

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Wyoming Department of Transportation (WYDOT) Headquarters building, 5300 Bishop Boulevard, in Cheyenne on January 17, 2019. Chairman Ruwart convened the business meeting at 8:30 a.m. The following members were present constituting a quorum:

Bob Ruwart, Chairman, Wheatland
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; Shelby Carlson, 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; Pat Lewis, Chief Technology Officer; Colonel Kebin Haller, Highway Patrol Administrator; Mike Kahler, Supervising Attorney General; Rodney Freier, Budget Program Manager; and Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA).

Mr. Scott Taylor, District Engineer, Sheridan; Joel Meena, State Traffic Engineer; and Kevin Lebeda, Lands Management Administrator, also attended the meeting.

Vice Chairman Mike Larson of Lusk and Commissioner Todd Seeton of Jackson were 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 Newton, seconded by Commissioner Espy, and carried to approve the minutes from the December 6, 2018, breakfast meeting and business meeting.
3. Correspondence: Secretary Scott shared a notice of claim received December 7, 2018, via Certified Mail from Mr. Ken Grant, owner/president of Midway Auto Sales in Lovell, Wyoming. Ms. Carlson explained that the notice of claim relates to a construction project between Lovell and Cowley, and it cites that the auto dealer cannot keep up with the dust accumulation on its inventory from the construction site, which has negatively impacted its ability to sell automobiles and boats since the project began in 2017. Midway Auto Sales provided an itemized list of damages with its claim.

District staff is working with S & S Builders (the prime contractor on the job) and Midway Auto Sales to remedy the situation. The contractor's insurance company may get involved to assess and address the vehicle damage.

4. Director Panos presented the Director's report.

U.S. Government Shutdown: Director Panos acknowledged the U.S. Department of Transportation (USDOT) and the FHWA for their steady focus on state departments of transportation needs throughout the federal government's temporary shutdown that began in late December. The FHWA's communication and flexibility has been strong and effective in keeping projects moving forward nationwide.

WYDOT may experience secondary impacts from the shutdown in areas such as environmental, U.S. Forest Service (USFS), and U.S. Army Corps of Engineers (USACE) permitting. Wyoming airports have not been affected by the shutdown to date, but WYDOT is closely monitoring the potential impacts.

Legislative Session: Director Panos believes that WYDOT's relationship with the 2019 legislative body is very strong and continues to evolve, and he has received positive feedback from individual legislators about WYDOT's good work during this session.

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

FY 2019 First Quarter Budget Revision: Mr. Freier presented the FY 2019 first quarter budget revision. The first quarter budget revision includes purchase order and budget authority and some overhead rollovers from FY 2018 into FY 2019. Mr. Freier also highlighted the significant changes that occurred during the first quarter, including:

- Increased funding for the Highway Improvement Program,
- A Transportation Investment Generating Economic Recovery (TIGER) grant for preliminary engineering to design the future Beartooth Highway project,
- A Technology Development Incentive Program (TDIP) grant that will be used to implement a paperless construction management system,
- An increase of \$3.5 million to the State Construction Project budget, and
- A Driver Services Ignition Interlock Program grant for \$5 million.

Mr. Byrne advised that the Department's cash flow reserve balance is stable and has improved during the first quarter.

It was recommended by Mr. Freier, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to approve the FY 2019 first quarter budget revision.

6. Monthly Budget Report: Mr. Freier presented the monthly budget report. The December 2018 budget report revealed that the Commission and legislative budgets are each 24 percent expended, which is within budget tolerances.

The Department has expended \$10.7 million on snow control since the beginning of FY 2019, which is about \$1.6 million more than this time last year.

7. Mr. Byrne presented the following equipment and supply bids for Commission consideration.

It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Newton, and carried to move the Request for Proposals (RFP) 18-234CS, and Bid Numbers 19-023MD, 19-030MD, 19-032MD, 19-033MD, 19-039CS, and 19-059MD to a consent list.

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

- RFP 18-234CS to furnish a computerized maintenance management system. The contract was awarded to Dude Solutions, Inc., of Cary, North Carolina, for the sum of \$399,346.50.
- Bid No. 19-023MD to furnish seven each, new, Chevrolet Tahoe four-wheel-drive sport utility vehicles with police package, for delivery in Cheyenne. The bid was awarded to Fremont Chevrolet Buick GMC, of Riverton, Wyoming, for the sum of \$255,574.62.
- Bid No. 19-030MD to furnish 17 each, 13-foot, self-unloading abrasive spreaders, and one each, 10-foot, self-unloading abrasive spreader, for delivery in Cheyenne. The bid was awarded to CMI-TECO, of Casper, Wyoming, for the sum of \$225,481.00.
- Bid No. 19-032MD to furnish one each, all-wheel-drive articulated motor grader, for delivery in Wheatland. The bid was awarded to Wyoming Machinery Company of Cheyenne, Wyoming, for the sum of \$269,000.00.
- Bid No. 19-033MD to furnish 28 each, articulated wheel loaders, for delivery at various locations statewide. The bid was awarded to Wyoming Machinery Company, of Cheyenne, Wyoming, for the sum of \$3,618,160.00.
- Bid No. 19-039CS to furnish 2,396 each, carbide-tipped snowplow blades. The bid was awarded to Nordik Blades, of Asbestos, Quebec, Canada, for the sum of \$421,212.12.
- Bid No. 19-059MD to furnish bridge rail/guardrail and components, for use at various locations statewide. The bid was awarded to Geotec Industrial Supply, of Mills, Wyoming, for the sum of \$614,990.15.

U.S. Government Temporary Shutdown: The Federal Highway Trust Fund and WYDOT's federal activities are currently funded through the Fixing America's Surface Transportation (FAST) Act, which has funding to last through September 30, 2020. Mr. Byrne advised that federal reimbursements have not slowed so far, and he anticipates no impact from the temporary government shutdown.

Mr. Freier left the meeting.

8. Ms. Carlson began her Chief Engineer's report by introducing Messrs. Meena and Lebeda to the Commission.

Change Order Approvals: Ms. Carlson reported on Change Order No. 3 to the Garner Lake Road project in Campbell County. The change order was necessary to add bearing capacity to the structure being built over the Burlington Northern/Santa Fe Railroad, as WYDOT engineers deemed the existing bridge H-pilings on both abutments were insufficient to support the new

bridge. After further review, the Department determined that spread footings would be more efficient and cost effective for that project. The change order cost \$1,032,000, and the project completion date was extended 23 days to accommodate the design and construction change. Verbal approval to proceed with the work was given to Border States Paving on December 3, 2018, and the change order was executed January 8, 2019.

U.S. Government Temporary Shutdown: The Commission awarded a project along the Big Wind River to armor the bank coming into the abutment of the large structure. Runoff eroded the abutment on the east side of the river. The work was scheduled for the winter months and before spring runoff to accommodate access to the structure. The contractor received its industrial discharge permit, but it has not been able to acquire a turbidity waiver from the U.S. Environmental Protection Agency (EPA) because of the government shutdown. The contractor was scheduled to begin work this week. The project could be significantly delayed, and WYDOT will have to pay more for the contract if the turbidity waiver is not acquired soon.

US 14/16/20 Rockslide: Ms. Carlson shared photos of a large rockslide that occurred December 27, 2018, at Milepost 46 on US 14/16/20 near the tunnels west of Cody. WYDOT's geologists, with assistance from two geology contractors, inspected the site last week to discuss the scope of scaling work and the timeline for the repair work. Large cracks and more loose rocks were discovered in the rock wall that could potentially fall if they are not removed. Two bids were received for the work. The bid was awarded to Rock Solid Solutions for about \$32,000. The rock stabilization project is expected to be complete in about five days. Further work will be assessed later, and another future contract will be necessary for permanent repair.

Legislative Update: WYDOT is watching many bills during the legislative session. Ms. Carlson briefed the Commission about a few engineering-related bills that, if passed, will impact the Department.

Grace Prieto Property Access: Ms. Norma Munoz, a representative for Grace Prieto, joined the meeting by telephone.

Ms. Munoz petitioned WYDOT for a new residential highway access to the Prieto property, located on US 287 south of Laramie, in April 2018. WYDOT's district staff reviewed and denied the request in June 2018, citing the following reasons for the denial:

- Only 770 feet of the required 1,320 feet could be attained.
- The proposed access would be located in a striped tapered location (two double yellow lines) that serves to shift 65 mile-per-hour traffic to allow the addition of a left-turn lane at the intersection of a county road. This location does not have a safe width to store northbound, left-turning vehicles (see W.S. 31-5-207, No Passing Zones).

Also in June, Ms. Prieto appealed the district's decision to WYDOT's Access Review Committee (ARC). The ARC denied the appeal for the following reasons:

- Spacing requirements would be violated, if approved.
- All reasonable options had not yet been exhausted.
- Safety would be compromised for the traveling public if the access was allowed at that location.

In July/August 2018, a letter was sent to Grace Prieto, care of Norma Munoz, informing her of the ARC denial. Several options for further appeal were provided in that letter, including:

- Option 1 – Contact all landowners adjacent to the Prieto property who have access to Fort Sanders Drive. Each landowner would need to provide a letter explaining whether they would or would not allow access to the Prieto property from Fort Sanders Drive.
- Option 2 – Petition the Albany County Commission for a private road hearing. The private road would have to go through one of the landowners' properties from Fort Sanders Drive.
- Option 3 – Submit a direct appeal to the Wyoming Transportation Commission.
- Option 4 – Submit a petition for Contested Case Hearing to the Wyoming Transportation Commission to determine whether the Wyoming Department of Transportation followed their access rules and regulations.

In October 2018, Norma Munoz requested an appeal to the Wyoming Transportation Commission and provided letters from Raymond and Mildred Aycock and the New Life Church denying her access across their properties.

In November 2018, Ms. Carlson asked the ARC to review Ms. Munoz's request again, giving consideration to the two denial letters from Fort Sanders Road. The ARC met to consider the new information, but the request for a residential access was denied a second time, citing the same reasons as noted in their first review and adding that 1) the location does not provide a safe width to store northbound, left-turning vehicles, and 2) the applicant had not exhausted all available options.

Ms. Carlson and Mr. Lebeda met with Ms. Munoz this week to educate her about the private road hearing process, and they presented her with a copy of the property's warranty deed. The Wyatt Warranty Deed, dated May 1961, to the State of Wyoming, through the State Highway Commission, states:

“As an essential part of this transaction, we, the undersigned, do for ourselves, our heirs, and assigns, sell, transfer, convey and relinquish to the grantee, its successors and assigns, forever, all easement of access and all rights of ingress, egress and regress, to, from and between the remaining portions of said lands and that portion hereby conveyed.”

A colored plat showing the location of the Wyatt property and, subsequently, the Prieto property, was also provided to Ms. Munoz at this week's meeting. A memorandum of agreement from May 1961 between the Wyatts and the Wyoming State Highway Department further states:

“2. It is further understood and agreed that there is to be no direct access to the proposed highway and that the access to the remaining portion of said property is to be via the strip of land being acquired for use as a service road on the easterly side of the highway. The usual access clause has been placed upon said Warranty Deed.”

Chairman Ruwart offered Ms. Munoz an opportunity to testify before the Commission. Ms. Munoz indicated the Prieto’s preferred location for access is off of US 287, rather than crossing their neighbor’s property. Ms. Munoz asked if the Commission would consider allowing a road to be constructed off of Howe Road that would run along the right-of-way, parallel with US 287. Ms. Carlson advised that the right-of-way is not wide enough, and that doing so would raise a different set of concerns that would be unacceptable to the Department.

Mr. Kahler explained the process for going before the county to petition a private road access.

It was recommended by Ms. Carlson, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to deny access to the Prieto property, and that Ms. Munoz petition Albany County for a private road hearing.

Ms. Munoz thanked the Commission for their time and she left the meeting.

9. Chairman Ruwart moved the Aeronautics report up on the agenda to accommodate Mr. Olsen’s need to attend a legislative meeting.

Mr. Olsen presented the Aeronautics report beginning with the December 2018 Aeronautics Flight Operations Passenger Summary Report.

Capacity Purchase Agreement (CPA): The Aeronautics staff has been working with the Sheridan, Rock Springs, Cody, and Gillette airport boards to execute individual memorandums of understanding (MOU) associated with the CPA for each community. MOU’s will be customized over the course of several meetings with each community, and the MOU will become the binding contract between the state and the communities for air service.

An Airline Selection Committee will be established, with proposed committee members coming from WYDOT, the legislature, airport operators, the Aeronautics Commission, and the airline consulting community. Aeronautics Division staff have been busy answering questions from legislators about the CPA.

Cheyenne Regional Airport Service: The new air service at Cheyenne Regional Airport is exceeding expectations, and it is growing at a faster rate than most new markets. December’s bookings exceeded the November enplanements by about 6 percent, and future bookings so far are exceeding statewide averages.

Aviation Economic Impact Study: The Aeronautics Division is beginning work on an aviation economic impact study. The intent of the study is to analyze the economic impact of the statewide aviation system, including individual assessments of all 34 Wyoming airports with

paved runways. The report will provide local and state decision makers a better understanding of the value of aviation in Wyoming. The final report is expected to be complete in about 18 months.

Messrs. Olsen, Meena, and Lebeda left the meeting.

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

Grants Update: A notice of funding opportunity was recently posted for the Infrastructure for Rebuilding America (INFRA) Program. Applications must be submitted by March 6, 2019. An estimated \$900 million in grants will be awarded that will focus on:

- Supporting economic vitality, nationally and regionally;
- Leveraging federal funding to attract non-federal sources of infrastructure investment;
- Deploying innovative technologies, encouraging innovative approaches to project delivery, and incentivizing the use of innovative financing mechanisms; and
- Holding grant recipients accountable for their performance.

The Automated Driving Systems (ADS) Demonstration Grants Program is also available. Applications must be submitted by March 21, 2019. An estimated \$60 million in grants will be awarded that will focus on:

- Testing the safe integration of ADS into the nation's on-road transportation system.
- Ensuring significant gathering and sharing of project data with the U.S. Department of Transportation and the public throughout the project in near real-time.
- Working with innovative state and local governments and private partners to create collaborative environments that harness the collective expertise, ingenuity, and knowledge of multiple stakeholders.

WYDOT has been awarded a \$20 million Better Utilizing Investments to Leverage Development (BUILD) Grant funding for an I-80 winter freight improvement project. This project will construct approximately 5.5 miles of passing lanes, two truck parking areas, and dedicated short-range communication (DSRC) roadside radios between Walcott Junction and Quealy Dome in southeast Wyoming.

The 2018 TIGER grant agreement is complete for the Beartooth Highway project, and WYDOT has received the \$16.6 million obligation authority for the project.

WYDOT has also received \$9,900 for bicycle and pedestrian training for facility design and planning best practices. The training is expected to occur in the spring of 2019 in Laramie.

WYDOT Right-of-Way (ROW) Manual: The FHWA Wyoming Division has reviewed and approved the updated WYDOT ROW Manual. The manual includes changes enacted by the Moving Ahead for Progress in the 21st Century Act (MAP-21). The amended provisions allow flexibility in WYDOT's right-of-way acquisition process.

New FHWA Administrator: On January 3, 2019, President Donald Trump nominated Nicole Nason as the new FHWA administrator. Ms. Nason has served the Trump Administration for the past year as an Assistant State Department Secretary, and she served as the Administrator for the National Highway Traffic Safety Administration (NHTSA) from 2006 to 2008. The nomination now goes before the U.S. Senate for confirmation.

FY 2019 Distribution of Obligation Limitation: This month, about \$235 million in overall limitation on obligations was distributed in accordance with the FAST Act. The limitation on obligations will be adjusted in the future to coincide with the appropriations bill or continuing resolution when it is passed.

“Getting Connected in Wyoming” News Article: Wyoming’s Connected Vehicle (CV) project was recognized in the winter 2019 issue of *Public Roads Magazine*. Mr. Cawley shared the article with the Commission, noting that Mr. Vince Garcia, WYDOT’s Intelligent Transportation Systems/Graphical Information Systems (ITS/GIS) program manager, co-authored the story.

11. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the letting held January 10, 2019, in Laramie.

State project SCP-TC-P261030, involving grading, placing bases, bituminous pavement surfacing, chip seal, bridge rehabilitation, and miscellaneous work on approximately 10.90 miles of WYO 230, beginning at reference marker (RM) 22.16, between Laramie and the Colorado state line, in Albany County. Completion date: June 30, 2020

Engineer’s Estimate	\$4,776,492.75	
McGarvin-Moberly Construction Co., Worland, WY	\$4,492,868.69	-5.9%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$4,980,469.69	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$5,129,295.35	

It was recommended by Mr. Fulton, moved by Commissioner Newton, seconded by Commissioner Espy, 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-BR-B195008, involving grading, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, and miscellaneous work at various locations in Transportation District 5, including Big Horn, Fremont, and Park counties. Completion date: August 31, 2020

Engineer’s Estimate	\$2,900,590.00	
Reiman Corp., Cheyenne, WY	\$3,899,696.20	+34.4%
S & S Builders, LLC, Gillette, WY	\$4,678,162.39	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Pfrangle, and carried to reject all bids and let the project again later. The Federal Highway Administration concurred with this decision.

Federal project STP-BR-B194024, involving grading, placing crushed base, bridge rehabilitation, and miscellaneous work at RM 4.13, on the Garner Lake Road (County Road 38N) at the bridge underpass of I-90, in Campbell County. Completion date: November 30, 2019

Engineer's Estimate	\$1,489,722.00	
S & S Builders, LLC, Gillette, WY	\$1,649,994.00	+10.8%
Reiman Corp., Cheyenne, WY	\$1,794,371.70	

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

State project PEG1931, 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: April 30, 2019

Engineer's Estimate	\$1,419,110.00	
Kilroy, LLC, Afton, WY	\$1,476,666.00	+4.1%
Kilgore Companies dba Lewis & Lewis, Inc., Rock Springs, WY	\$1,628,602.05	

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Commissioner Newton, 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.

Federal projects STP-PM-B181007 and CMP-PM-B181035 combined, involving chip sealing and miscellaneous work at various locations in Transportation District 1, in Albany, Carbon, and Laramie counties. Completion date: August 31, 2019

Engineer's Estimate	\$1,394,865.00	
Bituminous Paving, Inc., Ortonville, MN	\$1,474,739.00	+5.7%
Intermountain Slurry Seal, Inc., North Salt Lake, UT	\$1,698,690.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,980,369.69	
Simon Contractors and its subsidiaries, Cheyenne, WY	\$1,999,761.48	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried that Bituminous Paving, Inc., Ortonville, Minnesota, 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 HSIP-B183016, involving grading, draining, sidewalk, curb and gutter, electrical work, and miscellaneous work at various locations in the city of Rock Springs, in Sweetwater County. Completion date: October 31, 2019

Engineer's Estimate	\$1,197,361.00
Casper Electric, Inc., Casper, WY	\$1,550,084.84 +29.5%
Modern Electric Co., Casper, WY	\$1,555,581.50

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried that Casper Electric, Inc., 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.

Federal projects STP-PM-B183015 and ARSCT-B183A02 combined, involving placing crushed base, concrete slab replacement, and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sweetwater, Teton, and Uinta counties. Completion date: October 31, 2019

Engineer's Estimate	\$1,078,450.00
Powder River Construction, Inc., Gillette, WY	\$2,436,190.00 +125.9%
DePatco, Inc., Idaho Falls, ID	\$3,725,425.90

It was recommended by Mr. Fulton, moved by Commissioner Newton, seconded by Commissioner Schmidt, and carried to reject all bids and let the project again later. The Federal Highway Administration concurred with this decision.

Federal project STP-GM-P142051, involving grading, electrical systems, and miscellaneous work at various locations on US 287/WYO 789 and WYO 28, between Farson and Lander, in Fremont County. Completion date: October 31, 2019

Engineer's Estimate	\$ 748,270.00
Casper Electric, Inc., Casper, WY	\$ 767,084.84 +2.5%
Modern Electric Co., Casper, WY	\$ 799,962.00
Cache Valley Electric Company, Salt Lake City, UT	\$1,024,229.92

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Commissioner Pfrangle, and carried that Casper Electric, Inc., 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.

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

CAMPBELL COUNTY

STPU-GI B244006; Gillette Streets, various locations; reconstruction; FY 2024; request federal preliminary engineering funds of \$22,102

LARAMIE COUNTY

STIC B199029; Headquarters; Construction Management System, enhance e-construction technology; FY 2019; request federal funds of \$125,000

SWEETWATER COUNTY

NHPPI I802208; Rock Springs to Rawlins, Rock Springs East, eastbound lane; RM 107.65 to 120.30; FY 2021; request federal preliminary engineering funds of \$1,975,152; estimated construction engineering and construction cost is \$23,499,571

VARIOUS COUNTIES

NHF 1804271; Albany and Laramie counties; Laramie to Rawlins; passing lane, truck parking; BUILD discretionary grant; FY 2020; request federal preliminary engineering funds of \$2,899,865; estimated construction engineering and construction cost is \$28,370,000

SCP TRFSN20; I-80, various locations; upgrading logo signs; FY 2019; request state preliminary engineering funds of \$12,500; request state construction engineering and construction funds of \$237,500

13. FY 2019 First-Quarter State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the first-quarter addendum to the FY 2019 STIP.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Newton, and carried to approve the first-quarter addendum to the FY 2019 STIP.

14. Mr. Gillett introduced Mr. Scott Taylor, District Engineer from Sheridan, to present the state-of-the-district report.

District 4 State-of-the-District: Over \$61 million in construction projects was let in District 4 over the past year. About \$48 million in federal funding was used to build 12 projects, and \$13.2 million in state funding was expended on 28 projects. The largest of those projects was the Sheridan Interchange, which is nearly complete.

The Burgess Junction reconstruction project on Highway 14 will have wearing course placed next spring/summer to complete the work. Phase 1 of the Garner Lake Road north of Gillette is open to traffic, and bridge work is ongoing throughout the winter.

District 4's maintenance crews placed over 33,000 tons of hot plant mix this year. Using WYDOT's own hot plant, which is shared by districts statewide, saved the Department about

\$96,000 in District 4. The district acquired about 3,000 tons of mix from the Burgess Junction project for use on US 14A between Burgess Junction and Lovell, saving about 85 miles of hauling the mix from another source.

District 4 continues to struggle to keep necessary maintenance personnel. Gillette and Reno Junction have been hit the hardest, as some trucking companies are offering significant signing bonuses and free housing to draw workers. Sheridan and Buffalo are experiencing similar issues.

The district has implemented its own safety initiative program. The program has adopted a district-wide mission statement of, "Improving our Safety for Life," and it encourages workers to:

- Anticipate, recognize, and prevent active errors at the job site;
- Reduce the total number of "at-risk" critical behaviors and/or conditions;
- Identify and build upon strong safety practices;
- Discover and eliminate underlying factors leading to the exposure of unsafe work environments; and
- Develop a safety culture to encourage and promote safe behaviors.

The District Traffic Program continues to develop projects that address high crash rate areas. WYDOT's Safety Management System (SMS) is used to assess and include those areas in the STIP. Two traffic safety projects were identified this year: Chevrons were installed on crash-prone curves district-wide, and three seasonal traffic signals were installed in Crook County for use during the annual Sturgis Motorcycle Rally.

The district hired the University of Wyoming Technology Transfer Center to establish weight-specific limits for trucks, using the grade severity rating system, in an effort to reduce crashes on mountain passes. Warning signs will be installed in high risk areas to reduce truck crashes.

Shop and Mechanic personnel continually work to keep equipment and machinery in good working order.

The district has a tremendous relationship with the Wyoming Highway Patrol, with an extreme emphasis on team work and partnership across programs.

Two District 4 employees passed away in 2018, Ms. Kodi Hendrickson, a construction technician in Sundance, and Mr. Roger Kindsfader, maintenance foreman in Reno Junction.

Mr. Taylor noted that District 4 has the smallest number of employees of any other district, with 170 employees. There are currently 23 vacancies district wide, of which 13 are maintenance positions. Twenty maintenance employees have less than 18 months of experience, and 24 maintenance employees have less than 5 years of experience.

The Traffic Program has two vacancies, the Construction Program has seven vacancies, and the Mechanic Shop has one vacancy. In District 4, 22 individuals are eligible for retirement, and seven more are within 2.5 years of being retirement eligible.

Mr. Gillett provided the following details to the Commission as part of his Operations report.

Construction Update: Only a few construction activities are ongoing through the winter, including cold-weather concrete, crack sealing, crushing aggregate, and other minor work.

Maintenance Update: Maintenance crews have been busy with snow control operations and support activities, such as replenishing stockpiles and anti-icing liquids and de-icing materials.

Winter storms have closed numerous roads during the past month. District 4 was hit particularly hard with a heavy winter storm, December 30 through January 1, necessitating closures in Districts 2, 4, and 5.

On December 15, a major winter storm closed I-80 between Rawlins and Rock Springs, and US 85 was closed January 11. Both closures were caused due to fatal crashes. On January 7, US 287 north of Rawlins was closed because of winter conditions and a crash. WYO 28, from Farson to Lander over South Pass, was closed on December 31 and January 7 due to winter conditions.

Westbound I-80 near Arlington was closed yesterday due to a truck overturning and spilling hazardous materials, including hydrochloric acid, on the roadway. A hazardous materials (HAZMAT) team from Colorado arrived at the scene around 11:00 p.m., but they were not equipped to mitigate the spill. A second HAZMAT team arrived on-scene very early this morning, and the spill is now nearly contained. The highway will be reopened after careful inspection of the paved surface to ensure it is safe for travel.

Eight snow plow trucks have been struck so far this winter. Three of those incidents occurred in the past month and they sustained minor damage. Press releases are being made with each incident to stress the importance of staying clear of snowplows and the danger that comes with passing snowplows.

WYDOT has performed five avalanche missions in Teton County this winter, compared to seven last year at this time.

As of January 8, 2019, there were three vacancies in District 1, seven in District 2, six in District 3, 13 in District 4, and none in District 5.

Traffic and Sign Shop Operations Update: Striping crew members are assisting with snowplow operations and servicing striping equipment in preparation for spring operations.

Sign crews are replacing damaged signs as weather permits and assisting with snowplow operations as needed.

Electricians are maintaining signals and repairing roadway lighting. District 3 electricians installed “no parking” signs last week on Teton Pass for avalanche mitigation. These signs will display flashing beacons during planned avalanche control missions.

Mechanics Update: Mechanics are very busy repairing and maintaining snow control equipment.

WYDOT Facilities Update: All rest areas are open with no reported maintenance at this time.

15. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through December 31, 2018, includes 100 fatal crashes involving 111 deaths, which is the lowest annual number of fatalities in the last five years and less than the 10-year average number of fatalities. The fatalities include 41 rollover crashes, 44 multi-car crashes, four fixed objects, 15 motorcycles, one all terrain vehicle, and six pedestrians. Of the 100 fatal crashes that have occurred in 2018, 14 involved commercial vehicles.

Colonel Haller noted that the WHP is working with Highway Safety to review fatal crash data to determine possible reasons for the lower average number of fatalities this year. Some possibilities for fewer deaths are vehicle technology, such as lane departure technology and automated braking, seat belt use, and increased education and awareness, which could be a focus to accomplish even more in the future.

Of the 111 deaths that have occurred this year, 48 can be attributed to the non-use of occupant restraints, with 28 involving rollover crashes, 17 involving multi-car collisions, and three involving fixed objects. Thirty-nine of those who died from the non-use of occupant restraints were Wyoming residents. Fifteen of those who perished were under 21 years of age, and 10 of those fatalities were attributed to the failure to use proper occupant restraints.

There were 30 fatal crashes deemed drug or alcohol related, resulting in 35 deaths. Of those deaths, 20 were attributed to not using occupant restraints. Thirteen were rollover crashes, 14 were multi-car crashes, two involved a fixed object, three involved motorcycles, and three involved pedestrians. Of the 35 drug- or alcohol-related fatalities, one involved a commercial vehicle.

Of the 100 fatal crashes that have occurred this year, 52 of them occurred on primary/secondary highways, 26 occurred on interstate highways, and 22 occurred on city/county roads.

Eight multiple-fatality crashes occurred on Wyoming highways in 2018, of which all of them were multi-vehicle crashes, one involved a commercial vehicle, and four were alcohol or drug-related.

In locations where rumble strips/stripes were present, there were 41 crashes. There were 52 crashes where rumble strips/stripes were not present.

Inclement weather or road conditions contributed to 15 vehicle crashes in 2018, which resulted in 15 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	12 crashes
Monday	17 crashes
Tuesday	13 crashes
Wednesday	6 crashes
Thursday	17 crashes
Friday	17 crashes
Saturday	18 crashes

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

12:00 a.m. to 6:00 a.m.	22 crashes
6:00 a.m. to 12:00 p.m.	23 crashes
12:00 p.m. to 6:00 p.m.	28 crashes
6:00 p.m. to 12:00 a.m.	27 crashes

In 33 crashes, there was no indication of driver distraction as the cause of the crashes, two cases where there was a distraction from outside the vehicle, and one case where a distraction was recorded from inside the vehicle. Overall in 2018, there were 59 cases where it is unknown whether distractions caused the fatal crashes.

The following statistics were also provided to the Commission:

- 68 percent of those who died in rollover crashes were unbelted.
- 39 percent of all those who died in multi-vehicle crashes were unbelted.
- 75 percent of those who died in fixed-object crashes were unbelted.
- 74 percent of the fatalities in 2018 were drivers.
- 21 percent of the fatalities in 2018 were passengers.
- 70 percent of the resident fatalities were unrestrained.
- 7 percent of the non-resident fatalities were unbuckled.
- Alcohol and/or drug impairment was a factor in 32 percent of the fatalities.

Colonel Haller advised that drug use is becoming more prevalent in fatal crashes. Commissioner Schmidt asked if the WHP has ever worked with the Wyoming Auto Dealers' Association (WADA) to develop a seat belt safety campaign. Colonel Haller offered to reach out to WADA to discuss a potential partnership with them.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 6,533 crashes statewide, of which 5,078 involved non-commercial vehicles, and 1,455 involved commercial vehicles.

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

Retired K9 Kato: On January 9, 2019, retired K9 Kato passed away. Kato had a distinguished 11-year career with the WHP. He worked with federal agencies to thwart drug trafficking, assisted with multiple domestic and international terrorism cases, and located weapons in schools when requested by school districts. Trooper Brandon Deckert was Kato's handler throughout his career, and they were based in Pinedale.

WHP Vacancies and Trooper Testing: The WHP currently has 29 trooper vacancies statewide. About 186 written applications were received for the January 9, 2019, trooper testing, and 59 applicants actually showed up on the day of testing. As of yesterday, 31 candidates remain eligible to proceed to the background investigation stage for hiring. Historically, about half of those who move into the background check phase do not pass.

The next trooper testing will be in May 2019. Colonel Haller is hopeful that more certified law enforcement officers will attend that testing period due to the recent compensation increase that can be offered to Trooper I candidates.

There are currently seven vacant dispatcher and four port-of-entry officer openings statewide. The WHP is actively recruiting to fill those jobs.

Upcoming Trooper Commissioning: Class 96 will be commissioned before the Supreme Court on March 21, 2019. Colonel Haller invited the Transportation Commission members to attend the awards presentations to be held March 20.

Towing and Wrecker Industry Rules and Regulations: As requested by the Wyoming State Legislature, communication is ongoing between the WHP and the towing and wrecker industry to revise the current rules and regulations for Wyoming's towing standards. Colonel Haller advised that a new position was created within the WHP to address statewide towing issues.

The Towing Advisory Board (TAB) was recently established to address concerns about the towing industry. The TAB has developed an application for towers who want to provide towing services in Wyoming. All towing companies were notified of the application process. The TAB will review applications using a standardized matrix to determine a company's knowledge and experience and to evaluate other information provided by each company. The TAB will work to update and revise the current towing-related rules and regulations through the state's promulgation process.

The Dispute Resolution Committee (DRC) was also recently established to vet disputes and complaints about towing companies and to make recommendations for improving the current process for hiring towing companies.

A meeting is scheduled on January 29 between the WHP, towing industry representatives, the TAB, and the DRC to discuss training requirements for drivers, wrecker inspections, following

through on site visits to ensure secure storage lot availability for towed vehicles, and other problematic topics that have been discovered in the past.

Intruder at WYDOT Headquarters Complex: A man entered WYDOT Headquarters this week and spent over 30 minutes recording employees' actions and office details, including personal belongings, using a cell phone camera with a "selfie stick." Colonel Haller advised that the man was part of a growing nationwide movement called First Amendment auditors, a group that enters government buildings and other public facilities armed with cell phones, cameras, and sometimes handguns, filming employees and their offices. Suspects typically refuse to identify themselves; they zoom in on officers and employees, call them by name, and often make them visibly uncomfortable.

The suspect returned to WYDOT's Headquarters Complex the next day and ultimately filed a complaint with the WHP about alleged mistreatment by troopers. Colonel Haller assured the Commission that the situation was handled in accordance with protocol.

Information about the incident was shared with troopers statewide, so they are informed in case similar incidents occur in their area.

16. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT employed 1,906 personnel as of January 7, 2019, compared to 1,914 a month ago and 1,906 one year ago. There are currently 82 WYDOT positions advertised statewide, of which 42 are maintenance or mechanic positions.

Legislative Update: WYDOT executive staff is closely watching the General Appropriations bill as it moves through the legislative session. The legislature has included wage table adjustments for state employees, but WYDOT typically does not receive General Funds to compensate for employee salary increases. If wage increases are approved by the legislature, the Department may have to fund its employees' raises.

Mr. Rossetti continuously works with the Department of Administration and Information (A&I) to recruit and provide fair wages for WYDOT employees. Recent meetings with A&I resulted in changes to the Trooper I wage table when hiring experienced troopers. A similar review is being made for the maintenance operator positions in an attempt to keep experience snowplow drivers.

A few other items are also included in the Appropriations Bill, but those items have very low impact to the Department.

Driver License Printing Mishap: On November 6, 2018, 562 driver's licenses were created that did not contain one of the primary security features. WYDOT learned about the mishap on January 10, and new licenses will be issued tomorrow. Those who received misprinted licenses will receive a letter with their new license explaining the issue and what they are to do with the old licenses. WYDOT is working with the vendor to ensure this error does not occur again.

Intruder at WYDOT Headquarters Complex: Mr. Rossetti advised that the executive staff is reviewing security measures at all WYDOT facilities to ensure employee safety. Field offices have been informed of the recent incident at Headquarters, and they will be briefed on how to handle potential future occurrences.

17. Chairman Ruwart recessed the meeting at 11:52 a.m. The Commission attended a luncheon to honor service award recipients.

18. Chairman Ruwart reconvened the meeting at 1:41 p.m.

Messrs. Rossetti, Lewis, and Colonel Haller did not return to the meeting.

19. Mr. Lewis presented the Chief Technology Officer's report.

U.S. Government Shutdown: The Historic Trails and Interpretive Center (HTIC) in Casper was closed because of the recent government shutdown, and travelers were getting lost due to lack of information that the HTIC would normally provide. The HTIC reached out to WYDOT for assistance in directing travelers, as needed, to the Casper Convention and Visitors Bureau. Within one week, WYDOT added an additional layer to its "511" website map to provide statewide information to the traveling public.

Connected Vehicle (CV) Project: Phase 2 of the CV project is nearly complete. Phase 2, included WYDOT equipping 66 snow plows, 32 Patrol vehicles, and 300 private commercial vehicles with CV technology. CV equipment was also installed along I-80.

The FHWA has given authorization to proceed with Phase 3 of the CV project. Phase 3 will entail data collection from the devices that were installed in various vehicles, analyzing the data, and reporting to the FHWA what was learned from the project. The three pilot entities participating in the CV project, including WYDOT, New York, and Tampa, Florida, and third-party auditors will provide evaluations to the FHWA about the project. Phase 3 is expected to be complete within the 12 months following final vehicle equipment installations.

We have completed all development efforts of Phase III. This includes total integration into WYDOT's existing TMC operations. Mr. Lewis noted that WYDOT is the first DOT to have complete integration of connected vehicle applications into TMC operations.

Autonomous Vehicle Grant Application: WYDOT is working on a grant application for autonomous vehicle technology. The grant application is due March 21, 2019.

WyoLink Update: Mr. Lewis acknowledged Troy Babbitt, Telecommunications Program Manager, and Nate Smolinski, WyoLink Coordinator, for their tireless work in recent years toward building good relationships with local communities and other entities regarding the WyoLink system.

Public Safety Communications Commission (PSCC) Update: Mr. Lewis shared a WyoLink tower build project update with the Transportation Commission.

Properties owned by WYDOT in Buffalo and Orin Junction that are proposed future WyoLink tower locations. Environmental work was accomplished at the Buffalo location in 2010, so WYDOT is seeking an environmental waiver for the tower installation at that location. If approved, Buffalo will move to the front of the list as the next WyoLink tower site. An environmental review is underway for the proposed Orin Junction tower site.

The WyoLink contractor and WYDOT staff are scheduled to perform onsite visits at Buffalo, Evanston, Sundance, Big Horn County, Rock Springs, Greybull, Ten Sleep, and Alcova next week. These are proposed new WyoLink tower locations.

20. It was moved by Commissioner Schmidt, seconded by Commissioner Newton, and carried to adjourn the meeting. Chairman Ruwart adjourned the meeting at 1:52 p.m., on Thursday, January 17, 2019.