

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Auditorium of the Wyoming Department of Transportation (WYDOT) Headquarters building, 5300 Bishop Boulevard, in Cheyenne on October 18, 2018. Chairman Ruwart convened the business meeting at 8:30 a.m. The following members were present constituting a quorum:

Bob Ruwart, Chairman, Wheatland
Mike Larson, Vice Chairman, Lusk
Todd Seeton, Commissioner, Jackson
Rick Newton, Commissioner, Buffalo
Louie Pfrangle, Commissioner, Worland
Phil Schmidt, Commissioner, Casper
Jim Espy, Commissioner, Savery
William T. Panos, Director
Sandra J. Scott, Commission Secretary

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer; Gregg Fredrick, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Mark Gillett, Assistant Chief Engineer for Operations; Taylor Rossetti, Support Services Administrator; Brian Olsen, Aeronautics Administrator; Colonel Kebin Haller, Highway Patrol Administrator; Troy Babbitt, Telecommunications Program Manager; Mike Kahler, Supervising Attorney General; Sam Voyles, Assistant Attorney General; Rodney Freier, Budget Program Manager; and Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA).

Others meeting attendees: Shelby Carlson, newly appointed Chief Engineer; Rhonda Harsy, Financial Services Program Manager; Kirsten Rigg, Senior Auditor; Wayne Herr, Partner, McGee Hearne & Paiz, Certified Public Accountants; Ali Ragan, Intelligent Transportation Systems (ITS) Project Manager; Malcolm Ervin, Joint Town/County Planner, Town of Wheatland/Platte County Planner; and Candy Wright, Town Clerk, Wheatland.

Mr. Pat Lewis, Chief Technology Officer, was absent.

1. Pledge of Allegiance: Chairman Ruwart led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Espy, seconded by Commissioner Seeton, and carried to approve the minutes from the September 12, 2018, FY 2019 operating budget presentation, and the September 13, 2018, breakfast meeting and business meeting.
3. Old Business: At its September 13, 2018, business meeting, the Commission requested information from the executive staff regarding WYDOT's \$135.6 million budget shortfall that could be used when talking with constituents and legislators. Commissioner Schmidt indicated he had not yet received that information. Mr. Byrne advised that draft talking points have been prepared and that the information will be shared with the Joint Transportation, Highways &

Military Affairs Committee (JTC) next week. More information about that topic will be shared under the Chief Financial Officer's report later in the meeting.

4. Director Panos presented the Director's report.

FY 2018 Pre-Audit Briefing: Mr. Wayne Herr, Partner with McGee, Hearne & Paiz, LLP, (MHP), Certified Public Accountants, presented the scope of the FY 2018 audit.

The audit is performed using Generally Accepted Auditing Standards (GAAS), Government Auditing Standards (GAS), and Uniform Guidance from the Office of Management and Budget (OMB). The audit includes three separate reports:

- Audit report on financial statements,
- Audit report on internal control over financial reporting and compliance with laws and regulations that affect financial reporting, and
- Audit report on major federal programs.

The audit process summary will include:

- Risk assessment through documentation review, preliminary financial information analysis, internal control environment evaluation, management inquiries, and consideration of changes to accounting and auditing standards.
- Design of further audit procedures to address risks, including determining internal control testing, tests of details, and analytical review as well as deciding upon the nature, timing, and the extent of these procedures.
- Completion of further audit procedures and proper review of work.
- Evaluated results of audit procedures.

The FY 2018 single audit will include the Highway Research and Development Program, Highway Planning and Construction, and formula grants for rural areas. These areas are subject to change, based on preliminary information.

MHP offered complimentary training for the Commission to share more information about the audit process. The training would provide more details about governance and how it relates to financial reporting, and the audit and financial reporting process expectations for those who are charged with governance.

Director Panos asked if the new auditing standards have been discussed with the Wyoming State Auditor and the Governor's office, and how the new standards apply to state government. Mr. Herr advised that MHP has worked with the state auditor to determine its applicability, and the proper government standards are being applied to WYDOT's audit.

Commissioner Schmidt believed having an education session regarding governance and how it relates to financial reporting would benefit the Commission.

5. American Association of State Highway and Transportation Officials (AASHTO) Transportation Vanguard Award: Ms. Ali Ragan, WYDOT's Intelligent Transportation Systems (ITS) Project Manager, was recently named an AASHTO Transportation Vanguard Award recipient.

AASHTO established the Vanguard Award to honor deserving individuals at the forefront of new developments and technologies, and doing extraordinary things in the field of transportation. Individuals age 40 or younger working for an AASHTO member department of transportation with a commitment to excellence and the implementation of innovative technologies and processes may be nominated. AASHTO bestows the award in memory of James C. McMinimee, a former professional engineer with the Utah Department of Transportation who, during his lifetime of public service, led innovation among his peers and the state departments of transportations. Ms. Ragan was one of 20 nominees across the nation to receive this honor.

Chairman Ruwart and Director Panos presented the award to Ms. Ragan at the business meeting. Ms. Ragan acknowledged the many talented participants from WYDOT and others who have made the connected vehicle project a success so far.

Mses. Ragan and Rigg left the meeting.

6. Mr. Byrne presented the Chief Financial Officer's report.

Monthly Budget Report: The September 2018 budget report revealed that the Commission budget is 90 percent expended, and the Legislative budget is 87 percent expended.

Mr. Freier noted that some FY 2018 unexpended funds will be rolled into FY 2019, as programs are not always able to finalize projects or expenditures within the fiscal year. Budget rollover requests are being reviewed by executive staff members for inclusion in FY 2019. Any rollover items approved by the executive staff will be included in the first quarter budget modification, which will be presented for Commission consideration in January 2019.

7. It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to move Bid Numbers 18-260CS and 18-261CS to a consent list.

It was moved by Commissioner Seeton, seconded by Commissioner Newton, and carried to approve, by consent, the following bids:

- Bid No. 18-260 to furnish 191,473 gallons of fast drying acrylic white traffic line paint and 148,945 gallons of fast drying acrylic yellow traffic line paint, for use at various statewide locations. The bid was awarded to Vogel Paint & Wax Co., Inc., of Orange City, Iowa, for the sum of \$2,782,378.90.
- Bid No. 18-261CS to furnish 2,578,000 pounds of Type 1 reflective glass spheres for use at various statewide locations. The bid was awarded to Potter's Industries, LLC, of Valley Forge, Pennsylvania, for the sum of \$752,776.00.

8. Joint Transportation, Highways & Military Affairs Committee (JTC) Topics: WYDOT will testify before the JTC on October 22, 2018, and funding is one topic to be discussed at the meeting.

Mr. Byrne prepared a narrative about WYDOT's \$135.6 million funding need, including a graph depicting WYDOT's revenue trend since 2006. The narrative, to be distributed to the JTC next week, addresses the impacts of declining revenues and de-earmarking.

There is some discussion within the legislature about a potential swap of WYDOT's federal mineral royalty (FMR) distributions with increased revenue from additional highway user fees. Mr. Byrne explained that FMR funding is the most flexible funding source for WYDOT. Supplanting FMRs would likely have some impact on the Department's ability to perform its overall mission.

The Revenue Information System (RIS) replacement cost has been estimated on an annual basis. That cost is included in the \$135.6 million funding need to fulfill WYDOT's mission every year.

Commissioner Espy stressed the importance of the Commission and the executive staff members to not only offer details to legislators about the shortfall, but to also offer potential solutions to the problem.

The JTC documents will be shared with the Commission early next week.

9. Employee Compensation: Mr. Byrne advised that pay is being mentioned more frequently as a concern by WYDOT employees. State employees have not received a pay raise since 2015, and in some cases, that minimal increase was only enough to cover increased health insurance premiums.

On behalf of the Commission, Chairman Ruwart expressed concern about WYDOT's ability to hire and retain employees. The Commission believes the state needs to be able to compete with private industry to keep qualified workers to perform its mission.

Mses. Sara Ellis, Local Government Coordinator, and Mariah Johnson, WYDOT Bicycle and Pedestrian Coordinator, entered the meeting. Ms. Harsy and Mr. Freier left the meeting.

10. Mr. Fredrick presented the Chief Engineer's report.

Contractor Employee Fatality: On October 12, 2018, an employee of Oftedal Construction Company was working on WYDOT's Chief Joseph landslide mitigation project. The large dirt-moving truck he was driving left the roadway and rolled down a steep embankment into Dead Indian Creek below. The employee did not survive the crash.

Oftedal Construction immediately ceased operations on the project, and Wyoming's Occupational Safety and Health Administration (OSHA) office was notified of the incident. OSHA has completed its investigation, and a report of their findings will be issued in the next

few weeks. The construction site has been cleared by OSHA, and Oftedal Construction resumed work on the project yesterday.

WYDOT staff and Oftedal Construction personnel conducted a joint safety meeting on October 15 to discuss the incident, safety, and how to ensure a safe work environment to complete the job.

One WYDOT construction worker and a WHP trooper were at the accident site. WYDOT has offered employee assistance to address these employees' concerns about coping with the after effects of the ordeal.

The November 15, 2018, completion date may be postponed, if necessary, and will be coordinated with the Wyoming Game and Fish Department. WYDOT and the contractor will coordinate with the Wyoming Game & Fish Department to remove the vehicle from the river.

Off-Road Recreational Vehicles (ORV) Statewide: The Burgess Junction to US 14 reconstruction project in the Big Horn Mountains is underway. Some ORV users have been traveling within the right-of-way along US 14. A request was made to construct and enroll an ORV trail along a portion of the project. The project is within the boundaries of the U.S. Forest Service (USFS), and the existing highway easement deed did not allow an ORV trail along the right-of-way. WYDOT has requested and received a special use permit from the USFS to modify the right-of-way easement deed. WYDOT will work with Wyoming State Parks to enroll the 1.75-mile section of right-of-way along US 14 onto the state trail system, which will allow future ORV use within the right-of-way.

Messrs. Fredrick and Fulton met with Lincoln County commissioners last week to consider their request to designate ORV trails along US 89 and State Highway 241. The proposed designation would connect Idaho's Caribou Loop Trail with the wilderness area of the Bridger Teton National Forest, south into Utah and back into Idaho. The trail would also provide access to Alpine, Afton, and Smoot, totaling about 21.5 miles. These trails would be within highway rights-of-way with speed limits ranging from 35 to 70 miles per hour. These rights-of-way are currently being used by ORVs. Officially designating these routes as ORV trails would raise awareness and bring more tourism to the area. WYDOT will need to coordinate the effort with the USFS, the Bureau of Land Management, and area landowners before an ORV trail designation is made.

11. Mr. Cawley presented an update on FHWA topics.

FY 2018 in Review: WYDOT let many high-priority construction projects in FY 2018 totaling about \$241 million in federal-aid dollars. The Department also received special grant funding to support other projects, such as the Accelerated Innovation Deployment (AID) demonstration grant for automated traffic signal performance measurers for real-time measuring and optimization, a Transportation Investment Generating Economic Recovery (TIGER) grant for the Beartooth Highway, and the Infrastructure for Rebuilding America (INFRA) grant for the Rock Springs I-80 Interchange. WYDOT also received an additional \$32 million in the federal redistribution obligation authority in August 2018.

Mr. Cawley advised that WYDOT did an exemplary job in closing completed projects and repurposing residual funding this year.

Looking Ahead to FY 2019: In FY 2019, the Federal Transit Administration (FTA) and the FHWA have reviewed and approved WYDOT's fiscally constrained FY 2019 State Transportation Improvement Plan (STIP).

As delegated by the Secretary of Defense, the FHWA recently signed agreements for extraordinary snow removal and maintenance activities on defense access roads. The FHWA has signed agreements with Laramie County and with WYDOT that are valid through September 2023. The FHWA also recently signed two different documents that will enhance the efficiency of the project development process for environment. One of the agreements is an updated Programmatic Categorical Exclusion (PCE) agreement. The second agreement is a memorandum of understanding regarding consultation with the State Historical Preservation Office.

The FHWA has reviewed and approved WYDOT's State Planning and Research Annual Work Program, Highway Safety Improvement (HIS) Program, Cheyenne Area Metropolitan Planning Organization (MPO) Unified Planning Annual Work Program.

Over the past couple years WYDOT use of bridge funding has been somewhat restricted. With the use of its asset management system, the Department was able to implement an action plan that has improved the state's quality of bridges to the extent that Wyoming is no longer under the penalty regulations of the Fixing America's Surface Transportation (FAST) Act.

The Federal Highway Bill is functioning under a continuing resolution until December 7, 2018. Wyoming has only 18.63 percent, or about \$42 million, of its obligation limitation, and we have approximately \$12 million of Omnibus Bill General Funds to support Wyoming highway improvements.

WYDOT has applied for On-The-Job Supportive Services and Disadvantage Business Enterprise Supportive Services funding, and it has submitted three projects for consideration in the Better Utilizing Investments to Leverage Development (BUILD) Grant Program (\$1.5 Billion).

The FHWA is accepting applications for the Competitive Highway Bridge Grant Program (\$225 million) through December 4, 2018, and the Nationally Significant Federal Lands and Tribal Projects Grant Program (\$300 million) through December 17, 2018.

12. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the letting held October 11, 2018, in Rock Springs.

Federal project NHPPI-I805174, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing (recycle), plant mix wearing course, lane rental, bridge rehabilitation, and miscellaneous work on approximately 8.00 miles of I-80 (eastbound and westbound lanes) beginning at reference marker (RM) 291.46, between Rawlins and Laramie, in Albany County. Completion date: June 30, 2020

Engineer's Estimate	\$ 9,574,803.15	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$10,883,340.53	+13.7%
Croell, Inc., Sundance, WY	\$11,506,946.52	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$13,073,494.69	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Vice Chairman 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. The Federal Highway Administration concurred with this decision.

Federal project NHPPI-I805172, involving grading, milling plant mix, bituminous pavement surfacing (recycle), plant mix wearing course, structure repair and miscellaneous work on approximately 6.50 miles of I-80 (eastbound and westbound lanes), beginning at RM 336.61, between Laramie and Cheyenne, in Albany County. Completion date: October 31, 2019

Engineer's Estimate	\$7,264,117.80	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$7,902,165.44	+8.8%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$7,962,369.19	

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

Federal project NHPP-N203069, involving grading, draining, placing bases, bituminous pavement surfacing, chip seal, fencing, structure repair, and miscellaneous work on approximately 7.00 miles of WYO 789, beginning at RM 90.60, between Hudson and Riverton, in Fremont County. Completion date: October 31, 2019

Engineer's Estimate	\$6,595,168.10	
McGarvin-Moberly Construction Co., Worland, WY	\$6,823,834.34	+3.5%
Mountain Construction Company, Lovell, WY	\$7,068,726.64	
Century Companies, Inc., Lewistown, MT	\$7,356,258.46	

It was recommended by Mr. Fulton, moved by Commissioner Newton, seconded by Commissioner Pfrangle, and carried that McGarvin-Moberly Construction Co., Worland, 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-I904138, involving grading, milling plant mix, placing crushed base, bituminous pavement surfacing, chip seal, structure repair and miscellaneous work on

approximately 5.50 miles of I-90 (eastbound and westbound lanes), beginning at RM 155.10, between Moorcroft and Sundance, in Crook County. Completion date: June 30, 2020

Engineer's Estimate	\$5,846,781.00	
Riverside Contracting, Inc., Missoula, MT	\$5,887,126.41	+0.7%
McGarvin-Moberly Construction Co., Worland, WY	\$5,942,500.64	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$6,064,873.66	
Northern Improvement Company and Sub, Fargo, ND	\$6,067,580.66	
Border States Paving, Inc., Fargo, ND	\$6,381,382.95	
Croell, Inc., Sundance, WY	\$6,729,037.25	

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Vice Chairman Larson, and carried that Riverside Contracting, Inc., Missoula, 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.

State project SCP-TC-P182031, involving grading, profile milling plant mix, bituminous pavement surfacing, chip seal, bridge rehabilitation, and miscellaneous work on approximately 10.00 miles of WYO 789, beginning at RM 20.57, between Creston Junction and Baggs, in Carbon County. Completion date: October 31, 2019

Engineer's Estimate	\$3,979,287.50	
McGarvin-Moberly Construction Co., Worland, WY	\$3,753,871.38	-5.7%
Kilgore Companies dba Lewis & Lewis, Inc., Rock Springs, WY	\$3,903,295.70	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$4,142,395.00	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Vice Chairman Larson, and carried that McGarvin-Moberly Construction Co., 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 STP-PM-B193019, involving crack sealing, crack surfacing, and miscellaneous work on approximately 104.00 miles of roadway, at various locations in Transportation District 3, including Sublette, Sweetwater, and Teton counties. Completion date: April 30, 2019

Engineer's Estimate	\$2,031,056.00	
Z & Z Seal Coating, Inc., Billings, MT	\$1,592,766.83	-21.6%
Highway Improvements, Inc., Harrisburg, SD	\$1,949,290.00	
Dykhuis Drilling Corporation, d/b/a Diamond Drilling & Sawing Co., Inc., Denver, CO	\$2,261,777.00	

It was recommended by Mr. Fulton, moved by Commissioner Seeton, seconded by Commissioner Newton, and carried that Z & Z Seal Coating, 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.

Federal project STP-GM-B195016, involving crack sealing and miscellaneous work on approximately 39.50 miles of roadway, at various locations in Transportation District 5, including Big Horn, Park, and Washakie counties. Completion date: April 30, 2019

Engineer's Estimate	\$ 572,525.00	
Z & Z Seal Coating, Inc., Billings, MT	\$ 495,611.91	-13.4%
Highway Improvements, Inc., Harrisburg, SD	\$ 587,410.00	
Wharton Asphalt, LLC, Billings, MT	\$1,004,912.00	

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Commissioner Pfrangle, and carried that Z & Z Seal Coating, 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.

Federal project STP-PM-B191012, involving crack sealing and miscellaneous work on approximately 114.50 miles of roadway, at various locations in Transportation District 1, including Albany, Carbon, and Laramie counties. Completion date: April 30, 2019

Engineer's Estimate	\$423,350.00	
Z & Z Seal Coating, Inc., Billings, MT	\$480,038.84	+13.4%
Dykhuis Drilling Corporation, d/b/a Diamond Drilling & Sawing Co., Inc., Denver, CO	\$536,952.00	
Wharton Asphalt, LLC, Billings, MT	\$555,265.00	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Seeton, and carried that Z & Z Seal Coating, 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.

13. Project Authorizations: Mr. Fulton presented the following Transportation Alternatives Program (TAP), Congestion Mitigation Alternatives Program (CMAQ), and High Risk Rural Roads (HRRR) projects for Commission consideration.

For TAP projects, \$2.1 million is available annually for alternate transportation projects, such as pathways, sidewalks, community improvement, planning and Americans with Disabilities Act (ADA) projects. For FY 2019, 17 applications totaling \$4.5 million were received. The TAP Advisory Committee recommended funding 9 projects consisting of 6 projects for multi-use pathways, 2 for studies to be conducted, and 1 for sidewalk improvements. The 9 projects total \$2.7 million. The additional \$600,000 will come from leftover FY 2018 funds.

For CMAQ projects, \$2.1 million is available annually for projects that improve or maintain air quality in 10 counties. For FY 2019, 13 applications were received totaling over \$3 million. The CMAQ Advisory Committee selected 10 projects totaling \$2.1 million.

Ms. Ellis advised that all Wyoming counties and municipalities are notified of the available funding for the TAP, CMAQ, and HRRR programs each year. The Local Government Office works with those entities throughout the application process.

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

ALBANY COUNTY

ARSCT N232A01; Laramie Streets, 3rd Street; safety improvements; FY 2021; request preliminary engineering funds of \$10,143; estimated construction engineering and construction cost is \$111,563; to be reimbursed by the City of Laramie

CAMPBELL COUNTY

CM CM19405; Campbell County, various county roads; dust suppression; FY 2019; request federal construction funds of \$225,600

CD CD19407; City of Gillette, Donkey Creek Pathway; multi-use pathway; FY 2019; request federal construction funds of \$430,444

CARBON COUNTY

CM CM19101; Carbon County, 19 miles of Dad/Wamsutter Road; dust suppression; FY 2019; request federal construction funds of \$150,000

CONVERSE COUNTY

CD CD19202; Town of Glenrock; multi-use pathway; FY 2019; request federal construction engineering and construction funds of \$582,767

CD CD19204; Town of Rolling Hills; pathway planning; FY 2019; request federal preliminary engineering funds of \$40,000

CROOK COUNTY

CM CM19406; Crook County, various county roads; dust suppression; FY 2019; request federal construction funds of \$238,728

FREMONT COUNTY

NHPP N303059; Dubois-Riverton; RM 102.80; drainage repair; FY 2024; request federal preliminary engineering funds of \$227,273; estimated construction engineering and construction cost is \$2,500,000

CD CD19508; City of Lander; planning of multi-modal plan; FY 2019; request federal preliminary engineering funds of \$50,000

CD CD19509; Town of Shoshoni; multi-use pathway; FY 2019; request federal preliminary engineering funds of \$64,800; request federal construction engineering and construction funds of \$518,400

JOHNSON COUNTY

CM CM19407; Johnson County, various county roads; dust suppression; FY 2019; request federal construction funds of \$437,500

LINCOLN COUNTY

CM CM19302; Lincoln County; various county roads; dust suppression; FY 2019; request federal construction funds of \$387,500

NATRONA COUNTY

CD CD19201; City of Casper; multi-use pathway; FY 2019; request federal preliminary engineering funds of \$22,950; request federal construction engineering and construction funds of \$252,457

PARK COUNTY

CM CM19510; Park County, various county roads; dust suppression; FY 2019; request federal construction funds of \$100,000

PLATTE COUNTY

CD CD19203; Town of Guernsey; multi-use pathway; FY 2019; request federal preliminary engineering funds of \$42,000; request federal construction engineering and construction funds of \$504,000

SHERIDAN COUNTY

CM CM19408; Sheridan County, various county roads; dust suppression; FY 2019; request federal construction funds of \$375,000

SUBLETTE COUNTY

CD CD19305, Town of Pinedale; multi-use pathway; FY 2019; request federal PE funds \$59,550; request federal CE and construction funds \$476,400

SWEETWATER COUNTY

CM CM19303; Sweetwater County, various county roads; dust suppression; FY 2019; request federal construction funds of \$292,000

CD CD19306; City of Rock Springs, James Drive; multi-use pathway; FY 2019; request federal preliminary engineering funds of \$31,122; request federal construction engineering and construction funds of \$373,464

CRISI CN04112; Granger Streets, First Street; railroad work; FY 2020; request state preliminary engineering funds of \$73,039; estimated construction engineering and construction cost is \$997,248

ARSCT B193A02; City of Green River, Flaming Gorge Way; concrete work; FY 2019; request preliminary engineering funds of \$400; request construction engineering and construction funds of \$4,400; to be reimbursed by the City of Green River

UINTA COUNTY

CM CM19304; Uinta County, various county roads; dust suppression; FY 2019; request federal construction funds of \$268,750

WESTON COUNTY

CM CM19409; Weston County, various county roads; dust suppression; FY 2019; request federal construction funds of \$281,250

14. Wheatland 16th Street Funding: Chairman Ruwart recused himself as chairman, as he had a conflict of interest with the following project authorization. Vice Chairman Larson assumed the chairman's role.

Mr. Fulton presented the following project authorization for Commission consideration.

PLATTE COUNTY

STP-CR CN08089; Town of Wheatland, 16th Street; reconnaissance inspection; FY 2019; request federal preliminary engineering funds of \$60,000

Mr. Malcolm Ervin, Joint Town/County Planner for Wheatland and Platte County, presented a request for \$60,000 from the Commission Road Improvement Program (CRIP) to begin the planning phase for the Wheatland 16th Street project.

If approved, the CRIP funding would ultimately be applied to the reconstruction of 16th Street between South Street (WYO 312) and Swanson Road (US 87/I-25 Business Loop).

Mr. Ervin indicated the Town of Wheatland and Platte County could not afford to reconstruct 16th Street without assistance. Based on a 2016 engineering study, the estimated cost to reconstruct the entire project was about \$8.5 million. The CRIP funding would make the project feasible.

Safety is a concern for traffic and for pedestrians in the area of 16th Street. There are only a few walking paths for senior citizens, extremely poor drainage, and many crashes have occurred at the intersection of 16th and Oak because of poor traffic control.

The existing road is in poor condition with a crumbling surface, varying right-of-way widths, insufficient width at numerous locations, and no traffic lines are painted on the roadway, causing traffic confusion.

The Town of Wheatland and Platte County currently split maintenance responsibilities for the road. Upon completion of the project, the Town of Wheatland would become the owner of 16th Street, and Platte County would assume responsibility of Wyoming Highway 311 from Milepost 0.0 to 1.99.

The proposed \$60,000 in CRIP funding would allow WYDOT to conduct a reconnaissance inspection, develop a scope of work, and provide a current cost estimate for the Town of Wheatland and Platte County. These elements are required to come before the Wyoming Business Council and the State Land and Investment Board to request further project funding.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Seeton, and carried to approve \$60,000 in CRIP funding to conduct a reconnaissance inspection, develop a scope of work, and provide a current cost estimate for the Wheatland 16th Street project in Platte County.

Chairman Ruwart resumed the chairman's role, and he managed the rest of the meeting.

Mr. Ervin and Ms. Wright left the meeting.

15. It was recommended by Mr. Fulton, moved by Commissioner Seeton, seconded by Vice Chairman 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

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

WHEREAS, the public interest and necessity require the construction of Project N104066, the Hoback Junction to Jackson, Snake River South Section, in Teton County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Homestead Entry Survey No. 106, Tract B of Homestead Entry Survey No. 193, Gov't. Lot 9 of Section 3, Gov't. Lot 6 of Section 11, Lot 1 of Riverfront Subdivision, all in T39N, R116W, of the 6th P.M., Teton County, Wyoming, and constitutes approximately 0.08 of an acre of property for additional right-of-way and approximately 1.73 acres of property for temporary construction easements.

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

Mses. Ellis and Johnson and Mr. Fulton left the meeting.

16. Mr. Gillett presented the Operations report.

Construction Update: Work on highway construction projects continues despite the onset of winter. District crews are working on 51 active construction projects statewide, including 10 projects in District 1, 12 in District 2, 6 in District 3, 7 in District 4, and 16 in District 5.

WYDOT is working hard to complete paving operations before winter. There are currently 2 projects in District 1, 2 in District 2, 1 in District 3, 5 in District 4, and 3 in District 5 that will be completed before winter.

Maintenance Update: Maintenance crews are focused on snow removal and finishing mowing and delineation operations.

A recent statewide snow storm closed some roads in the Cheyenne and Laramie areas. Mr. Gillett noted that the I-80 closure was attributed to freight-hauler crashes, not because maintenance crews weren't able to manage snow and ice on the highway.

On October 4, 2018, a Union Pacific Railroad train crashed and derailed near I-80 Exit 345, west of Cheyenne. The accident resulted in two fatalities, and it involved about 70 train cars. The WHP was part of the response team.

The Exit 345 interchange, service road, and truck parking area were closed to serve as a staging area for emergency responders. The truck parking area was re-opened October 9. The service road remains closed and is expected to re-open in about two weeks.

The Teton Pass runaway CatchNet system was recently used again by a flatbed truck and trailer. The driver escaped injury and there was little damage to the truck. The CatchNet system was reset and put back in service within a couple of hours for use by potential future runaway trucks. This was the fourth time the CatchNet system has been used since its installation in March 2017.

A public meeting will be held soon in Wilson, Wyoming, where the Department will disclose the location of a second truck arrest system on Teton Pass. Commissioner Seeton asked the executive staff to prepare talking points about the advantages of the CatchNet system to share at the meeting.

Maintenance Staffing: WYDOT continues to struggle with hiring and retaining snow plow drivers. District 1 has 7 vacancies, District 2 has 10, District 3 has 5, District 4 has 13, and District 5 has 5 openings, for a total of 38 vacant maintenance positions today. Statistically, compensation is the most common reason for maintenance personnel leaving those jobs. WYDOT is starting to see employees leave for better paying jobs with city and county government. The Department has softened district boundaries, and maintenance crews will provide snow control in other areas of the state, if necessary, until maintenance positions can be filled.

Traffic Operations: Striping crews are in the process of completing striping on new construction projects. The District 1 striping machine is non-operational due to a mechanical failure.

Sign crews are installing the new bridge weight limit signs across the state.

Mechanic Operations: Shop mechanics are working on snow plow trucks, sanders, and spreaders to prepare for winter operations. In their spare time they continue to work on summer equipment to prepare for next spring.

Facilities Update: The Wagonhound Rest Area remains closed because of adjacent construction on I-80. Construction is expected to be complete by November 30, and the rest area will be re-opened to the public.

The Bitter Creek Rest Area buildings on I-80 have been re-opened. The water well and janitorial issues have been resolved at the site.

The Sundance Rest Area roof replacement project is ongoing, and the Headquarters maintenance shop roof replacement project is about 80 percent complete.

The WYDOT University training building basement remodel is almost complete, with an estimated completion of mid-November.

Appointment of a New Chief Engineer: Mr. Fredrick introduced Ms. Shelby Carlson, the newly appointed Chief Engineer. Ms. Carlson is a former WYDOT district engineer with about 30 years of diverse experience with the Department. The Commission acknowledged Ms. Carlson and welcomed her back to WYDOT.

Mr. Fredrick expressed his appreciation for the many opportunities, the confidence that's been placed in him, and the guidance that's been shared with him over the years. He indicated it's been a privilege to work with the Commission, the executive staff, and 2,000 of his friends throughout his 35 years of service. He is honored to have served as WYDOT's chief engineer and along-side of each executive staff member.

Chairman Ruwart acknowledged Mr. Fredrick's service to the Department, and thanked him for his extraordinary commitment to his job.

Mr. Voyles left the meeting.

17. Chairman Ruwart recessed the meeting at 11:40 a.m., on Thursday, October 18, 2018.

18. Chairman Ruwart resumed the meeting at 1:50 p.m., on Thursday, October 18, 2018.

Commissioner Espy did not return to the meeting. Lieutenant Colonel Shannon Ratliff and Captain Tom Pritchard joined the meeting.

19. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through September 30, 2018, includes 79¹ fatal crashes involving 86¹ deaths. The fatalities include 31 rollover crashes, 32 multi-car crashes, 4 fixed objects, 14 motorcycles, 1 all-terrain vehicle, and 4 pedestrians. Of the 79 fatal crashes that have occurred in 2018, 11² involved commercial vehicles.

Of the 86 deaths that have occurred this year, 31 can be attributed to the non-use of occupant restraints, with 21 involving rollover crashes, 9 involving multi-car collisions, and 1 involving a fixed object. Thirty of those who died from the non-use of occupant restraints were Wyoming residents. Fourteen of those who perished were under 21 years of age, and 9 of those fatalities were attributed to the failure to use proper occupant restraints.

There were 21³ fatal crashes deemed drug and/or alcohol related, resulting in 23³ deaths. Of those deaths, 14³ were attributed to not using occupant restraints. Eight were rollover crashes, 9 were multi-car crashes, 2 involved a fixed object, and 2 involved motorcycles, and 2 involved pedestrians. Of the 21 drug- or alcohol-related fatalities, 1² involved a commercial vehicle.

Of the 79 fatal crashes that have occurred this year, 42 of them occurred on primary/secondary highways, 20 occurred on interstate highways, and 17 occurred on city/county roads.

Eight multiple-fatality crashes occurred on Wyoming highways in 2018, of which 5 involved multiple vehicles, 1 involved a commercial vehicle, and 2 were alcohol related.

In locations where rumble strips/strips were present, there were 28⁴ crashes. There were 41 crashes where rumble strips/strips were not present.

Inclement weather or road conditions contributed to 8 vehicle crashes in 2018, which resulted in 8 deaths. Speed was considered a factor in 14 of the vehicle crashes that caused 14 deaths.

The days of the week for fatal crashes in 2018 were as follows:

Sunday	8 crashes
Monday	15 crashes
Tuesday	9 crashes
Wednesday	4 crashes
Thursday	14 crashes
Friday	13 crashes
Saturday	16 crashes

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

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

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

⁴ Numbers from accident reports at the time of reporting.

The times of day for fatal crashes in 2018 were as follows:

12:00 a.m. to 6:00 a.m.	19 crashes
6:00 a.m. to 12:00 p.m.	14 crashes
12:00 p.m. to 6:00 p.m.	25 crashes
6:00 p.m. to 12:00 a.m.	21 crashes

Driver distraction outside the vehicle was reported as a factor in 2⁵ of the 86 fatal crashes this year. No distractions were recorded in 23⁵ of the fatal crashes, and it is undeterminable whether driver distractions were a factor in 42⁵ other fatal crashes. Colonel Haller believes it is quite apparent that distracted driving is underreported in Wyoming. The WHP plans to work with the Highway Safety Program to gather more accurate statistics about distracted driving.

The following statistics were also provided to the Commission:

- 77 percent of those who died in rollover crashes were unbelted.
- 31 percent of all those who died in multi-vehicle crashes were unbelted.
- 75 percent of people dying in fixed object crashes were unbelted.
- 77 percent of the fatalities in 2018 were drivers.
- 19 percent of fatalities this year have been passengers.
- 67 percent of Wyoming residents who died were not wearing seat belts.
- 3 percent of non-residents who died were not wearing seat belts.
- 28 percent of fatalities involved alcohol and/or drug impairment.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,424 crashes statewide, of which 3,456 involved non-commercial vehicles, and 968 involved commercial vehicles.

A pin map was also provided to the Commission depicting the locations of the 2018 fatal crashes.

Former Patrolman Logsdon Recognition and Memorial: October 13, 2018, marked the 20-year anniversary of the passing of former Patrolman Chris Logsdon. Patrolman Logsdon was responding to a report of an impaired driver on I-25 near Dwyer Junction when he was met by an oncoming vehicle, which turned out to be the suspect he was pursuing. Logsdon swerved to miss the vehicle and crashed, and he succumbed to his injuries.

The Wyoming Highway Patrol Association (WHPA) hosted the event. Governor Mead and other dignitaries attended the ceremony, and a commemorative plaque was hung at the rest area to memorialize the loss.

Freshman Impact: The WHP has joined efforts with other law enforcement agencies to organize a Freshman Impact event in Wheatland and Newcastle. The foundation of the program is Community Organizing Resources for Education (CORE), which provides education for

⁵ Numbers from accident reports at the time of reporting.

freshman class students regarding drug and alcohol use prevention, suicide prevention, seat belt use, mental and physical wellness, healthy relationships, medical and fire department response and their capabilities, an air bag demonstration, jaws-of-life demonstration, and a life-like crash scenario and demonstration.

The program also includes a mock sentencing hearing to demonstrate to students the ramifications of an arrest record and the impact on families and friends.

Other Wyoming school districts have requested similar events. The WHP is assessing the possibility of training other troopers to conduct events in Sheridan and Torrington.

Chairman Ruwart thanked Colonel Haller for the opportunity to take part in the Freshman Impact event, and he commended the WHP for conveying such an important message to Wyoming's youth.

New Trooper Commissioning: Eleven new trooper candidates recently completed the Wyoming Law Enforcement Academy (WLEA) and WHP Academy training. Those individuals will be sworn in next week. Colonel Haller invited the Commission to attend a reception to meet the troopers and their families on October 24, 2018, and the ceremony on October 25 at the Wyoming Supreme Court.

WHP Staffing Update: The WHP currently has 21 vacant trooper positions. Eleven additional trooper candidates are currently going through WLEA training. The WHP continues to pursue recruiting and another testing session will be conducted in January 2019.

Colonel Haller reported that the WHP still struggles to compete with other law enforcement agencies because of inadequate compensation. The WHP has had to become creative to draw candidates to the agency by doing everything within their control and authority to hire qualified troopers, including changes in work shifts, increased clothing allowance, and increased pay for troopers after one year of WHP employment.

20. Mr. Olsen presented the Aeronautics report beginning with the September 2018 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Commercial Air Service Improvement Council Meeting: The third Commercial Air Service Improvement Council meeting was held September 11, 2018, in conjunction with the Wyoming Airport Operators Association Conference in Rock Springs. Discussion topics included local and state matches, and memorandums of understanding between WYDOT and local communities.

Per Wyoming Statute, the Commercial Air Service Improvement Implementation Plan was delivered to Governor Mead for review on August 1. An update will be sent to the Governor's office by November 15.

A request for proposals to provide reliable commercial air service for Rock Springs, Sheridan, Casper, and Riverton was disseminated to various airlines on October 16. Responses are due by December 20, 2018.

The last Commercial Air Service Improvement Council meeting will be held in late-November in Gillette.

Airport Projects: In FY 2018, 42 grants were issued for capital improvement projects at Wyoming airports. The Federal Aviation Administration (FAA) provided about \$24.4 million, and WYDOT supplemented those funds with about \$8 million to construct the projects.

Paving is nearly complete at Wyoming airports for this construction season. Several airfield lighting projects are also underway and will continue through the winter.

Transportation Funding Bill: With the FY 2018 passage of the FAA Reauthorization Act, Congress allocated \$1 billion in additional discretionary funding for the Airport Improvement Program in FY 2018-2020. WYDOT's Aeronautics Division worked with local communities to compile and submit a list of quality airport projects needing funding. Wheatland received a \$3.26 million grant, with no requirement for state or local government matching funds, to complete its runway construction project.

FAA Reauthorization Act: President Trump signed the five-year FAA Reauthorization Act about two weeks ago. The bill is the first multi-year aviation funding bill since 2012, and it designates about half the extra discretionary funding that was authorized is prioritized for rural airports. Aeronautics is compiling a strategy to apply for the funding.

Unfunded Wyoming Airport Needs: Of WYDOT's \$135.6 million annual unfunded need, about \$11.9 million more is needed annually for airports.

Aeronautics Staffing: Mr. Olsen advised that the WYDOT Aeronautics Division has also had some issues with attracting, hiring, and maintaining experienced pilots because of the ongoing pilot shortage and the inability to offer competitive pay. Two pilot positions were advertised last month and only one application was received.

21. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT employed 1,890 personnel as of October 7, 2018, compared to 1,906 a month ago and 1,870 one year ago. The Department employs about one-fourth of the entire state workforce, and 33 percent of the posted vacancies for state government jobs are WYDOT positions. Mr. Rossetti also noted that not all WYDOT vacancies are advertised at this time.

Mr. Rossetti advised that state employees have not had wage increases since 2015, yet employees have endured increased retirement contributions and insurance premiums every year. The market pay tables have also not been updated since 2014, which has contributed to the issue of deficient compensation.

The Commission does not have the authority to increase employee salaries. Director Panos indicated the purpose of sharing this information with the Commission is so they can bring awareness to legislators as opportunities arise.

Mr. Byrne reminded the Commission that even if the legislature approves state employee pay increases, WYDOT does not typically receive General Funds from the legislature to fund the raises.

Chairman Ruwart indicated that the topic of hiring and retaining employees is important to the Commission, and that they will do anything they can to support the Department's efforts.

22. Mr. Troy Babbitt, Telecommunications Program Manager, presented the Chief Technology Officer's report in Mr. Lewis' absence.

New Wind Sensor Installation in Sheridan County: On September 25, a severe wind event caused a driver to lose control of his/her vehicle near Sheridan. One fatality resulted from the crash. New wind sensors have been installed in the area where the crash occurred. The Transportation Management Center (TMC) will now automatically receive and monitor information that can be transmitted to motorists about dangerous wind speeds while driving in that area.

Connected Vehicle (CV) Demonstration and Ribbon Cutting Ceremony: A CV demonstration and ribbon-cutting ceremony will take place at WYDOT Headquarters on October 30, 2018, beginning at 8:30 a.m. The purpose of the demonstration is to show the media, trucking industry representatives and the general public the capabilities, intent, and value of the CV technology. Mr. Babbitt invited the Commission to attend.

Mr. Babbitt recognized Ms. Ali Ragan for her efforts in leading WYDOT's CV project development.

The FHWA recently authorized WYDOT to proceed with Phase 3 of the CV project, which will allow for the implementation of CV technology into commercial fleets and vehicles that are already part of the program's development.

WyoLink Update: WYDOT continues to work on building the remaining 16 towers to complete WyoLink's infrastructure. Activity is ongoing on all 16 towers simultaneously in an effort to finish the project.

23. Signature Authorizations: It was recommended by Secretary Scott, moved by Commissioner Newton, seconded by Commissioner Pfrangle, and carried to add Shelby G. Carlson as an authorized signatory, effective November 1, 2018, and to remove Gregg C. Fredrick as an authorized signatory, effective November 2, 2018.

24. It was moved by Commissioner Schmidt, seconded by Commissioner Seeton, and carried to adjourn the meeting. Chairman Ruwart adjourned the meeting at 3:04 p.m., on Thursday, October 18, 2018.