

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the I-80 Room at the Wyoming Department of Transportation (WYDOT) Training Center, 5300 Bishop Boulevard, in Cheyenne on September 19, 2019. Chairman Larson convened the business meeting at 8:30 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: 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; Troy Babbitt, Interim Chief Technology Officer; Colonel Kebin Haller, Wyoming Highway Patrol (WHP) Administrator; Rodney Freier, Budget Program Manager; and Bryan Cawley, Division Administrator, Federal Highway Administration (FHWA).

Other meeting attendees: Carbon County Commissioner John Espy, Rawlins; Barry Gasdek, State Commander for the Military Order of the Purple Heart, President of the Cowboy Chapter of the Association of the United States Army, and Past National Commander for the Legion of Valor; Sean Frost, Owner of Frost Rock Products, of Lovell; Mike Kahler, Senior Assistant Attorney General; Ryan Thompson, Assistant Attorney General; Tom DeHoff, District Engineer; Caryn Erickson, Senior Budget Analyst; Aimee Inama, Senior Public Affairs Specialist; Rick Carpenter, Senior Photographer; Sarah Ellis, Local Government Coordinator; Christy Stone and Christine Grant, State Transportation Improvement Program; Doug McGee, Public Affairs Program Manager; and John Davis, Management Services Program Manager.

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

2. Medal of Honor Coin and Purple Heart Plaque Presentations:

Mr. Barry Gasdek attended the meeting to present Director (and former Major General) Luke Reiner with a Purple Heart plaque and commemorative Medal of Honor coin. Mr. Gasdek thanked WYDOT, especially Director Reiner, for supporting the current and veteran military members and the combat wounded veterans.

The Purple Heart plaque read:

The Military Order of the Purple Heart special recognition award is bestowed with pride to Major General K. Luke Reiner, Wyoming Adjutant General, 2011-2019, in appreciation of

your 8 years of service to Wyoming's combat wounded veterans, thank you for your selfless support to the Purple Heart recipients, and the Guard, Reserve, and active duty, and veterans. Presented by Barry D. Gasdek, Commander – Region 3, Military Order of the Purple Heart.

Mr. Gasdek presented the plaque to Director Reiner.

Mr. Gasdek also presented Director Reiner with a Medal of Honor coin. The coin was awarded on behalf of Bob Maxwell, a World War II veteran and the oldest Medal of Honor recipient, who passed away last spring. Mr. Maxwell introduced the idea of creating a nationwide Medal of Honor Highway, and in 2019, the Wyoming State Legislature passed a bill designating US 20 in Wyoming as the Medal of Honor Highway. Montana and Idaho soon followed suit.

Director Reiner thanked Mr. Gasdek for taking the time to present the awards and for his commitment to the military and its veterans, past and present, and for going above and beyond in his service.

Chairman Larson also thanked Mr. Gasdek for his time in presenting the awards.

3. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried to approve the minutes from the August 14, 2019, education session and the August 15, 2019, breakfast meeting, business meeting, and executive session.

4. Correspondence: The Commission received the following correspondence this month.

A. A notice of claim from Darrah Law Office, P.C., of Powell, Wyoming. The claim was made by Frost Rock Products, of Lovell, and is related to a pit agreement dispute on Project PEG 1951, District 5 Stockpiles, in Fremont County.

B. A letter from Mr. Dana Smith, owner of Edwin's Large Recovery, LLC, in Laramie, requesting an informal hearing before the Commission. The request stemmed from the WHP's suspension of Edwin's Large Recovery from the WHP towing rotation list. Secretary Scott advised that Director Reiner offered to meet with Mr. Smith to seek a possible solution before bringing the matter to the Commission. Secretary Scott will keep the Commission apprised of the outcome.

C. A letter from Frost Rock Products Co., in Lovell, stating:

WYDOT announced low bidder, Mountain Construction Co., Call Order #7, PEB1951 as irregular. Therefore, it is non-responsive, and it should not have been considered.

The referenced bid will be addressed under agenda item 8.C.i, Award of Highway Contracts.

5. Director Reiner presented the Director's report.

State Agency Coalition and Employee Advisory Team: Director Reiner is actively working with other state agencies to address some necessary changes in personnel policy. Employee advisory teams are also being developed to help explore and implement solutions to some long-time state employment issues.

Joint Transportation, Highways & Military Affairs Committee (JTC) Meeting: The JTC will meet in Casper, October 10 & 11, 2019. Numerous WYDOT-related draft bills will be introduced at the meeting on October 11, including a bill that, if passed, will implement a \$0.75 monthly fee on every phone line in Wyoming to fund statewide emergency communications.

Another bill that will be introduced at the JTC will establish a task force to evaluate long-term surface transportation funding for WYDOT.

At the last JTC meeting, state agencies requested a bill to fund a new Revenue Information System (RIS), but the committee did not elect to draft legislation for the RIS.

Jackson Employee Housing: The director of the Wyoming Game and Fish Department (WGFD) contacted Director Reiner yesterday to discuss the possibility of developing state employee housing in Jackson. Director Reiner looks forward to partnering with the WGFD and other state agencies to develop and implement a housing plan that will benefit them and their employees working in Teton County.

WYDOT Strategic Plan: WYDOT executive staff met for two days this week to discuss and develop a three- to five-year strategic plan. The team worked through WYDOT's purpose, mission, vision, values, goals, and other objectives that are typically part of a strategic plan. The new plan is in draft form and will be shared with the Commission when complete.

Wyoming Aeronautics Meetings: Director Reiner attended the Jackson Airline Rendezvous, the Legislative Select Air Committee meeting, and the Wyoming Airport Operators' Association Conference over the past two weeks. The gatherings afforded some time with Wyoming aeronautics community to discuss aviation transport issues and other matters facing the industry.

Connected Vehicle (CV) Pilot Program: Phases 1 and 2 of the CV pilot, system testing and validation, are now complete. The CV Phase 3 is underway, which is a full-scale system test. Director Reiner recently attended the American Trucking Associations (ATA) Convention in North Carolina to recruit trucking companies who travel I-80 two or three times weekly to participate in Phase 3. The test requires CV system installation in participating trucks. The ATA Technical Advisory Group favored the idea of promoting the CV pilot.

Mainframe Migration: Over the weekend of September 13-15, 2019, the State of Wyoming successfully migrated the RIS from the Wyoming mainframe in Cheyenne to a mainframe in Omaha, Nebraska. The move allows the antiquated system to have better access to COBOL technology experts who can repair the system if it fails. The state's Enterprise Technology System (ETS) Division took the lead on the migration. Director Reiner thanked Messrs. Rossetti and Babbitt and their teams for their hard work during the successful migration.

Freshman Impact Presentation: Director Reiner commended the WHP's efforts toward educating high school students about making good life choices and living a healthy lifestyle. The WHP will host several Freshman Impact events next month. The schedule will be made available to commissioners in case they would like to attend.

Messrs. Gasdek and Carpenter and Ms. Inama left the meeting.

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

FY 2020 Operating Budget: Messrs. Byrne and Freier presented details of the FY 2020 Operating Budget to the Commission on September 18, 2018, beginning at 2:00 p.m. That meeting allowed the Commission to raise questions, receive answers, and have discussion about the budget.

Pursuant to a question raised during the September 18 budget presentation, Mr. Freier shared that during the 2019 session, the legislature passed a bill that implemented a \$200 annual registration fee for electric vehicles and a \$100 annual fee for hybrid vehicles in Wyoming. There are 1,164 electric and hybrid vehicles in Wyoming, which generates approximately \$141,000 for surface transportation. Ms. Carlson also shared a map of the United States depicting the amounts each state collects annually for electric vehicle and hybrid vehicle fees.

It was recommended by Mr. Freier, moved by Commissioner Schmidt, seconded by Commissioner Espy, and carried to approve the FY 2020 Operating Budget, in accordance with the details that were presented at the September 18 budget presentation.

Monthly Budget Report: Mr. Freier presented the monthly budget report. The August 2019 budget report revealed that the Commission budget is 83 percent expended, and the legislative budget is 79 percent expended, which is approximately 10 percent less than the anticipated budget.

7. It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to move Bid Numbers 19-199AC, 19-200AC, and 19-201AC, and Requisition No. 0000055091 to a consent list.

Commissioner Schmidt asked what the grounds were for awarding Requisition Number 0000055091 as a sole source bid to Lear Corporation. Director Reiner explained that Lear is WYDOT's hardware partner in the connected vehicle testing, and the Department must utilize the same vendor for continuity throughout the testing phase.

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

- Bid No. 19-199AC to furnish 15,100 tons of bulk sodium chloride, Types 1 and 2, for delivery to various locations statewide. The bid was awarded to Broken Arrow, of Tooele, Utah, for the sum of \$575,475.00, and Compass Materials America, Inc., of Overland Park, Kansas, for the sum of \$497,578.25, for a total sum of \$1,073,053.25.

- Bid No. 19-200AC to furnish 200,000 gallons of liquid and solid anti-icers/deicers, Categories 1 and 2, for use at various locations statewide. The bid was awarded to Desert Mountain Corp., of Riverton, Wyoming, for the sum of \$1,151,656.50, and Dustbusters Enterprises, Inc., of Evanston, Wyoming, for the sum of \$161,215.00, for a total sum of \$1,312,871.50.
- Bid No. 19-201AC to furnish 388,000 gallons of liquid organic accelerator for use at various locations statewide. The bid was awarded to Smith Fertilizer and Grain, of Knoxville, Iowa, for the sum of \$605,280.00.
- Requisition Number 0000055091 to furnish 50 each OBU software kits, Type 1, and 215 each OBU software kits, Type 2, including support and repair/replacement for three years for all software. The contract was awarded to Lear Corporation, of Southfield, Michigan, for the sum of \$253,430.00.

8. August Federal Redistribution of Funds: WYDOT recently received about \$23 million in federal redistribution funds and submitted its obligation requests for FHWA review.

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

Sage Creek Road (County Road 401) in Carbon County: In a letter dated November 20, 2018, the Board of the Carbon County Commission requested that the Transportation Commission adopt a 34.83-mile section of County Road 401, Sage Creek Road, in Carbon County onto the state highway system. A map was provided to the Commission depicting the road location, its varying widths and types of road surfaces, and the portion of road that they asked WYDOT to adopt.

On August 22, 2019, Transportation Commission Chairman Mike Larson, commissioners Jim Espy and Jon Dolezal, and other WYDOT and county officials toured the roadway to see firsthand the location, the design, and the roadway condition.

Ms. Carlson provided the Commission with the following historical information about Sage Creek Road.

- In March 2002, WYDOT received a letter from the Carbon County Commission stating, "As previously discussed, once this section is improved, a transfer of this portion of roadway for WYO 77 in Carbon County, and possibly WYO 76 between Rawlins and Sinclair, could be discussed."
- In April 2002, the Carbon County Commission asked the Transportation Commission to consider allowing the use of Forest Highway Lands funds to reconstruct the road.
- In May 2004, a Forest Highway Agreement was executed between Carbon County (cooperator) and the FHWA Central Federal Lands (CFL) Highway Division, which was the developing agency. Provisions included:
  - Design standards from the AASHTO Policy on Geometric Design of Highways and Streets (the Green Book), and the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
    - Route location and the general design to be accomplished to the satisfaction of the cooperator, CFL, and the United States Forest Service (USFS).

- Minor changes to the grade, alignment, surface course, or structures made necessary by unforeseen contingencies or deemed desirable by conditions may be made by the developing agency, CFL, without the prior or separate approval of the cooperating agency.
- After construction of USFS highway projects, the cooperator agrees to operate and maintain the highway at the cooperator's expense after the project is constructed and has been inspected by the cooperator, WYDOT, and the USFS, and then accepted by the CFL.
- In August 2008, project agreements were executed among Carbon County, Medicine Bow National Forest, WYDOT, and the CFL for Sections B and C, which were noted on a map that was provided to the Commission. Provisions included:
  - The project to be reconstructed to a typical section matching the WYO 71 section. The design was to be consistent with rural collector criteria and based upon current WYDOT standards. Both sections were to be designed to a 55 mph design speed.
  - Carbon County was responsible for ensuring that the design met the agreement requirements, county standards, and maintenance requirements, and they signed a Highway Design Standards form accepting responsibility for the design standards incorporated into the project.
  - WYDOT signed a Highway Design Standards form approving how the section transitions into WYO 71.
  - After construction, Carbon County will operate and maintain the highway to the full limits of the right of way, consistent with current industry maintenance practices and materials and serviceability standards for their roadway system.
  - WYDOT chief engineer will review final plans and specifications.
  - The CFL division engineer will provide final plan approvals, specifications, and estimates (PS&E), design exceptions, and major changes in the scope.
- In April 2010, an environmental assessment for Sections D and E were completed, and no significant impacts were found. The preferred alternatives for those sections included:
  - Section D will be designed at 45 mph, with a width of 26 feet.
  - Section E will be designed at 25 mph, with a width of 24 feet.
  - It is three-season road, and it was not designed to facilitate winter maintenance.
  - Gravel for the last 9.9 miles, 1.0 mile of the county section.
  - In Aspen Alley, no work was proposed.
- In January 2011, a Highway Design Standards form was signed for Section B stating that the design adheres to "Geometric Design of Very Low-Volume Local Roads and WYDOT Design Standards."
  - The project has design exceptions for three sag vertical curves that do not meet a 55 mph speed limit.
  - The document also states that the roadway speed limit should be posted at a 45 mph, but the speed limit is currently posted at 55 mph.
- In March 2011, a new project agreement was executed among Carbon County, Medicine Bow National Forest, WYDOT, and the CFL for Sections B and C, which were noted on the map provided to the Commission.
  - The contents of this agreement were similar to the agreement signed in August 2008.
  - One major change occurred that related to the Commission's consideration for adoption was the narrowing of the highway template to 11-foot lanes with 4-foot

shoulders for a 30-foot paved width instead of the 32-foot paved width initially established.

- Also in March 2011, a project agreement was executed among Carbon County, Medicine Bow National Forest, WYDOT, and the CFL for Sections D and E. These sections were also noted on the map provided to the Commission.
  - The project was to be constructed and designed consistent with rural collector criteria. Within Section D, geometrics will be based on a 45 mph design speed, and within Section E, geometrics will be based on a 25 mph design speed.

Ms. Carlson noted that, in her historical research, draft Highway Design Standards forms were found for Sections C, D, and E, but no executed copies were located.

The following key information about the Sage Creek Road was also shared with the Commission.

- Sage Creek Road's functional classification is a minor collector. Based on this classification, the roadway is not eligible for federal-aid funding. The roadway also does not meet the criteria for reclassification as a major collector.
  - The road does not meet route continuity or provide a state-highway-to-state-highway connection, especially within Section E, to remain as a USFS or county road.
  - The roadway serves no incorporated or unincorporated community.
  - It serves no state institution, power plant, or industry access.
  - The roadway has a very low traffic volume, with an average daily traffic count of 331 vehicles, including 19 trucks. At the south end of the Sage Creek Road, the average daily traffic count is 139, and it is designed and intended to be a three-season road.
  - The road connects to the High Savery Dam and the USFS, but it does not serve any major tourist destination.
- The Sage Creek Road has a thin, 3-inch overlay.
  - This overlay makes it difficult to do a mill and fill for future maintenance.
  - Because of a narrow roadway and shoulder, an overlay is not feasible without more shoulder work.
  - It lacks a chip seal surface treatment. The estimated cost to place a chip seal is \$1.6 million.
- Design standards and typical section details:
  - WYDOT's standard minimum design width for a collector roadway is 32 feet. WYDOT agreed to a 30-foot design width for Sections B and C.
  - The clear zone on Sage Creek Road is 7 to 8 feet. WYDOT's standard clear zone is 18 feet for a 55 mph design speed.
  - There are structure ends, steep slopes, large rock riprap within the clear zone, and no guardrail protection. Grading work would be necessary to install barrier protection.
  - The maximum grade (12 percent versus 9 percent) is steeper than WYDOT standards for a collector roadway.
  - The roadway has curves that do not meet the 55 mph or 45 mph design speeds.
  - Sections C and D need significant work to bring them to WYDOT collector standards.

- It is difficult to tell what design standard was used as it does not meet WYDOT collector standards, Green Book Low Volume Road Standards, or County Road Fund Standards.
- Structures:
  - There are two structures along the roadway. Both were designed as three-barrel boxes but were constructed as two-barrel boxes. Neither structure is shown accurately in the as-constructed plans. The Department would need shop drawings to confirm the load ratings.
- Environmental:
  - There are two wetland areas along the roadway that still require monitoring and possible future work.
  - There are cultural sites along the roadway.
  - A significant portion of the Sage Creek Road lies within the sage grouse core area and crucial big game winter range.
- Maintenance:
  - The road lacks right of way fence in many areas. The cost to construct a complete fence is unknown.
  - A road closure gate would need to be installed.
  - Snow fence and roadway grading would be necessary to reduce snow drifting onto the roadway.
- Law Enforcement:
  - The WHP does not currently have adequate staffing to provide law enforcement on the Sage Creek Road.

For these reasons, Ms. Carlson indicated it was not in WYDOT's best interest to take the Sage Creek Road onto the state highway system, and she recommended denying Carbon County's request.

Carbon County Commissioner John Espy addressed the Transportation Commission about the proposed transfer of the Sage Creek Road to the state highway system. He understood all of the issues shared by Ms. Carlson. Commissioner (John) Espy advised that, in the future, when a county moves forward with reconstructing a roadway like the Sage Creek Road, there should be better communication between WYDOT and the elected officials so each party understands what needs to be accomplished and everyone knows the desired outcome. Commissioner (John) Espy advised that Carbon County depends on others' expertise to construct roads, and that this situation must be avoided in the future.

Transportation Commissioner Jim Espy advised that he planned to vote against the recommendation to deny the Carbon County Commission's request for WYDOT to adopt the road onto the state highway system. Commissioner (Jim) Espy believes this project "went off the rails a long time ago," the CFL and WYDOT should have been watching out for Carbon County's best interest when designing and building the Sage Creek Road project, and all projects should be treated with parity. Ms. Carlson agreed with Commissioner (Jim) Espy's comments and offered WYDOT's services to examine the Sage Creek project and make recommendations about what future improvements could be made to make the road safer.

Commissioner Schmidt recommended that WYDOT review its internal controls to ensure that future county projects are designed and built in collaboration with WYDOT and its required specifications. Ms. Carlson stated that the FHWA recently issued notice indicating that future federal lands access funds will come to WYDOT through the Financial Management Information Systems (FMIS), which may offer the Department better control of future project design and construction.

It was moved by Commissioner Schmidt, seconded by Commissioner Dolezal, and carried to deny the Carbon County Commission's request for WYDOT bring the 34.83-mile section of County Road 401, Sage Creek Road, in Carbon County, onto the state highway system, and that WYDOT executive staff provide the Transportation Commission with a documented review of Department policies, procedures, and internal controls to ensure that no other current or future commissions will face similar circumstances. Vice Chairman Newton and Commissioner Jim Espy voted against the motion.

Carbon County Commissioner John Espy, Mr. Freier, and Ms. Erickson left the meeting.

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

Status of the Fixing America's Surface Transportation (FAST) Act: The FAST Act contains a mandatory \$7.8 billion rescission of contract authority effective July 31, 2020. The FHWA, state departments of transportation (DOTs), and national committees and associations continue to prepare and educate about the implications and impacts of the rescission. Estimated rescission amounts will be available in October 2019.

Various individuals, committees, and associations around the country are discussing funding options and alternatives for the next federal highway bill, since the FAST Act expires September 30, 2020.

August Redistribution of Obligation Limitation: The FHWA has distributed \$3.97 billion nationwide in the August redistribution of FY 2019 obligation limitation funds. Most of this obligation limitation comes from loan and grant programs that were not fully obligated within FY 2019. Wyoming received \$23,578,844 in additional obligation limitation.

FHWA Peer Exchange and State Departments of Transportation Experts in Hydraulics: The FHWA is advancing the hydraulics analysis from 1-D, to 2-D, and some 3-D design. State transportation experts from the western region have been invited to collaborate in an effort to discuss improving and accelerating adoption of the new analysis and design processes.

The FHWA is working with WYDOT to identify the appropriate individuals to participate in the peer exchange.

FHWA Technology Demonstration, Alkali Silica Reaction (ASR): The FHWA Turner Fairbanks Highway Research Center has invited state DOT experts to participate in the demonstration of a new test to assess the ASR susceptibility of aggregate. ASR is a phenomenon where a gel forms around alkalis aggregate that absorbs water and expands to destroy the concrete. Some of this

type of aggregate exists in Wyoming. The FHWA is working with WYDOT to identify the appropriate individuals to participate in the new test demonstration.

Mses. Ellis, Stone, and Grant entered the meeting.

11. Mr. Fulton presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 12, 2019, in Sheridan.

Federal project NHPPI-I802205, involving grading, milling plant mix, placing bases, bituminous pavement surfacing, concrete pavement, bridge rehabilitation, and miscellaneous work on approximately 5.30 miles, beginning at reference marker (RM) 77.45, between Granger Junction and Green River, in Sweetwater County. Completion date: October 31, 2020

Engineer's Estimate	\$10,281,917.00
Interstate Highway Construction, Inc., Englewood, CO	\$12,617,367.63 +22.7%

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried that Interstate Highway Construction, Inc., of Englewood, Colorado, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The FHWA concurred with this decision. Commissioner Schmidt voted no.

Federal project HIP-PM-I251168, involving grading, milling concrete and plant mix, placing crushed and recycled plant mix bases, plant mix wearing course, concrete slab replacement, cable median barrier, and miscellaneous work on approximately 5.40 miles of I-25, beginning at RM 11.53, between Cheyenne and Chugwater, in Laramie County. Completion date: November 30, 2020

Engineer's Estimate	\$3,916,537.00
Simon Contractors, Cheyenne, WY	\$4,389,903.40 +12.1%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$4,799,269.05

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Filer, and carried that Simon Contractors, of 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 FHWA concurred with this decision.

Federal projects HIP-GM-B185002, STP-N302053, and NHPP-N303057 combined, involving grading, milling concrete, placing crushed base and bituminous pavement surfacing, removal and replacement of sidewalk, curb and gutter, electrical work, and miscellaneous work on approximately 2.60 miles of US 26 at various locations in Riverton, in Fremont County. Completion date: June 30, 2021

Engineer's Estimate	\$3,787,173.50
Reiman Corp., Cheyenne, WY	\$5,107,406.60 +34.9%
S & S Builders, LLC, Gillette, WY	\$5,513,850.00

It was recommended by Mr. Fulton, moved by Commissioner Filer, and seconded by Commissioner Espy that Reiman Corp., of 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 FHWA concurred with this decision. Vice Chairman Newton and commissioners Espy and Dolezal voted in favor of the award. Commissioners Schmidt, Filer, and Pfrangle voted against the award, creating a tie vote. Chairman Larson voted no to break the tie. The motion failed.

Federal project HIP-N121111, involving grading, profile milling plant mix, bituminous pavement surfacing, bridge rehabilitation, and miscellaneous work on approximately 8.90 miles of US 30, beginning at RM 57.99, between Kemmerer and Opal, in Lincoln County. Completion date: June 30, 2021

Engineer's Estimate	\$3,648,547.00	
McGarvin-Moberly Construction Co., Worland, WY	\$3,753,187.34	+2.9%
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$3,859,103.70	
H-K Contractors, Inc., Idaho Falls, ID	\$4,130,669.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Vice Chairman Newton, and carried that McGarvin-Moberly Construction Co., of Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The FHWA concurred with this decision.

Federal project HIP-N311097, involving grading, placing crushed base, concrete pavement, removal and replacement of sidewalk, curb and gutter, electrical work, and miscellaneous work on approximately 1.20 miles of US 14/16/20, beginning at RM 51.78 in Cody, in Park County. Completion date: June 15, 2021

Engineer's Estimate	\$3,208,104.50	
Reiman Corp., Cheyenne, WY	\$5,054,654.00	+57.6%
S & S Builders, LLC, Gillette, WY	\$5,220,069.81	

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Commissioner Filer, and carried to reject all bids and let the project again later.

Federal project STP-BR-B183012, involving grading, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, and miscellaneous work at various locations in Transportation District 3, including Uinta County. Completion date: July 31, 2021

Engineer's Estimate	\$2,707,537.00	
Reiman Corp., Cheyenne, WY	\$3,591,294.49	+32.6%
Gerber Construction, Inc., Lehi, UT	\$3,945,554.45	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, and seconded by Commissioner Espy, that Reiman Corp., of 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 FHWA concurred with this decision. Commissioners Espy and Dolezal voted in favor of the award. Vice Chairman Newton, and Commissioners Filer, Schmidt, and Pfrangle voted against the award. The motion failed.

State project PEG1951, involving crushing and stockpiling of crushed surfacing material and miscellaneous work at various locations in Transportation District 5, including Big Horn and Park counties. Completion date: May 31, 2020

Engineer's Estimate	\$1,252,504.00	
Mountain Construction Company, Lovell, WY -- <i>Irregular Bid</i>	\$1,091,820.80	-12.8%
Frost Rock Products Company, Lovell, WY	\$1,274,487.20	

Mr. Fulton noted that, when bids envelopes were opened, Mountain Construction Company's bid was deemed irregular because of hand-written changes. In accordance with WYDOT's current Standard Specifications for Road and Bridge Construction, hand-written changes are allowed if they are initialed in ink by an authorized representative. The Mountain Construction bid had several changes that were all initialed. When bids were read, it was noted that a subtotal may have been incorrect, which raised the question of whether the grand total was accurate. Therefore, the bid was read as irregular. The Contracts and Estimates Engineer has confirmed that the grand total of Mountain Construction Company's bid is correct along with each bid item cost.

Mr. Sean Frost, president of Frost Rock Products Company, attended the meeting, and he was given an opportunity to speak to the Commission about his bid. Mr. Frost declined the opportunity to speak to the Commission.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Dolezal, 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.

Federal projects NHPP-RF-N132110 and NHPP-RF-DR35129 combined, involving grading, removal and replacement of about 8.0 miles of fence, and miscellaneous work at various locations, beginning at RM 123.70, between Pinedale and Hoback Junction, in Sublette County. Completion date: October 1, 2020

Engineer's Estimate	\$ 779,075.00	
King Enterprises, Mills, WY	\$1,070,242.00	+37.4%

Mr. Fulton noted that the project involves difficult terrain, requiring about 1.0 mile of hand-worked fencing because of the topography and the removal of many trees and shrubs before building new fence. The engineer's estimate did not adequately reflect these items.

Mrs. April Hegge, owner of King Enterprises, addressed the Commission via telephone about their bid. Mrs. Hegge indicated that if the Commission rejected the bid and the project was let again, her company's bid would likely remain the same. Mr. Malik Hegge advised that the terrain is very difficult, and that delaying the award would postpone work until after this fall.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Vice Chairman Newton, and carried that King Enterprises, of Mills, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The FHWA concurred with this decision. Commissioners Schmidt and Filer voted no.

Federal projects STP-ND51904 and NHPP-N343048 combined, involving grading, rock fall mitigation, and miscellaneous work at the following locations: RM 120.6 on US 20/WYO 789, just north of Shoshoni; RM 35.6 on WYO 296, just south of Cooke City; and RM 44.58 on US 14/16/20, just west of Cody; in Hot Springs and Park counties. Completion date: June 30, 2020

Engineer's Estimate	\$591,550.00
Oftedal Construction, Inc., Casper, WY	\$664,400.00 +12.3%

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Dolezal, and carried that Oftedal Construction, Inc., of 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 FHWA concurred with this decision.

Federal project NHPP-N372048, involving the installation of an O-Cell expansion sensor and miscellaneous work at the Ranchester and US 14 Connector in Sheridan County. Completion date: December 31, 2019

Engineer's Estimate	\$201,885.00
Malcolm Drilling Company, Inc., San Francisco, CA	\$478,150.00 +136.8%

It was recommended by Mr. Fulton, moved by Commissioner Schmidt, seconded by Vice Chairman Newton, and carried to reject the bid.

Federal project NHPP-N561043, involving electrical and miscellaneous work at the intersections of Whitney Road, on US 30 and on Dell Range Boulevard in Cheyenne, in Laramie County. Completion date: December 31, 2019

Engineer's Estimate	\$113,650.00
Casper Electric, Inc., Casper, WY	\$ 60,984.00 -46.3%
Modern Electric Co., Casper, WY	\$ 88,121.00
Delta Wye, Inc., Gillette, WY	\$ 88,695.00

It was recommended by Mr. Fulton, moved by Vice Chairman Newton, seconded by Commissioner Filer, and carried that Casper Electric, Inc., of 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 FHWA concurred with this decision.

12. FY 2019 State Transportation Improvement Program (STIP): Mr. Fulton presented a comprehensive review of the FY 2020 STIP for Commission consideration.

Mr. Fulton and the Commission offered their appreciation of Mses. Stone and Grant for their extensive work in compiling this year's STIP document.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Schmidt, and carried to approve the FY 2020 STIP.

Mses. Stone and Grant left the meeting.

13. It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Commissioner Filer, and carried to approve the following resolution for relinquishment.

### **RESOLUTION FOR RELINQUISHMENT**

WHEREAS, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of a state highway upon reconstruction or relocation of an existing state highway; and

WHEREAS, Portions of Wyoming Department of Transportation's right-of-way for Rock Springs Airport Road, Sweetwater County, Wyoming, established under Wyoming State Highway Federal Aid Project No. FAS 26A(1) 1943, is no longer needed for state highway purposes. Said portions being described as follows:

PARCEL 10-000083:

A parcel of land as described in that certain Right of Way Easement recorded in Book 132 of Miscellaneous, Page 533, Document No. 86982 of the Sweetwater County Records, being described as follows:

“A parcel of land in the N½N½ Section 27, Res. T19N, R104W of the 6th P.M., Wyoming, the boundaries of which are described as follows:

Beginning at a point on the north boundary of Sec. 27, which is 577.2 feet N. 89° 37' W. of the N¼ Cor. of said Sec. 27;

thence S.89° 37'E., along the north boundary of said Sec. 27, 531.2 feet;

thence S. 78° 46'E. along the north right of way line of the highway, 1,506.4 feet, to the point of a curve to the left, the radius of which is 5,629.6 feet; thence along said curve through an angle of 11° 20', 1,113.9 feet;

thence N. 89° 54' E., 107.2 feet, more or less, to a point on the east boundary of said Sec. 27, which is 382.0 feet, S. 0° 11' W. of the NE Cor. of said Sec. 27;

thence S. 0° 11' W., 200 feet along the east boundary of said Sec. 27, to and intersection with the south right of way line of said highway;

thence S. 89° 54' W., 106.2 feet, to a curve to the right, the radius of which is 5,829.6 feet ; thence along said curve through an angle of 11° 20', 1,153.5 feet;

thence N. 78° 46' W., 531.5 feet; thence S. 11° 14' W., 50.0 feet;

thence N. 78° 46' W., 600 feet;  
thence S. 11° 14' W. 450.0 feet;  
thence N. 78° 46' W., 736.9 feet to the point of a spiral curve to the right;  
thence along said spiral curve through an angle of 4° 48', 290.3 feet to the point of a curve to the right, the radius of which is 2,032.4 feet;  
thence along said curve through an angle of 24° 56', 884.2 feet;  
thence N. 40° 58' E., 187.8 feet, more or less to an intersection with the north boundary of said Sec. 27;  
thence S. 89° 37' E., 890.9 feet, more or less to the place of beginning.”

Less and excepting any portion thereof of that certain Transportation Commission of Wyoming Minutes recorded in Book 1180, Page 1466, Recordation No. 1600381 on March 28, 2011, of the Sweetwater County Records, west of the easterly right of way boundary of Middle Baxter Road extended northerly to the northerly right of way boundary of said Book 132 of Miscellaneous, Page 533, Document No. 86982.

And a parcel of land as described in that certain Right of Way Easement recorded in Book 132 of Miscellaneous, Page 534, Document No. 86983 of the Sweetwater County Records, being described as follows:

“NW $\frac{1}{4}$  and W $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 25, Res. T19N, R104W of the 6th P.M., Wyoming.

A parcel of land 200 feet in width, being 100 feet on each side, when measured at right angles and parallel to the following described center line of the highway:

Beginning at a point which is 2,209.0 feet N. 0° 04' E. of the W $\frac{1}{4}$  Cor. of said Sec. 25;  
thence N. 89° 54' E., 25.3 feet to the point of a 3° curve to the right, the radius of which is 1,909.0 feet;  
thence along said curve through an angle of 31° 41', 1,056.1 feet;  
thence S. 58° 25' E., 794.0 feet to the point of 2° curve to the left, the radius of which is 2,864.8 feet;  
thence along said curve through an angle of 47° 38', 2,382.0 feet, more or less, to a point on the east boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$  of Sec. 25.

Said parcel of land containing 19.56 acres, more or less.”

And:

“A parcel of land in the E $\frac{1}{2}$ NE $\frac{1}{4}$  Sec. 25, Res T19N, R104W of the 6th P.M., Wyoming.”

Said parcel is 150 feet in width, being 75 feet on each side of the following described centerline of the highway when measured at right angles and parallel thereto.

Beginning at a point on the east boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 25, which is 1,937.5 feet N. 0° 33' E., of the E $\frac{1}{4}$  Cor. of said Sec. 25;

Thence S. 58° 51' W., 741.7 feet to the point of a 2° curve to the right, the radius of which is 2,864.8 feet;

Thence along said curve through an angle of 15° 06', 754.9 feet, more or less, to a point on the west boundary of said E½NE¼ of Sec. 25, the tangent to which at said point bears S. 73° 57' W.

Said parcel of land containing 5.14 acres, more or less.”

And:

“A Parcel of land in the S½S½S½, Section 19, Res., T19N, R103W of the 6th P.M., Wyoming.”

Said parcel of land is 150 feet in width, being 75 feet on each side of the following described centerline of the highway when measured at right angles and parallel thereto.

Beginning at a point which is 1,353.7 feet N. 89° 47' W. of the N¼ cor. of said Sec. 30;

Thence N. 58° 51' E., 59.8 feet to the point of a spiral curve to the right;

Thence along said curve through a spiral angle of 7° 30', 300.0 feet, to the point of a 5° curve to the right, the radius of which is 1,145.9 feet;

Thence along said curve through an angle of 64° 08', 1,282.6 feet to a point on the south boundary of said Sec. 19, which is 186.9 feet S. 89° 45' E. of the S¼ cor. of said Sec. 19, the tangent to which point bearing S. 49° 31' E.

Said parcel of land containing 5.60 acres, more or less.”

And:

And those parcels of land located in Gov't. Lot 1 and the NW¼NE¼ of Section 30, T19N, R103W of the 6th P.M., Sweetwater County, Wyoming, as shown in BLM Case Recordation Serial No. WYE-0 021249, built by Wyoming Highway Department Project No. FAS 26A(1)1943, also shown on that certain Record of Survey recorded as Reception No. 1560590 on May 27, 2009, in the Sweetwater County Records.

NOW, THEREFORE, BE IT RESOLVED, the Transportation Commission of Wyoming hereby relinquishes the above-described land to the County of Sweetwater, Wyoming, as provided for under provisions and authority of W.S. 24-3-126.

AND WHEREAS, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of a state highway upon reconstruction or relocation of an existing state highway; and

WHEREAS, a portion of Wyoming Department of Transportation's right-of-way for Rock Springs-Airport, Airport Road, Sweetwater County, Wyoming, established under

Wyoming State Highway Federal Aid Project No. FAS 26A(1)1943 is no longer needed for state highway or public use purposes. Said portion being described as follows:

A portion of highway right-of-way being located in the NE¼, Section 30, T19N, R103W, of the 6th P.M., Sweetwater County, Wyoming., that parcel of land described in that certain Bureau of Land Management Patent No. 1160499 to the City of Rock Springs recorded in Sweetwater County in Book 229 at Page 70, also described in that certain Bureau of Land Management Case Recordation Serial No.WYE-0 021249, built by Wyoming Highway Department under Project No. FAS 26A(1)1943, also shown in that certain Record of Survey recorded as Reception No. 1560590 on May 27, 2009, in the Sweetwater County Records, being described in said Patent No. 1160499 to the City of Rock Springs as follows:

“(4) a highway right-of-way, under the act of November 9, 1921 (42 Stat. 212; 23 U.S.C. 1, 18).”

NOW, THEREFORE, BE IT RESOLVED, the Transportation Commission of Wyoming hereby relinquishes the above-described land to the City of Rock Springs as provided for under provisions and authority of W.S. 24-3-126.

14. Transportation Alternatives Program (TAP) Advisory Committee: The TAP Advisory Committee is comprised of seven members, and each member must be recommended by the organization they represent. In 2019, the Wyoming Office of Tourism asked that their appointment be replaced by another state agency, leaving a vacancy on the committee.

WYDOT’s Local Government Coordination office contacted the Wyoming Business Council and asked for a nomination for the vacant position. The Wyoming Business Council nominated Julie Kozlowski to serve as a TAP Advisory Committee member.

It was recommended by Mr. Fulton, moved by Commissioner Filer, seconded by Commissioner Espy, and carried to approve Ms. Julie Kozlowski as a TAP Advisory Committee member for a three-year term.

15. Congestion Mitigation Air Quality (CMAQ) Advisory Committee Nominations: The CMAQ Advisory Committee is comprised of five members, and each of those members must be recommended by the organization they represent. In 2019, Mr. Micky Shober, of the Wyoming County Commissioners Association (WCCA), and Colin McKee, Policy Advisor to former Governor Mead, left the committee.

The Local Government Coordination Office contacted the WCCA and requested a nomination to replace Commissioner Shober. The WCCA nominated Commissioner Bob Perry, of Johnson County, to serve as a CMAQ Advisory Committee member.

The Local Government Coordination Office contacted Governor Gordon’s Office and requested a nomination to replace Mr. McKee on the CMAQ Committee. Governor Gordon nominated Ms. Erica Legerski, senior policy advisor and WYDOT liaison to Governor Gordon to serve on the CMAQ Committee.

It was recommended by Mr. Fulton, moved by Commissioner Espy, seconded by Vice Chairman Newton, and carried to approve Commissioner Bob Perry and Ms. Erica Legerski as members of the CMAQ Advisory Committee for a five-year term.

Mr. Frost and Ms. Ellis left the meeting.

16. Mr. Gillett presented the Operations report.

Construction Update: There are currently 69 active construction projects statewide, including fifteen in District 1, eight in District 2, eleven in District 3, twenty in District 4, and fifteen in District 5. This is eight more active projects than last month. Mr. Gillett expressed concern about having 69 active projects at this time of year, but spring weather delays have forced contractors to do everything they can to catch up late in the year. The following projects are in jeopardy of not meeting their 2019 completion date.

- WYO 132, Ethete South, in District 5, High Country Construction
- I-80, Cooper Cove mill and overlay, in District 1, Croell, Inc.
- Various bridge rehabilitations, in District 1, Reiman Corporation
- WYO 789, Muddy Creek Section mill and overlay, in District 1, McGarvin Moberly Construction

Work on the Lovell to Cowley, Sage Creek, project is still at a standstill because of safety violations imposed by the Burlington Northern Railroad (BNRR) when the contractor was removing the old bridge over the railroad tracks. WYDOT is working with the contractor to develop a plan that is acceptable to the BNRR.

Maintenance Update: Maintenance crews are finishing their seasonal plant mix patching operations. WYDOT's hot plant in District 1 is producing hot plant mix for Rawlins-area projects. Other districts are purchasing hot plant mix from commercial sources.

Crews are also mowing, repairing delineation, performing drainage and culvert cleaning, and repairing guardrail in preparation for winter.

Landslide Update: The following work continues on four landslides throughout the state.

- Permanent repairs are complete on the D6 Slide on the switchback above the Chief Joseph Slide that was repaired last year.
- District 5 maintenance forces have completed temporary repairs to the Dip Slide at the top of Dead Indian Pass on the Chief Joseph Highway. A contract will be let for permanent repairs next spring.
- The contractor on the White Cross Slide on US 14, just above Dayton, is currently placing surfacing.
- Dirt work is almost complete on the Observation Slide on US 14A, near the pass between Burgess Junction and Lovell. This slide width is fairly short, but the site is located at almost 10,000 feet, which creates a challenge to complete paving before winter.

A hazardous materials spill occurred September 10, 2019. A truck carrying batteries crashed on the southbound I-25 on-ramp at the US 20/26 bypass road interchange in Casper, necessitating a one-day closure.

A tornado occurred near Fort Laramie last week. There was no reported damage to WYDOT facilities or property from that event.

District 3 personnel and the WHP conducted a rolling closure on I-80 yesterday to allow for a major power line installation. The utility company used helicopters to place the line across the interstate. Another rolling closure will occur in District 1 on October 7, 2019, to facilitate another power line installation across I-80.

The first minor snowfall occurred across Wyoming's mountain passes last week, and snow plows were deployed in District 1.

Traffic Operations Update: Striping crews are actively striping Wyoming highways to complete their annual striping plans. With the ongoing construction delays, WYDOT anticipates striping as late as November this year to complete those projects.

Sign crews are performing annual sign replacements and finishing the Wild Horse Highway and Medal of Honor highway sign installations.

Electrical crews are performing annual routine signal and high-mast tower lighting maintenance.

Mechanics Update: Mechanic crews' primary focus is keeping the hot plant and related hot asphalt mix equipment in good working order and preparing snow removal equipment for winter operations.

WYDOT Facilities Update: All Wyoming rest areas are open. The roof on the Fort Steele Rest Area on I-80, east of Rawlins, started leaking last week during heavy rainfall.

The Southeast Wyoming Welcome Center on I-25, south of Cheyenne, will be closed September 21, 2019, to accommodate the power transmission line replacement in the area. The power outage is expected to last six to eight hours.

17. Colonel Haller presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2019, includes 84<sup>1</sup> fatal crashes involving 107<sup>1</sup> deaths. The fatalities include 35 rollover crashes, 44 multi-vehicle crashes, 3 fixed objects, 13 motorcycles, 2 all-terrain vehicles, and 10 pedestrians. Of the 84 fatal crashes that have occurred in 2019, 17<sup>2</sup> involved commercial vehicles.

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

<sup>2</sup> Number not included in total deaths (sub-crash data).

There were 27 fatal crashes deemed drug or alcohol related, resulting in 34<sup>3</sup> deaths. Of those deaths, 19 were attributed to not using occupant restraints. Thirteen were rollover crashes, 12 were multi-car crashes, 3 involved fixed objects, 2 involved motorcycles, and 4 involved pedestrians. No commercial vehicles<sup>2</sup> were involved in the 34 drug- or alcohol-related fatalities.

Of the 107 deaths that have occurred this year, 38 were attributed to the non-use of occupant restraints, with 26 involving rollover crashes, 12 involving multi-car collisions, and 2 involving fixed objects. Twenty-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 6 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 84 fatal crashes so far this year, it was deemed that 33 of those drivers had no distractions, 2 had a distraction from outside the vehicle, and 3 drivers were distracted by an object from inside the vehicle. In 49 of the fatal crashes this year, it was unknown whether a distraction caused the incident.

Of the 84 fatal crashes that have occurred this year, 41 of them occurred on primary/secondary highways, 27 occurred on interstate highways, and 16 occurred on city/county roads.

Of the multiple-fatality crashes occurred on Wyoming highways in 2019, 14 involved multiple vehicles, 4 were rollovers, 1 involved a fixed object, 4 involved a commercial vehicle, and 5 were alcohol related.

In locations where rumble strips/stripes were present, there were 36<sup>4</sup> crashes. There were 42<sup>4</sup> crashes where rumble strips/stripes 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 11 of the vehicle crashes that caused 15 deaths.

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

Sunday	15 crashes
Monday	11 crashes
Tuesday	14 crashes
Wednesday	9 crashes
Thursday	10 crashes
Friday	6 crashes
Saturday	19 crashes

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<sup>3</sup> Not all chemical tests were available at the time of reporting.

<sup>4</sup> Numbers at the time of reporting from submitted crash reports.

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

12:00 a.m. to 6:00 a.m.	9 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.	24 crashes

The following statistics were also provided to the Commission:

- 74 percent of those who died in rollover crashes were unbelted.
- 27 percent of all those who died in multi-vehicle crashes were unbelted.
- 67 percent of all those who died in fixed object crashes were unbelted.
- 64 percent of the fatalities in 2019 were drivers.
- 28 percent of the fatalities this year have been passengers.
- 57 percent of the resident fatalities were unrestrained.
- 5 percent of the non-resident fatalities were unbuckled.
- Alcohol and/or drug impairment was a factor in 32 percent of the fatalities.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,189<sup>5</sup> crashes statewide, of which 3,089 involved non-commercial vehicles, and 1,100 involved commercial vehicles.

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

The lack of seatbelt use continues to concern the WHP. About 37 percent of the fatalities this year were attributed to not wearing a proper restraint.

The WHP is gathering information from the Highway Safety Program to discern whether there is any correlation exists between increased speed limits and greater number of fatalities in 2019. The JTC has requested that Colonel Haller report back to the committee with this information.

Primary Seat Belt Talking Points: The Commission received a document with talking points for a proposed primary seat belt law for use in providing accurate information about the topic.

The WHP researched the history of proposing a primary seat belt law. Since 2003, the legislature has considered 10 different bills that, if passed, would have added to or amended the current Wyoming seat belt laws. The last time primary seat belt legislation was considered was in 2017.

Commissioner Filer suggested that the Commission consider drafting a resolution to support a primary seat belt law.

It was moved by Commissioner Filer, seconded by Commissioner Schmidt, and carried to draft a resolution in support of a primary seatbelt law. A draft resolution will be brought to the October 17, 2019, business meeting for Commission consideration.

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<sup>5</sup> Does not contain all crashes worked to date; some reports are still pending.

Freshman Impact Safety Education and Awareness Events: The WHP will host 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.

Commissioners were invited to attend these educational events.

WHP Academy Training: Plans are moving forward to move the WHP academy training to Laramie County Community College (LCCC) in Cheyenne. Colonel Haller is working with LCCC officials to finalize a memorandum of understanding (MOU) for site use, and he hopes the transition can begin by mid-December. The WHP's first basic training class is scheduled at the new facility in January 2020.

Crimes Against Children Patrol Operation: On September 13-15, 2019, the WHP conducted a crimes against children patrol operation. Certain operations are conducted throughout the year that focus on protecting children. During this month's operation, the WHP made over 1,000 traffic stops, 125 non-traffic consensual contacts, WHP contacted five registered sex offenders, identified one abuse/neglect case involving a juvenile, and one missing/endangered person was found.

Forfeiture Funds: About two months ago, Director Reiner and Colonel Haller met with Wyoming Attorney General Bridgett Hill to consider approval to use forfeiture funds that were seized during WHP interdictions. In accordance with the Controlled Substances Act and the Attorney General's office, the funds are held while due process is served, and some of those funds are then converted to "forfeited funds." The WHP requested to use \$185,000 for replacing one retired K9, outfitting troopers with load-bearing vests, and purchasing equipment for fatality investigations, and various WHP training.

Attorney General Hill has approved the request for full funding and further acknowledged the attorney general's partnership with the Wyoming Highway Patrol. When the funds are received, Colonel Haller will ask the Commission for approval to expend those funds.

Amber Alert Workshop at Fort Washakie: The WHP and the Department of Justice (DOJ) previously planned to provide Amber Alert training at Fort Washakie on October 3, 2019. The DOJ postponed the training because of the uncertainty of federal funding after September 30, 2019. This training was planned for about two years, so the WHP decided to proceed with a workshop that will be conducted in coordination with other federal, state, and local law

enforcement agencies. The workshop will provide law enforcement training for Tribal leaders and those who assist with Tribal law enforcement activities on communications, crime scene and evidence processing, agency coordination, and safety.

18. Mr. Olsen presented the Aeronautics report beginning with the August 2019 Aeronautics Flight Operations Passenger Summary Report.

Capacity Purchase Agreement (CPA) Update: The Aeronautics Commission met August 22, 2019, and approved the community MOU for the Rock Springs, Gillette, Sheridan, and Riverton airports. The communities have also signed the MOUs.

United Express Airlines has begun loading their flight schedules for Riverton and Sheridan, and Gillette and Rock Springs will follow. SkyWest will be the carrier for those flights, which will make all connections through Denver International Airport.

Jackson Hole Airline Rendezvous: The Jackson Hole Airline Rendezvous was held September 3-5, 2019, and the Snow King Resort. This annual event is an opportunity for Wyoming's air service stakeholders to share information about current airline industry challenges and their impact on Wyoming air service. All of the major airlines typically attend the event.

Wyoming's Select Air Committee also met in conjunction with the Rendezvous.

National Association of State Aviation Officials (NASAO): Mr. Olsen attended the NASAO Conference in St. Paul, Minnesota, September 7-11, 2019. NASAO focuses on national issues facing the airline industry. Two of the highest profile discussion topics were integrating drones into national air space and workforce/pilot shortage issues.

WYDOT is developing policies to address drone use in Wyoming to maintain the current level of safety.

A significant shortage exists for aerospace engineers, airplane and power plant mechanics, and pilots. The airline industry is starting to make a nationwide effort at the grade school/middle school level to encourage kids in these areas to build a better future workforce.

Wyoming Airport Operators' Association (WAOA) Conference: Mr. Olsen also attended the annual WAOA Conference in Casper, September 12-13, 2019. Wyoming faces challenges similar to the nationwide issues discussed at the NASAO Conference.

The Aeronautics Commission held its meeting in conjunction with the conference.

Wheatland Airport Runway Project Update: The Wheatland runway 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. It is now unknown what needs to be done to correct the issue. Complete removal and replacement of the material would require closing the Wheatland Airport all winter. Mr. Olsen will keep the Commission informed of the outcome.

19. Mr. Rossetti presented the Support Services report.

WYDOT Operating Policy 36-3, Vehicle Use: Mr. Rossetti shared information with the Commission stemming from an earlier question from Commissioner Schmidt regarding the use of electronic devices while operating WYDOT vehicles and equipment. WYDOT policy dictates that employees are prohibited from using electronic devices while operating WYDOT vehicles unless the vehicle is equipped with and the employee is using a hands-free or voice-activated technology. Employees not using hands-free or voice-activated devices must pull off the road to use electronic devices. Mr. Rossetti noted that WYDOT takes Operating Policy 36-3 very seriously and that violation of this policy can lead to disciplinary action.

Employment Summary: WYDOT employed 1,892 personnel as of August 31, 2019, compared to 1,950 a month ago and 1,909 one year ago.

Gender Pay Parity: A recent study revealed that WYDOT's gender pay parity is at 99.8 percent, illustrating that the Department hires based on qualifications and experience, not gender.

20. New License Plate Design for 2024: Mr. Rossetti presented four different proposed license plate templates for Commission consideration for the 2024 license plate design. The proposed design included a red, white, and blue Wyoming state flag as the background with a black Wyoming bucking horse and numbering, and the Wyoming Division of Tourism branding, "That's WY" printed in the lower right-hand corner of the plate. Mr. Rossetti also asked the Commission to consider allowing the Department to work with the Wyoming Division of Tourism to consider placing a URL at the bottom of the plate to help promote Wyoming tourism.

It was recommended by Mr. Rossetti, moved by Commissioner Filer, and seconded by Commissioner Schmidt to approve the 2024 license plate design, to include the Wyoming state flag in the background and to work with the Wyoming Division of Tourism to include "www.TravelWyoming.com" at the bottom of the license plate.

Commissioner Schmidt expressed concern about having a URL on the plate as he believes it encourages drivers to use electronic devices while driving.

Following the issuance of the 2017 license plate, the Department decided to simplify the 2024 plate design to ensure legibility.

Vice Chairman Newton asked how Mr. Rossetti concluded that the plate with the Wyoming flag became the proposed 2024 license plate and not a brown and gold plate. Mr. Rossetti explained that Wyoming statute allows for a University of Wyoming (UW) plate, which to date has been brown and gold. The state flag was selected as the base artwork for the new plate to differentiate from the UW plate and to avoid having to issue new plate numbers.

Commissioner Espy asked if Governor Gordon and First Lady Jenny Gordon have had an opportunity to review the new license plate design. Director Reiner advised that after the Commission has made their selection, the design will be shared with Governor Gordon.

Chairman Larson called for the vote. The motion to approve the 2024 license plate design, to include the Wyoming state flag in the background, and to work with the Wyoming Division of Tourism to include “www.TravelWyoming.com” at the bottom of the license plate, passed. Commissioner Schmidt voted no.

21. Mr. Babbitt presented the Chief Technology Officer’s report.

Mainframe Migration: On Friday evening, September 13, 2019, Wyoming’s ETS Division began migrating the state mainframe system to an off-site location in Omaha, Nebraska. A successful backup was made of the system overnight. The move began early the next morning, and ETS found an unanticipated corrupt piece of code that slowed the transfer. A conference call was made to determine whether or not to move forward. The COBOL experts recommended rolling back the move. Three hours later, a hardware failure occurred at ETS, so it was determined that the migration should move forward in an effort to carry out the project. The team worked through Sunday, September 15, to finalize the project. In the end, the migration was successful, and the RIS now resides on the mainframe in Omaha.

Mr. Babbitt thanked all those involved for their extraordinary work to test and carry out the mainframe migration project.

MathTech, Inc., the consultant hired to map the database tables, will continue to work with WYDOT and ETS to develop a RIS replacement strategy.

WyoLink Update: A draft bill will be presented at the October 10-11, 2019, JTC meeting in Casper, to fund the Public Safety Communications Commission (PSCC) and WyoLink.

Construction is underway at the Buffalo WyoLink tower site. Concrete will be poured today and the tower equipment will be delivered soon. The next four sites to be constructed are located at Orin Junction, Wright, and Lusk.

WYDOT has formed a working group with the Department of Administration and Information and other agencies to identify radio upgrade needs and to make strategic bulk purchases of all types of WyoLink equipment statewide.

FirstNet Update: Governor Gordon has officially named September as emergency responder month, and he has committed to signing a formal proclamation as such. On September 27 2019, at 2:30 p.m., the Governor will meet with emergency responders at the state capitol building to commemorate the event. FirstNet will bring in a cell on wheels and provide a demonstration of their services for attendees to see.

FirstNet will complement the WyoLink system, not replace it, because FirstNet is not capable of providing adequate emergency communications in rural Wyoming.

The PSCC will conduct a workshop next week in Casper to work through the details for the emergency responder proclamation.

Next Generation (NextGen) 911 Update: Mr. Babbitt is working with external stakeholders to plan for Wyoming's NexGen 911. The public safety community is assisting with the planning and data collection phases, which will eventually evolve into further discussion about the umbrella of "911" and the long-term technology for WyoLink, NextGen 911, and FirstNet to work together.

The National Governor's Association is interested in the future of NextGen 911, and Mr. Babbitt has provided the association with Wyoming's latest emergency communications information.

Cyber Security: Multiple state agencies have formed a group to work with Wyoming's Department of Homeland Security to develop a state cyber security plan including simulations, table-top exercises, and disaster recovery, to identify what needs to be done in case of a cyber attack.

WYDOT has also examined its own network and identified a high frequency, worst-case scenarios in case entire networks ever go down.

High Speed Broadband Update: WYDOT continues to work hard to establish high capacity, high-speed broadband connectivity at all of its locations. Mr. Babbitt advised that it is critical high-speed broadband capability is in place with the onset of electronic permitting through the WHP.

22. It was moved by Commissioner Schmidt, seconded by Vice Chairman Newton, and carried to adjourn the meeting. Chairman Larson adjourned the meeting at 1:08 p.m., on Thursday, September 19, 2019.