

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Sibley Room at the Holiday Inn Sheridan Hotel – Convention Center, 1809 Sugarland Drive, in Sheridan, on October 17, 2019. Chairman Larson convened the business meeting at 8:00 a.m. The following members were present constituting a quorum:

Mike Larson, Chairman, Lusk
Rick Newton, Vice Chairman, Buffalo
Louie Pfrangle, Commissioner, Worland
Phil Schmidt, Commissioner, Casper
Jim Espy, Commissioner, Savery
Jon Dolezal, Commissioner, Evanston
Lee Filer, Commissioner, Cheyenne
K. Luke Reiner, Director
Sandra J. Scott, Commission Secretary

Others present and participating in the meeting: 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; Troy Babbitt, Chief Technology Officer; Colonel Kebin Haller, Wyoming Highway Patrol (WHP) Administrator; Mike Kahler, Senior Assistant Attorney General; Ryan Thompson, Assistant Attorney General; Rodney Freier, Budget Program Manager; and Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA).

Other meeting attendees: Representative Mark Kinner, of Sheridan; Aimee Inama, Senior Public Affairs Specialist, Cheyenne; Scott Taylor, District Engineer, Sheridan; Michelle Edwards, District Traffic Engineer, Sheridan; Doug Jensen, State Contracts and Estimates Engineer, Cheyenne.

Commissioner Lee Filer, of Cheyenne, and Mr. Dennis Byrne, Chief Financial Officer, were absent.

1. Pledge of Allegiance: Chairman Larson led the attendees in the Pledge of Allegiance.
2. Chairman Larson welcomed Wyoming Representative Mark Kinner, of House District 29, to the meeting. Representative Kinner addressed the Commission meeting attendees and welcomed everyone to Sheridan.
3. Changes/Additions to the Agenda: It was recommended by Secretary Scott, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried to remove Item 11.A, DWUI Driver's License Suspension Report, from the agenda to allow more time to gather the proper data for the report. Mr. Kahler will present the report at a future Commission meeting.
4. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Schmidt, seconded by Commissioner Espy, and carried to approve the minutes from the

September 18, 2019, budget presentation and the September 19, 2019, breakfast meeting, business meeting, and education session.

5. Resolution for Primary Seat Belt Law: At its September 19, 2019, business meeting, the Commission voted to draft a resolution to show its support of a primary seatbelt law in Wyoming.

It was moved by Vice Chairman Newton, seconded by Commissioner Espy, and carried to approve the following resolution to support a primary seatbelt law in Wyoming.

RESOLUTION

WHEREAS, highway fatalities in the state of Wyoming to date in 2019 are higher than in recent years; and

WHEREAS, a significant number of people dying in Wyoming crashes are not using seat belts and other restraints; and

WHEREAS, seat belts have been proven to save lives by cutting the risk of a fatal injury in half; and

WHEREAS, in Wyoming law enforcement today must stop a vehicle for another violation before being allowed to issue a citation for not wearing a seat belt; and

WHEREAS, in states with primary seat belt laws, law enforcement can stop a vehicle solely because the occupants are not wearing seat belts; and

WHEREAS, Wyoming currently lacks a primary seat belt law, but 34 other states currently have primary seat belt laws; and

WHEREAS, Wyoming resident drivers are two to three times more likely to be killed in a crash in Wyoming because they do not wear seat belts than their counterparts from out-of-state; and

WHEREAS, use rates for seat belt use in states that have primary seat belt laws exceed those in states that lack such laws; and

WHEREAS, the Wyoming Legislature has considered several primary seat belt laws since 2001, but has not enacted a primary seat belt law;

NOW, THEREFORE, BE IT RESOLVED that the Transportation Commission of Wyoming officially supports enacting a primary seat belt law in Wyoming; and

THEREFORE, BE IT FURTHER RESOLVED that the Transportation Commission of Wyoming urges the Wyoming Legislature to introduce, deliberate, and pass a primary seat belt law to improve highway safety in Wyoming.

6. Director Reiner presented the Director's report.

WYDOT Chief Technology Officer Appointment: Director Reiner welcomed Mr. Troy Babbitt as WYDOT's newly appointed CTO, effective October 1, 2019. Mr. Babbitt replaces Mr. Pat Lewis who retired in June.

Employee Advisory Groups: Director Reiner continues to focus on WYDOT's employees and finances. The Department has formed three employee advisory groups to work through some of the topics that have come to Director Reiner's attention since he took on his role as director. The first advisory group meeting will be next week in Cheyenne to discuss statewide field and maintenance issues and some department and state policies and procedures.

Joint Transportation, Highways & Military Affairs Committee (JTC) Meeting: The JTC passed 20LSO-0046, State Employee - Moving Expenses, during its October 11, 2019, meeting. If the bill passes during the upcoming legislative session, state agencies will be able to compensate employees for reasonable moving expenses when transferring for another state job.

The JTC considered a bill to assess a \$0.50 fee on every Wyoming phone line to fund the \$5.5 million annual expenditure for WyoLink maintenance and operations. The committee also contemplated another bill to create a transportation funding task force to seek out potential funding for Wyoming's surface transportation. A third bill to provide funding for the Revenue Information System (RIS) was also deliberated. All of these bills would have generated revenue for WYDOT's mission, but none of them passed in committee.

WYDOT Town Hall Meetings: Director Reiner distributed a list of upcoming town hall meetings, and he invited commissioners to attend. The agenda will be shared with the Commission when it becomes available.

Proposed Wyoming Fuel Tax Increase: The Joint Revenue Committee passed a bill for a proposed \$0.03 increase in Wyoming's fuel tax. The \$0.03 represents the inflationary adjustment to the \$0.10 increase that passed the legislature in 2013.

Surface Transportation System Funding Alternative Grant: WYDOT has submitted a grant application for the Surface Transportation System Funding Alternative. The grant is to demonstrate the viability of a mileage-based user fee using the International Fuel Tax Agreement (IFTA) database as the information collecting and billing data for truck traffic on Wyoming highways. The Wyoming Trucking Association has indicated it supports a mileage-based user fee as long as the fee is assessed equally to intrastate and interstate truck traffic and to other vehicles.

Updated WYDOT Strategic Plan: WYDOT's executive staff met last month to revise its strategic plan, which includes an updated agency purpose, vision, mission, goals, and values. WYDOT employees received a copy of the revised draft plan; employee comments are due to the executive staff by October 18, 2019. About 240 comments have been received so far, and most comments are overwhelmingly positive. The Commission will also have an opportunity to review the plan before it is finalized.

U.S. Forest Service (USFS) Leadership-WYDOT Meeting: Director Reiner and Shelby Carlson recently met with the USFS leadership from Utah and Colorado to discuss road-related issues.

Connected Vehicle (CV) Project, Phase 3: Work continues on Phase 3 of the CV project. The Department is seeking large trucking companies for CV testing. Numerous companies have joined the effort, and several others have expressed an interest in the project.

Towing Association Developments: Towing companies are organizing a towers' association to represent their industry in Wyoming. The legislature mandated that WYDOT establish towing and recovery rules and regulations for the towing industry several years ago. The creation of a towers' organization will help in the establishment of the new rules.

American Association of State Highway & Transportation Officials (AASHTO): Director Reiner, Ms. Carlson, and Mr. Fulton attended the AASHTO annual meeting in St. Louis, Missouri, October 6-9, 2019. Director Reiner shared a handout with the Commission regarding U.S. Department of Transportation Secretary Elaine Chao's new Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative. The initiative addresses disparities in rural transportation infrastructure, specifically, rural transportation infrastructure's unique challenges that need to be considered to meet the nation's priority transportation goals of safety and economic competitiveness.

AASHTO asked Director Reiner to chair their Special Committee on Freight. The committee meets semiannually. Director Reiner agreed to chair the committee because it relates directly to the issues WYDOT manages on Interstate 80 and the CV project.

Eastbound Teton Pass Closure: The eastbound lane of Teton Pass was closed to tractor-trailers on October 15, 2019. This winter closure was implemented about a month earlier than usual, but was necessary for traveler safety. The westbound winter closure for tractor-trailers is expected to occur on November 15, 2019.

Jackson Employee Housing: Director Reiner will meet with the Wyoming Game and Fish Director Brian Nesvik and other state agencies next week to discuss Jackson employee housing. All state agencies will be included in developing a plan for employee housing. WYDOT has budgeted some funds for the planning phase. Construction funding has not been identified.

Commissioner Schmidt asked if public-private partnerships have been considered when developing a plan for Jackson employee housing. Director Reiner does not believe that idea has been fully vetted, but perhaps the concept should be investigated. Director Reiner was unsure

whether a private entity could build on state-owned land, but he offered to investigate that possibility.

District Engineer Retirement: District Engineer Keith Compton, in Rock Springs, will retire December 6, 2019. Director Reiner acknowledged Mr. Compton's 32 years with WYDOT, and thanked him for his incredible service. The selection process for his replacement will begin right away.

Employee Appreciation Events: Director Reiner thanked all five districts' staff for hosting their annual cookouts. Director Reiner was able to attend some of them, and he noted the importance of interacting with employees and building relationships.

Representative Kinner left the meeting.

7. Mr. Freier presented the Chief Financial Officer's report in Mr. Byrne's absence.

Monthly Budget Report: The September 2019 budget report revealed that the Commission budget is 91 percent expended, and the Legislative budget is 87 percent expended, which is below budget tolerances. The remaining FY 2019 funds will be rolled into FY 2020 for pending expenditures.

8. It was recommended by Mr. Freier, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to move Bid Numbers 19-236CS, 19-237CS, and Requisition 0000055346 to a consent list.

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

- Bid No. 19-236CS to furnish 2,614,000 pounds of reflective glass spheres (Type 1), for use at various locations statewide. The bid was awarded to Potters Industries, LLC, of Valley Forge, Pennsylvania, for the sum of \$794,656.00.
- Bid No. 19-237CS to furnish 341,565 gallons of fast-drying acrylic traffic line paint, for use at various locations statewide. The bid was awarded to Vogel Paint & Wax Co., Inc., of Orange City, Iowa, for the sum of \$2,848,563.60.
- Requisition 0000055346 to furnish 3M digital license plate sheeting material for use by Motor Vehicle Services. The bid was awarded to 3M Corporation, of St. Paul, Minnesota, for the sum of \$860,000.00.

9. Ms. Carlson presented the Chief Engineer's report.

WYDOT Unfunded Needs: Ms. Carlson has been tasked with generating a prioritized list of WYDOT's highway needs to assist in identifying lower activities for consideration of reduced service until the revenue outlook improves. A group has met several times to identify and prioritize the items to be included on the list. Another four-hour meeting is scheduled next week. A consultant has also been hired to assist with this project.

Pursuant to Commissioner Schmidt's request earlier in the meeting about the estimated cost of maintaining and constructing Wyoming highways, Ms. Carlson directed the Commission to the Wyoming Transportation Facts 2018 book, page 30, for WYDOT's estimated costs to maintain and construct various types of highways.

Recent Change Order: A change order was recently processed for the I-80 bridge rehabilitation project for bridges on I-80 in near the Wagonhound Interchange in Carbon County. The original project was to perform a mill and overlay and other minor rehabilitative work on several bridge decks. After removing the surface material, a couple of the bridge decks were in worse condition than expected. Ms. Carlson signed a \$396,000 change order on October 9, 2019, for the additional repair work.

JTC Meeting: Ms. Carlson reported that three bills pertaining to wildlife crossings passed the JTC at its October 11, 2019, meeting in Casper. If passed during the upcoming legislative session, the bills will generate additional revenue to construct future wildlife crossings statewide.

Tribal Employment Rights Office (TERO) Update: Over the last month, Ms. Carlson has testified before the JTC and the Tribal Relations Committee about TERO. Ms. Carlson provided a handout with an outline of her presentations to those committees.

The TERO assists with recruiting qualified employees, providing developmental training and personal protective equipment, maintaining a skills bank for tribal workers, and operating and administering the TERO.

From July 1, 2009 through June 30, 2019, WYDOT contracted for 66 projects totaling \$157,219,618 on the Wind River Reservation (WRR). WYDOT paid \$2,417,048 in TERO fees on those projects during that period. Of the TERO fees paid, \$1,900,937 were federal funds and \$516,111 were state funds.

In accordance with Title X, the Tribal Employment Rights Code, a 2 percent employment right fee is assessed based on the contract value for each project. TERO fees are paid by the prime contractor, and WYDOT reimburses the contractor for that expense. WYDOT historically used the exterior reservation boundaries when applying TERO criteria, in accordance with the Title X Code.

The prime contractor and subcontractors develop a compliance plan of operations, which identifies the core crew for all companies working on the project. At least 50 percent of all workers on any project within WRR boundaries must be enrolled tribal members. Each contractor or business working on the reservation must also have a current business license, which costs \$100 annually.

In June 2018, the U.S. Supreme Court declined to hear the case stemming from the Tenth Circuit Court of Appeals ruling that the city of Riverton is not on the WRR, so the reservation boundaries are those established in 1939. Ms. Carlson shared a map with the Commission

showing WRR boundaries, and explained that WYDOT is in the process of identifying highway mileposts at the intersection using today's definition of the reservation boundaries.

WYDOT is modifying how it engages and works with the TERO to meet the employee preference for tribal members in the diminished area and other areas near the reservation. WYDOT is also considering an employee placement fee when working near the reservation. "Near" has been defined as, "within a reasonable commuting distance from the reservation."

Ms. Carlson thanked Mr. Cawley and the FHWA staff for their assistance in trying to find an acceptable solution to revise the way WYDOT does business near the WRR.

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

Repeal of 23 CFR 635.411 (a)-(e), Participation in the Cost of Patented and Proprietary Products: The FHWA has repealed 23 CFR 635.411 (a) through (e), Participation in the Cost of Patented and Proprietary Products. Effective October 28, 2019, state departments of transportation will follow their own procurement procedures for using patented and proprietary products. Existing projects must continue to be administered under the requirements in effect at the time of contact award.

Conditional Approval of FY 2020 State Transportation Improvement Program (STIP): The FHWA, in coordination with Cindy Terwillger, the Federal Transit Administration Regional Administrator, has approved WYDOT's FY 2020 STIP, contingent upon the Cheyenne and Casper Metropolitan Planning Organizations' (MPO) successful completion of their long-range transportation plans (LRTP) by July 31, 2020. During this period of expired LRTP and under the conditional approval, no STIP amendments within the MPO boundaries will be approved. Projects within the MPO boundaries that are included in the current conditional approval and previously approved STIPs may advance using federal-aid funding.

The FHWA commended WYDOT for its positive public engagement process and for its use of virtual public engagement tools during the STIP development process.

Approval of WYDOT Title VI Implementation Plan: The FHWA has reviewed and approved WYDOT's Title VI Implementation Plan for FY 2019 and FY 2020. The plan identifies specific resources and actions that will be carried out to implement Title VI of the Civil Rights Act of 1964. Specifically, 42 USC 2000(d) states, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Since the Civil Rights Act of 1964, other acts were passed that have expanded the definition to include sex, age, and disability.

FHWA Billing Review of the Local Government Office: The FHWA has conducted a billing review of WYDOT's Local Government Office. Program processes and 10 projects' billings were reviewed. Exemplary practices, recommendations, and corrective actions were identified. WYDOT is addressing the corrective actions, and both agency's program managers are

considering recommendations. WYDOT and FHWA program managers are considering those recommendations.

FY 2019 Accomplishments: Mr. Cawley shared the following end-of-year statistics with the Commission.

- \$269 million in federal-aid funds were obligated for WYDOT use, which was about \$4 million less than in FY 2018.
- \$119 million was obligated for advance construction, which was \$20 million more than 2018.
- The FHWA reimbursed WYDOT for \$293 million in federal funds in 2019, which was \$48 million more than 2018 reimbursements.
- At the end of 2019, 39 stale-but-active projects were closed, totaling about \$19.5 million that was reassigned to other projects. In 2018, there were 86 stale-but-active projects totaling \$31.08 million that was reassigned to other projects.
- WYDOT's Disadvantaged Business Enterprise (DBE) commitment on highway projects was 5.24 percent in 2019 compared to 3.21 percent in 2018. The 2019 DBE goal was 4.78 percent.
- At the end of 2018, the FHWA delegated several categorical exclusion NEPA documents to WYDOT to perform, and WYDOT completed 78 categorical exclusions in FY 2019.
- WYDOT also designed and prepared 53 projects in FY 2019 that are on the shelf and ready for a future letting.

FY 2020 Funding Status: Wyoming has received its FY 2020 contract authority or appointment of \$276,667,268. The FHWA expects to hear soon about the estimated rescission amount for contract authority. The rescission of contract authority will occur in July 2020.

A seven-week continuing resolution was enacted on September 7, 2019, providing federal obligation authority through November 21, 2019. Wyoming has received \$33,235,880, or 14.21 percent, in obligation authority for this fiscal year.

11. Mr. Fulton presented the Engineering and Planning report.

Mr. Doug Jensen, State Contracts and Estimates Engineer, provided a brief overview about the Contracts and Estimates Program and how engineers' estimates are prepared.

Mr. Fulton presented the bid tabulations from the letting held October 10, 2019, in Rock Springs.

Federal projects NHPP-N432055 and NHPP-RF-N432056 combined, involving grading, draining, placing bases, bituminous pavement surfacing, plant mix wearing course, electrical, fencing, and miscellaneous work on approximately 14.70 miles of WYO 59, beginning at reference marker (RM) 85.65, between Douglas and Gillette, in Campbell County. Completion date: June 30, 2021

Engineer's Estimate	\$15,365,946.00	
Riverside Contracting, Inc., Missoula, MT	\$14,671,233.50	-4.5%
Simon Contractors, Cheyenne, WY	\$15,529,462.25	
Mountain Construction Company, Lovell, WY	\$15,918,789.59	
Croell, Inc., Sundance, WY	\$15,930,399.77	

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

Federal project NHPPI-I254155, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing (recycle), plant mix wearing course, miscellaneous bridge work, and miscellaneous work on approximately 8.60 miles of I-25, beginning at RM 210.90, between Casper and Kaycee, in Natrona County. Completion date: October 31, 2020

Engineer's Estimate	\$5,766,960.00	
Mountain Construction Company, Lovell, WY	\$4,965,024.23	-13.9%
Northern Improvement Company, Fargo, ND	\$4,992,251.30	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$5,012,246.60	
Riverside Contracting, Inc., Missoula, MT	\$5,037,732.00	
Simon Contractors, Cheyenne, WY	\$5,318,572.40	
McGarvin-Moberly Construction Co., Worland, WY	\$5,753,118.11	
Croell, Inc., Sundance, WY	\$5,852,174.00	

It was recommended by Mr. Fulton, moved by Vice Chairman Newton, seconded by Commissioner Espy, and carried that Mountain Construction Company, Lovell, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State project SCP-TC-P261029, involving placing pit run subbase, bituminous pavement surfacing, chip seal work, and miscellaneous work on approximately 10.60 miles of WYO 230, beginning at RM 11.50, between Laramie and Woods Landing, in Albany County. Completion date: October 31, 2020

Engineer's Estimate	\$4,499,132.00	
Simon Contractors, Cheyenne, WY	\$4,137,011.04	-8.0%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$4,151,699.05	
McGarvin-Moberly Construction Co., Worland, WY	\$4,244,432.60	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried that Simon Contractors, Cheyenne, 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 NHPPI-I805178, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, high performance wearing course, bridge rehabilitation, and miscellaneous work on approximately 5.60 miles of I-80, beginning at RM 318.84, between Laramie and Cheyenne, in Albany County. Completion date: October 31, 2020

Engineer's Estimate	\$4,492,616.00	
Simon Contractors, Cheyenne, WY	\$4,624,093.49	+2.9%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$5,225,753.75	

It was recommended by Mr. Fulton, moved by Commissioner Pfrangle, seconded by Commissioner Espy, and carried that Simon Contractors, Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State projects PEG2031, ARSCT-PEG3A21, ARSCT-PEG3A22, and ARSCT-PEG3A23 combined, involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles, and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, and Uinta counties. Completion date: February 29, 2020

Engineer's Estimate	\$1,646,380.00	
Kilroy, LLC, Afton, WY	\$1,651,812.00	+0.3%
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$1,993,420.60	
71 Construction, Casper, WY	\$2,171,255.85	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Espy, 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-B203017 and CMP-PM-W413005 combined, involving crack sealing, surfacing, and miscellaneous work on approximately 86.81 miles of roadway at various locations in Transportation District 3, including Lincoln, Sweetwater, and Uinta counties. Completion date: April 30, 2020

Engineer's Estimate	\$801,502.00	
Z & Z Seal Coating Inc., Billings, MT	\$713,742.87	-10.9%
Highway Improvements, Inc., Harrisburg, SD	\$739,952.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Espy, and carried that Z & Z Seal Coating Inc., Billings, MT, 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-B201002, involving crack sealing and miscellaneous work on approximately 92.00 miles of roadway at various locations in Transportation District 1, including Albany, Carbon, and Laramie counties. Completion date: April 30, 2020

Engineer's Estimate	\$590,470.00	
Z & Z Seal Coating Inc., Billings, MT	\$629,196.41	+6.6%

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Commissioner Pfrangle, and carried that Z & Z Seal Coating Inc., Billings, MT, 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-B205013 involving crack sealing and miscellaneous work on approximately 80.40 miles of roadway at various locations in Transportation District 5, including Fremont and Hot Springs counties. Completion date: April 30, 2020

Engineer's Estimate	\$357,981.00	
Highway Improvements, Inc., Harrisburg, SD	\$334,060.00	-6.7%
Z & Z Seal Coating Inc., Billings, MT	\$364,525.18	

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried that Highway Improvements, Inc., Harrisburg, SD, 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. Mr. Fulton briefed the Commission on the status of the three projects that were rejected during the September 19, 2019, business meeting.

- Federal projects HIP-GM-B185002, STP-N302053, and NHPP-N303057 combined, Riverton Streets: WYDOT has reviewed the scope of work for these projects and has decided to separate the job into two different projects. The first project will be let in December 2019, and the other will be let in August 2020.
- Federal project HIP-N311097, Cody Streets: Some adjustments were made to the construction requirements for this project to allow more time and flexibility for the contractor's work. This project will be let again in November.
- Federal project STP-BR-B183012, the District 3 bridge rehabilitation project, will also be let again in November.

13. It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Vice Chairman Newton, and carried to approve the following project authorizations:

CAMPBELL COUNTY

CD CD20409; City of Gillette, various locations; Americans with Disabilities Act (ADA) and pathways planning; FY 2020; request federal preliminary engineering funds of \$225,000

CARBON COUNTY

CM CM20101; Carbon County, various county roads; dust suppression; FY 2020: request federal construction funds of \$358,125

CONVERSE COUNTY

HRRR HR20201; Converse County, various locations; sign and delineators; FY 2020; request federal construction funds of \$103,252

HRRR H420202; Converse County, various locations; flexible delineators; FY 2020; request federal construction funds of \$107,415

CROOK COUNTY

CM CM20405; Crook County, various county roads; dust suppression; FY 2020; request federal construction funds of \$230,675

FREMONT COUNTY

CM CM20509; Fremont County, various county roads; dust suppression; FY 2020; request federal construction funds of \$337,130

HRRR HR20505; Fremont County; 8 Mile Road and Highway 26 approach; stop sign and transverse rumble strips; FY 2020; request federal preliminary engineering funds of \$20,000; request federal construction funds of \$20,000

JOHNSON COUNTY

CD CD20408; City of Buffalo, various locations; ADA and pathways planning; FY 2020; request federal preliminary engineering funds of \$100,000

CM CM20406; Johnson County, various county roads; dust suppression; FY 2020; request federal construction funds of \$511,880

LARAMIE COUNTY

STP 0107028; Laramie County, Cheyenne, WYO 210, Happy Jack, and I-25 on and off ramps, Happy Jack and Warren Air Force Base; RM 0.12 and 0.16; traffic signals; FY 2020; request federal preliminary engineering funds of \$56,000; request federal construction engineering and construction funds of \$621,000

CD CD20101; City of Cheyenne, Carey Avenue to Kennedy Road; pathway; FY 2020: request federal preliminary engineering funds of \$40,795; request federal construction engineering and construction funds of \$459,200

LINCOLN COUNTY

CD CD20303; Town of Alpine, Greys River Road; pathway; FY 2020; request preliminary engineering funds of \$50,220; request federal construction engineering and construction funds of \$549,780

CD CD20306; Town of Cokeville, various locations; ADA compliance upgrade planning; FY 2020; request federal preliminary engineering funds of \$40,000

CD CD20307; Town of Thayne, town park; pathway lighting; FY 2020; request federal preliminary engineering funds of \$8,000; request federal construction engineering and construction funds of \$72,000

CM CM20302; Lincoln County, various county roads; dust suppression; FY 2020; request federal construction funds of \$231,112

HRRR HR20303; Lincoln County, various county roads; delineators; FY 2020; request federal construction funds of \$40,000

NATRONA COUNTY

CD CD20202; City of Casper, West Midwest Avenue; sidewalk; FY 2020; request federal construction funds of \$262,955

ARSCT N212A05; Casper Streets, Poplar Street, bridge over North Platte River; RM 116.40; bridge conduit; FY 2021; request preliminary engineering funds of \$1,000; estimated construction engineering and construction cost is \$12,200; to be reimbursed by Rocky Mountain Power

PARK COUNTY

STP 1507041; Chief Joseph Highway, Dip Slide; RM 32.50 to 32.51; slide repair; FY 2020; request federal construction engineering and construction funds of \$4,400,000

CD CD20512; City of Cody, various locations; ADA, sidewalk and pedestrian ramp improvements; FY 2020; request federal preliminary engineering funds of \$40,000; request federal construction engineering and construction funds of \$460,000

CD CD20513; Town of Meeteetse, Franklin Street; sidewalk, curb and gutter, crosswalks; FY 2020; request federal preliminary engineering funds of \$16,100; request federal construction engineering and construction funds of \$149,895

CD CD20514; City of Powell, various locations, north and west sides of the city; pathway planning; FY 2020; request federal preliminary engineering funds of \$50,000

CM CM20510; Park County, various county roads; dust suppression; FY 2020; request federal construction funds of \$124,150

SHERIDAN COUNTY

STP 1704016; Sheridan Streets, 5th Street at Sheridan Avenue; RM 0.36; traffic signal; FY 2020; request federal preliminary engineering funds of \$150,000; request federal utility and right-of-way funds of \$150,000; request federal construction engineering and construction funds of \$500,000

STPU-SH 1704017; Sheridan Streets, East 5th Street Corridor; RM 0.00-0.33; intersection upgrades; FY 2020; request federal construction engineering and construction funds of \$2,525,044

CD CD20410; City of Ranchester, US 14, Ranchester and Dayton; pathway feasibility planning; FY 2020; request federal preliminary engineering funds of \$125,000

CD CD20411; City of Sheridan, Gateway Park; pathway extension; FY 2020; request federal preliminary engineering funds of \$25,000; request federal construction engineering and construction funds of \$287,500

CM CM20407; Sheridan County, various county roads; dust suppression; FY 2020; request federal construction funds of \$367,198

SWEETWATER COUNTY

CD CD20304; City of Green River, Teton Boulevard; ADA curb ramps and improvements; FY 2020; request federal preliminary engineering funds of \$5,812; request federal construction engineering and construction funds of \$164,188

CM CM20303; Sweetwater County, various county roads; dust suppression; FY 2020; request federal construction funds of \$388,504

TETON COUNTY

CD CD20305; Town of Jackson, various locations; ADA, bike and pedestrian pathway improvements; FY 2020; request federal preliminary engineering funds of \$100,000

UINTA COUNTY

CM CM20304; Uinta County, various county roads; dust suppression; FY 2020; request federal construction funds of \$291,824

WASHAKIE COUNTY

HRRR HR20506; Washakie County; Lower Norwood Road; signs and pavement markings; FY 2020; request federal construction funds of \$83,000

WESTON COUNTY

CM CM20408; Weston County, various county roads; dust suppression; FY 2020; request federal construction funds of \$293,510

HRRR HR20404; Weston County, Kenwood Drive; curve signs and guardrail; FY 2020; request federal construction funds of \$50,000

VARIOUS

CD CD20901; statewide, various locations; purchase incentive items to promote walking and/or bicycling to school; FY 2020; request federal construction funds of \$11,212

14. Mr. Gillett presented the Operations report.

Mr. Gillett acknowledged Mr. Scott Taylor, district engineer, and his staff for their extraordinary work in carrying out the construction and administration of WYDOT's Sheridan-area projects.

Construction Update: There are currently 63 active construction projects statewide, including seventeen in District 1, six in District 2, sixteen in District 3, seven in District 4, and seventeen in District 5. This is six fewer active projects than last month. Mr. Gillett advised that contractors are working hard to wrap up projects before winter, and he anticipates the number of active projects will be significantly less next month.

Some larger projects still ongoing are:

- Lovell to Cowley, Sage Creek Road, that was shut down by the Burlington Railroad earlier this summer for safety violations. The contractor has mitigated those safety issues, and the project is active again. The work should be complete this fall, and some minor cleanup will wrap up next spring.
- US 26, North Federal Boulevard in Riverton, is on schedule and should be complete this fall. The ribbon cutting will be November 6, 2019.
- The US 191, Jackson to Hoback Junction, North Section, is nearly complete, with only fencing, seeding, and miscellaneous cleanup work remaining.
- The contractor continues to work on the bridge over Snake River on the south section of the Jackson to Hoback Junction project.
- Work on the I-80 eastbound lane, east of Rock Springs, should be complete this week, and final surfacing should be placed on the westbound lanes by the end of October 2019.
- The contractor on the Sheridan North Interchange project is working to complete fencing, reclamation, and seeding. The project is open to public traffic, but some minor work will need to be finished next spring.

Maintenance Update: Maintenance crews are working to finish their annual plant mix patching operations. The state hot plant was relocated from Walcott Junction to Baggs, and it is producing hot mix for the southwest portion of District 1.

Other maintenance activities include mowing, delineation, culvert cleanouts, and guardrail repairs.

District 2 maintenance crews are pressing on to patch two I-25 bridge decks across Walsh Street in Casper. Those bridges need to be overlaid before winter to preserve their integrity. A project to replace those bridges is planned for the January 2020 bid letting. WYDOT is currently reviewing its structure design to ensure all aspects of the design meet railroad requirements in

case the railroad were to begin using the tracks below those structures in the future. The project may be delayed if design changes are necessary.

Wyoming's first major winter storm of the season occurred October 9 and 10, 2019, requiring intermittent closures of I-80 between Cheyenne and Laramie due to several crashes. Snow control teams worked hard and did a great job clearing snow and ice, particularly since this was the first storm for many new snowplow drivers.

WYDOT also closed I-80 on September 28, 2019, due to numerous crashes caused by extremely dense fog.

Landslide Repairs: Work has been suspended for the winter on the Dead Indian Pass landslides.

District staff is collecting design information for the Dip Slide on the Chief Joseph Highway in Park County. A permanent slide repair will be let to contract next spring.

Surfacing work is almost complete on the White Cross Slide above Dayton.

Paving operations on the Observation Slide on US 14A, between Burgess Junction and Lovell, may have to wait until next spring due to the 10,000-foot elevation of the project.

I-80 Rolling Road Closure: On October 7-9, 2019, WYDOT's District 1 maintenance crews and the WHP conducted a rolling closure on I-80 to accommodate a power transmission line installation. The utility company used helicopters to place the line across the interstate.

Traffic Operations Update: District traffic crews have completed their seasonal striping work, and they are wrapping up striping of new construction projects as they are completed.

Eastbound Teton Pass Closure: The eastbound lane of Teton Pass is closed to trucks with trailers for the winter because of the truck arrestor closure on the pass.

Sheridan Main Street Test Project: The recent test project on Sheridan Main Street appears to be a good compromise for vehicle-pedestrian traffic. Main Street striping was changed from four lanes to three lanes with a continuous center turn lane. The majority of the comments received about the lane reconfiguration were positive.

Sign and Electrical Crews Update: Sign Crews are installing their annual sign replacements. Electrical crews are performing routine maintenance on traffic signals and other electrical components in preparation for winter.

Mechanics Update: Mechanics remain busy repairing equipment for the next round of snowstorms. Crews are also managing the hot plant equipment so patching work can continue before winter.

WYDOT Facilities Update: All rest area facilities are open statewide.

Mr. Jensen left the meeting.

15. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through September 30, 2019, includes 97¹ fatal crashes involving 123¹ deaths. The fatalities include 41 rollover crashes, 50 multi-car crashes, 3 fixed objects, 15 motorcycles, 3 all-terrain vehicles, and 11 pedestrians. Of the 123 fatal crashes that have occurred in 2019, 20² involved commercial vehicles.

There were 32³ fatal crashes deemed drug or alcohol related, resulting in 40³ deaths, and half of those deaths³ were attributed to not using occupant restraints. Fourteen were rollover crashes, 15 were multi-vehicle crashes, 3 involved fixed objects, 4 involved motorcycles, and 4 involved pedestrians. None² of the drug- or alcohol-related fatalities involved commercial vehicles.

Of the 123 deaths that have occurred this year, 47 can be attributed to the non-use of occupant restraints, with 33 involving rollover crashes, 12 involving multi-vehicle collisions, and 2 involving fixed objects. Thirty of those who died from the non-use of occupant restraints were Wyoming residents. Sixteen of those who perished were under 21 years of age, and 7 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 97 fatal crashes so far this year, it was deemed that 33 of those drivers had no distractions, 4 had a distraction from outside the vehicle, and 3 drivers were distracted by an object from inside the vehicle. In 55 of the 97 fatal crashes, it was unknown whether a distraction caused the incident.

Of the 97 fatal crashes that have occurred this year, 50 of them occurred on primary/secondary highways, 29 occurred on interstate highways, and 18 occurred on city/county roads.

Of the multiple-fatality crashes that have occurred on Wyoming highways in 2019, 5 were rollover crashes, 16 involved multiple vehicles, 1 involved a fixed object, 4 involved commercial vehicles, and 6 were deemed alcohol related.

In locations where rumble strips/strips were present, there were 42⁴ crashes. There were 44⁴ crashes where rumble strips/strips were not present.

Inclement weather or road conditions contributed to 5 vehicle crashes in 2019, which resulted in 7 deaths. Speed was considered a factor in 13 of the vehicle crashes that caused 18 deaths.

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 at the time of reporting from submitted crash reports.

The days of the week for fatal crashes in 2019 were as follows:

Sunday	18 crashes
Monday	14 crashes
Tuesday	15 crashes
Wednesday	9 crashes
Thursday	12 crashes
Friday	7 crashes
Saturday	22 crashes

The times of day for fatal crashes in 2019 were as follows:

12:00 a.m. to 6:00 a.m.	11 crashes
6:00 a.m. to 12:00 p.m.	24 crashes
12:00 p.m. to 6:00 p.m.	36 crashes
6:00 p.m. to 12:00 a.m.	26 crashes

The following statistics were also provided to the Commission:

- 80 percent of those who died in rollover crashes were unbelted.
- 24 percent of all those who died in multi-vehicle crashes were unbelted.
- 67 percent of those who died in fixed object crashes were not wearing seat belts.
- 66 percent of the fatalities in 2019 were drivers.
- 26 percent of the fatalities in 2019 were passengers.
- 54 percent of the resident fatalities were unrestrained.
- 14 percent of the non-resident fatalities were unbuckled.
- Alcohol and/or drug impairment was a factor in 33 percent of the fatalities.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,684⁵ crashes statewide, of which 3,470⁵ involved non-commercial vehicles, and 1,214⁵ involved commercial vehicles.

The Commission also received a pin map depicting the locations of the 2019 fatal crashes.

WHP Recruitment Update: The WHP is conducting background checks on six pre-certified law enforcement candidates from around the nation to fill vacant trooper positions. Colonel Haller believes there is potential to reduce the WHP trooper vacancies to nine with this round of candidates.

The WHP will offer another round of testing in January for new trooper candidates.

⁵ Does not include all crashes worked to date; some reports are still pending.

Eighteen new troopers will graduate from the WHP Academy and will be commissioned before the Wyoming Supreme Court on November 15, 2019. Colonel Haller invited the Commission to attend the pinning ceremony.

The WHP ports-of-entry has four vacancies, and the WHP Dispatch Center has nine openings. The WHP has conducted some heavy recruiting, and five individuals were recently hired to fill these positions. New hires still need extensive training, but Colonel Haller is optimistic about the retention rate for those positions.

Select Committee on Tribal Relations Meeting: Colonel Haller attended the October 14-15, 2019, meeting of the Select Committee on Tribal Relations, and he briefed the committee about a recent team training effort.

On October 3, 2019, the WHP was scheduled to participate in a training exercise for managing Amber Alerts, endangered person advisories, and human trafficking on tribal lands. The U.S. Department of Justice (DOJ) was scheduled to lead the training, but they had to cancel because of unforeseen circumstances, so the WHP led the training. Eleven agencies, primarily law enforcement, participated in learning about law enforcement resources, Amber Alert protocol and requirements, and endangered person requirements.

Freshman Impact Presentations: The WHP hosted Freshman Impact events in Buffalo on September 26, in Wheatland on October 1, and in Newcastle on October 10, 2019.

The foundation of the Freshman Impact Program is Community Organizing Resources for Education, which provides safety education and awareness for freshman class students. The program addresses issues such as 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.

On October 8, 2019, a similar event called, "Life. Are You Ready?" will be held in Big Piney.

Vice Chairman Newton attended the September 26 event in Buffalo and strongly encouraged the WHP to continue their efforts to share this information with high school students in the future. Vice Chairman Newton also recommended follow-up training for 11th and 12th grade students to refresh the importance of realizing the consequences of their decisions and their actions.

16. Mr. Olsen presented the Aeronautics report beginning with the September 2019 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accidents Monthly report.

Wheatland Runway Project Update: The \$8.5 million Wheatland runway reconstruction project was progressing well throughout the summer, but the geometry and grade for the paving

thickness and width did not meet Federal Aviation Administration specifications. The town of Wheatland chose to have the paving removed and replaced in accordance with the specifications. The Wheatland Town Council met in late September and passed a resolution requiring the contractor to replace the pavement, which may require closing the Wheatland Airport through the winter. The contractor began the additional work last week.

Capacity Purchase Agreement (CPA) Bookings Update: The Gillette/Campbell County Airport added a third daily flight, four days per week, to their schedule. The additional flights began October 6, 2019. The new flights have been well received by the community.

The Sheridan and Riverton airports will begin their new service in accordance with the CPA on January 12, 2020. Flights through September 2020 are available for purchase. Bookings so far have met expectations.

The Rock Springs Airport will add a third daily flight beginning in May 2020.

17. Mr. Rossetti presented the Support Services report.

Employment Summary: WYDOT employed 1,926 personnel as of October 7, 2019, compared to 1,892 a month ago and 1,898 one year ago. There are currently 40 WYDOT maintenance positions advertised statewide, of which many are temporary snow plow operator positions.

The Rawlins area continues to be one of the most difficult locations to fill WYDOT vacancies. WYDOT continues to try to think of creative ways to draw interest in those positions.

18. Mr. Babbitt presented the Chief Technology Officer's report.

Mr. Babbitt expressed his appreciation for the opportunity to serve as WYDOT's new Chief Technology Officer. Mr. Babbitt will begin his succession planning immediately to select a new Emergency Communications Program Manager.

Working with the Information Technology Program to retain quality, skilled IT workers is also one of Mr. Babbitt's of goals.

JTC Meeting: The JTC considered a bill to fund future WyoLink maintenance and operations at their October 11, 2019, meeting, but it failed in committee. The bill was structured similar to the "911" fee that every phone user currently pays. Mr. Babbitt indicated that the "911" Dispatch Center manages about 250,000 calls statewide annually, and it is funded by a monthly user fee. WyoLink handles almost 12 million radio calls annually, yet it remains unfunded. Mr. Babbitt did not know yet what steps will be taken next to fund WyoLink maintenance and operations.

WyoLink Tower Build-Out Update: The WyoLink tower construction at Buffalo is ongoing, and the tower is expected to be upright next week. The concrete pad is poured for the WyoLink tower at Orin Junction. The other pending tower sites are still waiting for various federal clearances to proceed with work.

Revenue Information System (RIS) Update: The state mainframe was moved last month to a more stable environment at an off-site location in Omaha, Nebraska. Since then, a few network connectivity issues have occurred. WYDOT's IT Program is working with the State Department of Administration and Information Enterprise Technology Services (ETS) Division to work through those challenges.

MathTech, Inc., a consultant specializing in helping entities update or modernize complex computer systems, was hired to map out the current RIS network, and to devise a plan for its replacement. Mr. Babbitt is working with ETS Director Gordon Knopp to review the enterprise system used by other agencies. Mr. Babbitt hopes to advertise a request for proposals next year to replace the RIS.

In Mr. Babbitt's short time in his new role, he has already begun gathering information about all of WYDOT's IT-related software and hardware to determine a plan for more efficient technology operations department-wide.

Connected Vehicle (CV) Update: Director Reiner attended part of the American Trucking Associations Convention in North Carolina last month to garner interest from large trucking companies to join the CV testing. Several companies have committed to joining the effort, with the latest being C. R. England Trucking Company.

Cyber Security: A couple of significant cyber security attacks have occurred within state computer systems in recent weeks. With cyber security becoming more concerning all the time, Mr. Babbitt is working with ETS to prevent future attacks by sharing best practices and processes in case future attacks occur.

19. Signatory Authorizations: It was recommended by Secretary Scott, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to remove Patrick A. Lewis as a WYDOT signatory, effective June 1, 2019, and add Troy Babbitt as an approved WYDOT signatory, effective October 1, 2019.

20. It was moved by Commissioner Schmidt, seconded by Commissioner Espy, and carried to adjourn the meeting. Chairman Larson adjourned the meeting at 11:29 a.m., on Thursday, October 17, 2019.