August 17, 2016, planning retreat; and the August 18, 2016, breakfast meeting, regular business meeting, and executive sessions.
3. Correspondence: Secretary Scott also presented a September 7, 2016, letter from Mr. Brian Snell, of Rimfire Enterprises, regarding his bid on Bid No. 16-255MD. Rimfire Enterprises was the second low bidder for this purchase, and Mr. Snell explained that the low bidder's improper bid bond was a justifiable reason for the Commission to award to his company. The bid will be addressed under agenda Item 7.c.

Secretary Scott presented an August 30, 2016, letter from the Burns Insurance Agency, Inc., that explained a situation involving the lack of a proper bid bond from IBC Construction Corporation for Bid No. 16-255CS. The letter included an original bid bond that was properly signed and sealed, and a copy of IBC Construction's Procurement Services Proposal. The bid will be addressed under agenda Item 7.c.

4. Old Business, Bar-S Informal Hearing: At the request of Patty Smith, the owner of Bar-S Services, the Transportation Commission held an informal hearing at its August 18, 2016, business meeting regarding a 90-day suspension issued to Bar-S Services by the Wyoming Highway Patrol for some alleged violations of their self-issuing oversize/overweight permit authority. All evidence in the case was heard at the August 18 meeting, and the Commission asked Bar-S and the Highway Patrol to provide the recommended findings of facts and conclusions of law to the Commission. No further evidence was presented, and no other legal argument was provided in the case. Mr. Kahler advised that it is now up to the Commission to accept or to reject the suspension as ordered by the Highway Patrol.

Mr. Routon requested a copy of the Highway Patrol's findings of fact and conclusions of law. With Mr. Kahler's approval, a copy of the Highway Patrol's findings of fact and conclusions of law was provided to the Bar-S contingency at the meeting.

It was recommended by Mr. Kahler, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried to approve the Wyoming Transportation Commission's Findings of Fact, Conclusions of Law, and Order Upholding Suspension.

Colonel Haller advised that the Highway Patrol has met with representatives from Bar-S since the August Commission meeting to renew its partnership with the company and to move forward to coordinate, train, and discuss the issues at hand to gain a better understanding and working relationship between the parties.

Mr. Routon reminded the Commission that, at its August 18, 2016, business meeting, he asked the Commission to review WYDOT's rules and regulations for statutory compliance, and to have the findings be made available to the public for review. Mr. Kahler advised that the statutory compliance issue was addressed in the Highway Patrol's findings of fact and conclusions of law.

Ms. Smith and Messrs. Routon and Hess left the meeting.

5. Mr. Freier presented the Budget report.

Monthly Budget Report: The August 2016 budget report revealed that the Commission budget is 87 percent expended, and the Legislative budget is 85 percent expended, which is within the target budget tolerances.

Fiscal Year (FY) 2017 Operating Budget: The annual budget was presented in detail at a meeting held in the Commission Room on Wednesday, September 14, 2016. Mr. Freier asked if the Commission had any questions for him regarding the budget details presented on September 14. The Commission offered no questions.

It was recommended by Mr. Freier, moved by Commissioner Newton, seconded by Commissioner Larson, and carried to approve the FY 2017 Operating Budget.

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

- Bid number 16-274 to furnish 10 each, new four-wheel-drive, Chevrolet Tahoe utility vehicles, with police package, for delivery to WHP Upfitter/Rigger. The bid was awarded to Fremont Chevrolet Buick GMC, of Riverton, Wyoming, for the sum of \$360,640.00.
- Bid number 16-276 to furnish 233,500 gallons of liquid organic accelerator, for use at various locations statewide. The bid was awarded to SFG Road Maintenance, of Knoxville, Iowa, for the sum of \$245,695.00.
- Bid number 16-277 to furnish 14,030 tons of bulk sodium chloride (Type 1 and Type 2), for use at various locations statewide. The bid was awarded to Dustbusters, Inc., of Evanston, Wyoming, for the sum of \$787,928.25; and to Taurus Natural Salt (Idaho), of Pocatello, Idaho, for the sum of \$168,066.50; for a total sum of \$955,994.75.
- Bid number 16-278 to furnish a 65' x 100' fabric covered salt/sand building, to be constructed at Dana Ridge. The bid was awarded to A & B Construction, LTD, of Harper, Iowa, for the sum of \$63,800.00.

It was recommended by Mr. Byrne, moved by Commissioner McCormack, seconded by Commissioner Ruwart, and carried to approve purchase for bid number 16-249 to furnish four each, WyoLink-capable radio system service monitors, for use by the Telecommunications Program in Cheyenne. The bid was awarded to Edmo Distributors, of Spokane Valley, Washington, for the sum of \$209,681.52.

Ms. Kristin Burkart, Internal Review Services Program Manager, entered the meeting.

Mr. Byrne advised that the bid provided by IBC Construction, of Glenrock, Wyoming, for Bid Number 16-255 was deemed irregular because of an improper bid bond.

Mr. Brian Burrus explained that he failed to review the final bid bond before including it with his company's bid, so a signature was missed on the bid bond. An original signed bid bond was provided by the bonding company, Burns Insurance Agency, Inc., on August 31, 2016. Mr. Burrus advised that his company's bid was considerably less than the second low bid, and, if the Commission were to award to his company, it would be a considerable cost savings to the state.

Mr. Gilbert also stated that his company has standard procedures in place to ensure that the necessary information is included with their bids, but a key person in their office was on vacation during that time, so a signature was missed on the bid bond. Mr. Gilbert apologized for the oversight, and he asked the Commission for grace in awarding the bid to his company, given the circumstances.

Mr. Byrne presented a letter from Mr. Brian Snell of Rimfire Enterprises, the company that provided the apparent second low bid on Bid Number 16-255. In his letter, Mr. Snell advised that his bid had no irregularities, and he described a very similar situation that occurred last year

where his company neglected to sign its bid bond. In that case, the Commission deemed Rimfire's bid irregular and awarded the bid to another company.

It was recommended by Mr. Byrne, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried to approve purchase for bid number 16-255 to construct a 30' x 40' cold storage building at the WYDOT facility in Pine Bluffs. The bid was awarded to Rimfire Enterprises, of Carpenter, Wyoming, for the sum of \$53,045.00.

It was recommended by Mr. Byrne, moved by Commissioner Newton, seconded by Commissioner Larson, and carried to approve purchase for bid number 16-273 to furnish 50 each, new, current model, all-wheel-drive Dodge Charger patrol sedans, with police package, for delivery to WHP Upfitter/Rigger. The bid was awarded to Fremont Motor Company, of Lander, Wyoming, for the sum of \$1,189,050.00.

Messrs. Burrus and Gilbert left the meeting.

Mr. Byrne advised that the bid from Saltworx, LLC, for the solid anti-icer/deicer portion of Bid Number 16-279 did not meet specification and was deemed irregular.

Mr. Lynn James, of Desert Mountain Corporation, provided a presentation showing the leaching of Ice Slicer product, and he testified to support his bid for the solid anti-icer product. Mr. James does not believe the Ice Kicker road and salt material meets WYDOT's specifications.

Mr. Brown of Saltworx, LLC, and Mr. Wilkening, a consultant for Saltworx, spoke to support their bid. A sample of the Ice Slicer product was provided, and its content was explained. Mr. Wilkening stated that he wasn't there to contest what was written in the bid, but he wanted to inform the Commission that his product would provide a better value for the State of Wyoming. According to Mr. Wilkening, the blue color that WYDOT requires in its solid anti-icer/deicer is technically a detriment to the product's performance.

Mr. Fredrick asked if there were any environmental concerns with the blue dye in the Ice Kicker product. Messrs. Brown and Wilkening both testified that the blue dye is a food grade, water soluble product, and there is no cleanup involved with their product.

The WYDOT Field Operations Program requested a sample of the Ice Kicker product that was proposed in the bid from Saltworx. Ice Kicker and Ice Slicer were tested for compliance with the bid specifications. The Ice Slicer met the requirements, but the Ice Kicker product did not comply with the bid specifications.

It was recommended by Mr. Byrne, moved by Commissioner Ruwart, seconded by Commissioner Larson, and carried to approve purchase for bid number 16-279, to furnish 177,000 gallons of Category 1 liquid anti-icer/deicer, for use at various locations statewide. The liquid anti-icer/deicer portion of the bid was awarded to Dustbusters, Inc., of Evanston, Wyoming, for the sum of \$118,700.00.

It was recommended by Mr. Byrne, moved by Commissioner McCormack, seconded by Vice Chairman Seeton, and carried to approve purchase for bid number 16-279, to furnish 8,350 tons of Category 2 solid anti-icer/deicer, for use at various locations statewide. The solid anti-icers/deicer portion of the bid was awarded to Dustbusters, Inc., of Evanston, Wyoming, for the sum of \$1,095,179.80.

It was recommended by Mr. Byrne, moved by Commissioner McCormack, seconded by Commissioner Larson, and carried to approve purchase for bid number 16-287 to furnish 40,000 pounds of aluminum for use by WYDOT Motor Vehicle Services to manufacture motor vehicle license plates. The bid was awarded to Traffic Safety Supply Company, of Portland, Oregon, for the sum of \$64,400.00.

It was recommended by Mr. Byrne, moved by Commissioner Larson, seconded by Commissioner Ruwart, and carried to approve purchase for Requisition Number 0000043544, to furnish a 100 track feet of Star Track HD tub crossing modules designed for 136#RE rail, including installation, and 100 track feet of rail groove filler and joint filler for Star Track crossing modules. Items are for delivery at the railroad crossing at Milepost 91.87 on US Highway 85, south of Torrington. The contract was awarded to Star Track, of Littleton, Colorado, for the sum of \$55,000.00. Star Track is a sole source provider for this item.

Messrs. Brown, Wilkening, James, and Clark left the meeting. Director Panos entered the meeting.

7. Mr. Fredrick presented the Chief Engineer's and the Operations reports.

Personnel Actions: A new WYDOT organizational chart has been developed that reflects the two new executive staff positions, the chief financial officer and the chief technology officer.

Dennis Byrne was recently appointed as the chief financial officer, and Christy Yaffa has been named the interim Aeronautics Administrator. Mr. Pat Lewis has been selected as the new chief technology officer, effective October 3, 2016. The assistant chief engineer for operations position has been advertised, and Mr. Fredrick anticipates interviewing soon to fill that vacancy.

Mr. Mark Eisenhart, WYDOT's field operations engineer, recently retired from the Department. The executive staff is evaluating the best means of filling that position. Ms. Shelby Carlson, district engineer in Basin, has also left WYDOT to go to work for the Wyoming School Facilities Department in Cheyenne. Mr. Pete Hallsten, the current district maintenance engineer, has been named the interim district engineer. The job has been advertised, and a permanent replacement will be named as soon as possible.

Construction Work Zone Safety: Mr. Fredrick and members of the Highway Patrol recently met with members of the Wyoming Contractors Association (WCA) to discuss enhancing work zone safety. About 150 work zone accidents have occurred so far this year. Some suggested changes include increased patrol activity, funding the patrol to enhance work zone enforcement, and involving the Highway Patrol in pre-construction meetings and quarterly contractor safety meetings to share the unique challenges that may occur with traffic control.

Colonel Haller also attended the meeting with the WCA. The Highway Patrol was very encouraged by the WCA membership's desire and commitment to improving work zone safety.

8. Director Panos presented the Director's report.

FY 2017-2018 and 2019-2020 Budgets: Director Panos thanked the entire WYDOT staff for their involvement in preparing the FY 2017 operating budget.

The Department is beginning to consider future budgets. About 50 percent of WYDOT's budget comes from the federal government, about 30 percent comes from dedicated resources, such as federal mineral royalties, and 20 percent comes from other state funding, including the general fund. The Department is developing a strategy to further stabilize its revenue sources. Some dialog has occurred with the Legislative Services Office, with Governor Mead, and with executive staff members about how to permanently stabilize highway funding in the future. Director Panos will keep the Commission informed of the progress toward making a plan for future funding.

Proposed Yellowstone National Park License Plate: Governor Mead has expressed a desire to have Wyoming better aligned with Yellowstone National Park. WYDOT is partnering with the Wyoming Office of Tourism to establish a new license plate in one effort to connect Yellowstone National Park with Wyoming. If approved by the legislature, the proceeds from the license plate sales would possibly go to the Wyoming Office of Tourism, the Wyoming Department of Transportation, and a non-profit organization to be determined later.

The Yellowstone license plate would also be offered as a decorative novelty plate, which cannot legally be displayed on a vehicle. Director Panos plans to present the Yellowstone license plate idea at the Joint Transportation, Highways & Military Affairs Committee (JTC) meeting on September 26-27, 2016, in Afton.

Public Safety Communications Commission (PSCC): WYDOT executive staff has been discussing needed improvements to WyoLink and the PSCC. Director Panos plans to discuss the topic with the JTC at its next meeting in an effort to enhance public safety communications systems, resources, governance, and other areas of importance across Wyoming.

9. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 8, 2016, in Sheridan.

**COMMISSION DISTRICT 1**  
**Bob Ruwart - Commissioner**

Federal project NHPPI-I806205, involving grading, milling plant mix, plant mix wearing course, bridge rehabilitation, and miscellaneous work, with A+B bidding on 10.48 miles of the eastbound lane of I-80, beginning at reference marker (RM) 362.00, at various locations between Cheyenne and Pine Bluffs, in Laramie County. Completion date: June 30, 2018

Engineer's Estimate	\$6,688,920.50	
<b>Mountain Construction Company, Lovell, WY</b>	<b>\$5,485,003.04</b>	<b>-18.0%</b>
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$5,698,603.15	
Knife River, Cheyenne, WY	\$5,736,931.15	

It was recommended by Mr. Fulton, moved by Commissioner Larson, seconded by Commissioner Ruwart, 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. The Federal Highway Administration concurred with this decision.

Federal project NHPPI-I252164, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, reclaimed asphalt pavement widening, bridge rehabilitation, electrical, and miscellaneous work on 6.34 miles of I-25, beginning at RM 68.97, between Chugwater and Wheatland, in Platte County. Completion date: October 31, 2017

Engineer's Estimate	\$6,201,004.00	
<b>Mountain Construction Company, Lovell, WY</b>	<b>\$4,480,804.29</b>	<b>-27.7%</b>
McGarvin-Moberly Construction Company and subsidiary, Worland, WY	\$4,796,883.58	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$4,905,310.98	
Riverside Contracting, Inc., Missoula, MT	\$5,321,015.45	
Hedquist Construction, Inc., Mills, WY	\$5,895,113.33	

It was recommended by Mr. Fulton, moved by Commissioner Ruwart, seconded by Commissioner Larson, 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. The Federal Highway Administration concurred with this decision.

Federal project NHPPI-I806202, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, reclaimed asphalt pavement widening, and miscellaneous work on 4.69 miles of I-80, beginning at RM 336.51, between Laramie and Cheyenne, in Laramie County. Completion date: October 31, 2017

Engineer's Estimate	\$5,800,605.00	
<b>Mountain Construction Company, Lovell, WY</b>	<b>\$4,715,230.37</b>	<b>-18.7%</b>
Knife River, Cheyenne, WY	\$4,821,131.69	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$4,849,868.43	
McGarvin-Moberly Construction Company and subsidiary, Worland, WY	\$4,898,881.90	

It was recommended by Mr. Fulton, moved by Commissioner Ruwart, seconded by Commissioner Larson, 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. The Federal Highway Administration concurred with this decision.

Federal project RHC-N853093, involving the removal of surfacing, placing crushed base and bituminous pavement surfacing, installation of Star Track tub crossing, and miscellaneous work at RM 91.87 on US 85, just south of Torrington, in Goshen County. Completion date: June 30, 2017

Engineer's Estimate	\$137,945.00	
<b>Dietzler Construction Corporation, Yoder, WY</b>	<b>\$188,460.00</b>	<b>+36.6%</b>
Rocky Mountain Sand & Gravel, LLC, Cheyenne, WY	\$207,050.00	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$260,945.00	

It was recommended by Mr. Fulton, moved by Commissioner Ruwart, seconded by Commissioner McCormack, and carried that Dietzler Construction Corporation, Yoder, 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 2 and 3

**K. John Dooley - Chairman**

**Todd Seeton - Vice Chairman**

State projects PEG1631, ARSCT-PEG3A15, and ARSCT-PEG3A16 combined, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, Teton, and Uinta counties. Completion date: March 31, 2017

Engineer's Estimate	\$1,590,363.00	
<b>Kilroy, LLC, Afton, WY</b>	<b>\$1,531,815.00</b>	<b>-3.7%</b>
Kilgore Companies dba Lewis & Lewis, Inc., Rock Springs, WY	\$1,618,374.51	
Evans Construction Company, Jackson, WY	\$1,723,178.75	

It was recommended by Mr. Fulton, moved by Vice Chairman Seeton, seconded by Commissioner Larson, and carried that Kilroy, LLC, Afton, 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

**Rick Newton - Commissioner**

Federal project AML16-P423030, involving grading, milling plant mix, bituminous pavement surfacing, bridge deck (epoxy) overlay, and miscellaneous work on 9.68 miles of WYO 387, beginning at RM 141.52, between Edgerton and Wright, in Campbell County. Completion date: October 31, 2017

Engineer's Estimate	\$2,506,389.50	
<b>McGarvin-Moberly Construction Company and subsidiary, Worland, WY</b>	<b>\$2,073,221.94</b>	<b>-17.3%</b>
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$2,179,803.56	
Century Companies, Inc., Lewistown, MT	\$2,184,785.50	
Riverside Contracting, Inc., Missoula, MT	\$2,194,335.00	
Concrete Foundations, Inc., Douglas, WY	\$2,243,159.52	
Mountain Construction Company, Lovell, WY	\$2,247,400.95	
Hedquist Construction, Inc., Mills, WY	\$2,265,423.38	
Knife River, Cheyenne, WY	\$2,533,363.57	

It was recommended by Mr. Fulton, moved by Commissioner Newton, seconded by Commissioner McCormack, and carried that McGarvin-Moberly Construction Company and subsidiary, 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 5  
Bruce McCormack - Commissioner**

Federal project HSIP-SEP-B165022, involving grading, removal and replacement of guardrail, bridge railing modifications, and miscellaneous work at various locations in Transportation District 5, including Hot Springs and Washakie counties. Completion date: October 31, 2017

Engineer's Estimate	\$ 748,305.00	
<b>HL Construction, Inc., Billings, MT</b>	<b>\$ 950,716.36</b>	<b>+27.0%</b>
S & L Industrial, Cowley, WY	\$ 997,907.50	
K's Construction, Inc., Powell, WY	\$1,199,716.25	

It was recommended by Mr. Fulton, moved by Commissioner McCormack, seconded by Commissioner Newton, and carried that HL Construction, Inc., Billings, Montana, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICTS 5 and 7  
Bruce McCormack - Commissioner  
Clair Anderson - Commissioner**

Federal project STP-DR51575, involving grading, draining, placing crushed base and bituminous pavement surfacing, impact attenuators, and miscellaneous work on 9.20 miles of US 20, beginning at RM 126.82, between Shoshoni and Thermopolis, in Fremont and Hot Springs counties. Completion date: May 31, 2017

Engineer's Estimate	\$ 650,770.00
<b>Wilson Bros. Construction, Inc., Cowley, WY</b>	<b>\$ 837,890.00 +28.8%</b>
Oftedal Construction, Inc., Casper, WY	\$1,062,899.47
DRM, Inc., Gillette, WY	\$1,084,885.50
Earth Work Solutions, Gillette, WY	\$1,339,472.65

It was recommended by Mr. Fulton, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that Wilson Bros. Construction, Inc., Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

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

State project PEG1651, involving crushing and stockpiling of crushed surfacing material, and miscellaneous work at various locations in Transportation District 5, in Fremont County. Completion date: March 31, 2017

Engineer's Estimate	\$ 779,500.00
<b>Frost Rock Products Company, Lovell, WY</b>	<b>\$ 949,100.00 +21.8%</b>
McGarvin-Moberly Construction Company and subsidiary, Worland, WY	\$1,101,202.00

It was recommended by Mr. Fulton, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried that Frost Rock Products 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.

10. FY 2017 State Transportation Improvement Program (STIP): Mr. Fulton introduced Messrs. Kidner and McDowell, and Mss. Stone and Grant, and thanked them for producing and for the upkeep of the STIP document.

Mr. Fulton presented the FY 2017 STIP for Commission consideration.

It was recommended by Mr. Fredrick, moved by Commissioner Newton, seconded by Commissioner Larson, and carried to approve the FY 2017 STIP.

Mss. Stone and Grant, and Messrs. Kidner and McDowell left the meeting.

11. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2016, includes 71<sup>1</sup> fatal crashes involving 79<sup>1</sup> deaths. The fatalities include 29 rollover crashes, 23 multi-car crashes, 3 fixed objects, 18

---

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

motorcycles, 2 all-terrain vehicles, 2 pedestrians, and one bicyclist. Of the 71 fatal crashes that occurred so far this year, 16<sup>2</sup> involved commercial vehicles.

There have been 17<sup>3</sup> fatal crashes to date deemed drug or alcohol related, resulting in 21<sup>3</sup> deaths. Of those deaths, 13 were attributed to not using occupant restraints. Of the crashes, 7 were rollovers 9 were multi-car crashes, 2 involved fixed objects, 2 involved motorcycles, 1 involved a pedestrian, and 6<sup>2</sup> involved commercial vehicles.

Of the 79 deaths that have occurred to date this year, 37 can be attributed to the non-use of occupant restraints, 27 were Wyoming residents and 10 were non-residents.

Of those who have perished this year, 12 were under 21 years of age, and 8 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 73 fatal crashes that have occurred to date this year, 37 of them occurred on primary/secondary highways, 27 occurred on interstate highways, and 9 occurred on city/county roads.

A total of 6 multiple-fatality crashes have occurred on Wyoming highways so far this year, of which 3 involved multiple vehicles, 3 involved commercial vehicles, and 3 were alcohol related.

Inclement weather or road conditions contributed to 6 vehicle crashes so far this year, which resulted in 6 deaths. Speed was considered a factor in 19 of the vehicle crashes that caused 20 deaths.

The days of the week for fatal crashes in 2016 are as follows:

Sunday	10 crashes
Monday	13 crashes
Tuesday	9 crashes
Wednesday	12 crashes
Thursday	12 crashes
Friday	10 crashes
Saturday	7 crashes

The times of day for fatal crashes in 2016 are as follows:

12:00 a.m. to 6:00 a.m.	9 crashes
6:00 a.m. to 12:00 p.m.	17 crashes
12:00 p.m. to 6:00 p.m.	31 crashes
6:00 p.m. to 12:00 a.m.	16 crashes

---

<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 following 2016 crash statistics were also shared with the Commission:

- 73 percent of those who died in rollover crashes were unrestrained.
- 68 percent of auto deaths so far have been unrestrained.
- Of the 38 fatalities not properly restrained, 28 (74 percent) were residents and 10 (26 percent) were non-residents.
- 69 percent (9 of 13) of the fatalities under age 21 were not properly restrained.
- Alcohol and/or drug impairment were factors in 28 percent of the fatalities.
- Speed was noted, by the investigating officer, as a contributing factor in 25 percent of the fatalities.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,083<sup>4</sup> crashes statewide, of which 3,213<sup>4</sup> involved non-commercial vehicles, and 898<sup>4</sup> involved commercial vehicles.

Wyoming Peace Officers' Association Awards: The Wyoming Peace Officers' Association held its 89<sup>th</sup> annual awards ceremony on September 14, 2016, and the Highway Patrol received numerous awards. Trooper Colton Lenz, of Division Q in Sundance, received the Meritorious Service Award for a traffic stop he conducted in June 2015 on I-90 near Sundance. The stop led to the seizure of 32.5 pounds of methamphetamine, with a street value of approximately \$4 million. Trooper Lenz's K9, Ally, assisted in the seizure, and she was also recognized at the ceremony.

WHP Staffing Update: The Highway Patrol currently has 12 trooper vacancies that will be advertised soon. Testing will begin in early January 2017 to fill the openings. The ports-of-entry have 7 jobs openings statewide that have been advertised, and interviews are underway to fill those positions. The WHP Communications Center also has 6 dispatcher openings that will soon be advertised.

12. In Ms. Yaffa's absence, Director Panos presented the Aeronautics report, including the August 2016 Aeronautics Flight Operations Passenger Summary Report, and the Wyoming Aircraft Accident Monthly Report.

Wyoming Airport Operators' Association (WAOA) Conference: The WAOA Conference is being held in Cheyenne this week. Governor Matt Mead addressed the audience about the economic development impacts of having strong and sustainable air service in Wyoming. The Governor spoke about several large businesses that would like to relocate here, and existing Wyoming businesses that have expressed a need for sustainable air service to support their businesses and their employees. Director Panos anticipates future meetings with Governor Mead about his 10 to 20 year plan to diversify Wyoming's economy. The plan will likely include air service enhancements.

Director Panos also noted that WYDOT's budget strategy will potentially have a direct impact on stabilizing and growing the future of air service in Wyoming.

---

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

Over the next year, Director Panos would like to have the Aeronautics Commission and the Transportation Commission more integrated. The effort will be a helpful learning tool for the commissioners.

13. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT has 1,899 employees statewide as of August 31, 2016, which is 85 less than last year at this time. Mr. Rossetti noted that the Department is being very strategic about what positions are filled because of the ongoing hiring freeze and state budget cuts. Fifty WYDOT vacancies are currently posted, and 27 of those are maintenance-related.

Director Panos advised that the Department will continue to assist state employees who have been ruffed by other agencies because of state budget cuts by hiring them into WYDOT job openings (following the standard qualification process).

14. DUI Drivers' License Suspension Briefing: Mr. Kahler briefed the Commission about Wyoming drivers' license suspensions that typically follow a DUI arrest and the attorney general's involvement in the subsequent hearings that stem from the suspensions.

The Attorney General's Office recently changed its position on how it prosecutes those cases. When an individual is cited for a DUI offense, an implied consent suspension is conducted by law enforcement. The implied consent suspension includes drivers blowing into a device to determine their blood alcohol content (BAC). A form is then submitted by the officer, along with a police report documenting the details of the case and a signed statement from the driver. If the driver's BAC is beyond the legal limit, the officer issues a notice of suspension. After the suspension, the driver has an opportunity to request a contested case hearing before the Wyoming Office of Administrative Hearings (OAH). The OAH determines the outcome, and if the case is dismissed, the driver's license is returned to the driver.

Historically, WYDOT's attorney representatives have not appeared at the hearings, primarily because of the lack of resources and the sheer volume of the case load. Before the early 2000s, WYDOT was favored in about 50 percent of the OAH cases, and the Department had to ultimately rely upon a criminal conviction to obtain an immediate suspension. That meant there were a lot of drivers that remained on the road that should not have been allowed to drive.

In 2006, the attorneys began appearing in the OAH cases when officers requested to testify, which was about 20 percent of all cases. About 90 percent of those cases were won when an attorney was present. In cases where WYDOT did not have legal representation, only about 65 percent of the cases were won.

In late 2015, Wyoming Attorney General Peter Michael asked Mr. Kahler to develop a plan to increase the winning percentage. General Michael approved the plan that includes six part-time attorneys that review cases and appear before the OAH. Messrs. Kahler and Voyles now review about 800 to 1,000 DUI reports annually that come into WYDOT. This review affords the attorneys an opportunity to identify which cases need particular legal attention or an argument to gain the conviction.

15. It was moved by Commissioner McCormack, seconded by Commissioner Ruwart, and carried to adjourn the meeting. Chairman Dooley adjourned the meeting at 11:45 a.m., on Thursday, September 15, 2016.