

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom on October 21, 2021. Chairman Schmidt convened the meeting at 8:31 a.m. The following members were present constituting a quorum:

Chairman Phil Schmidt, Casper
Vice Chairman Greg Venable, Worland
Commissioner Jim Espy, Savery
Commissioner Jon Dolezal, Evanston
Commissioner Susan Holmes, Sheridan
Commissioner Mark Hughes, Sundance
Director K. Luke Reiner
Commission Secretary Caitlin Casner

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Rodney Freier, Budget Program Manager; Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Tom DeHoff, Assistant Chief Engineer for Operations; Colonel Kebin Haller, Wyoming Highway Patrol (WHP) Administrator; Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Troy Babbitt, Chief Technology Officer (CTO); Mike Kahler, Senior Assistant Attorney General; Ryan Thompson, Assistant Attorney General; Monica Gourdine, Interim Division Administrator, Federal Highway Administration (FHWA); Rob Sande and Clyde Bradshaw, Northern Improvement; Kyle Rademacher, Simon Contractors; Wayne Herr, McGee Hearne and Paiz LLP; and Sandra Sanderson, Strategic Planning Analyst.

Other meeting attendees: Senator John Kolb and Representative Mark Baker, legislative liaisons; Doug McGee, Public Affairs Manager; Katie Legerski, Executive Director, Associated General Contractors (AGC) of Wyoming; Jordan Achs, Public Affairs; Mark Ayen, District 2 Engineer; John Davis, Management Services Program Manager; Doug Jensen, Contracts and Estimates Program Manager; Kent Ketterling, State Construction Engineer; Representative Bill Henderson; David Herdt, Policy and Planning Analyst; Greg Milburn, State Materials Engineer; Kirsten Rigg, Internal Review; Maria LaBorde, Internal Review; Mattie Bray, Financial Services Accounting Manager; Misty Dobson, Driver Services Program Manager; Phillip Hearn, Engineering and Construction Program Manager; Rhonda Holt, Financial Services Program Manager; Rodney Freier, Budget Program Manager; and Sara Janes-Ellis, Local Programs Coordinator.

Commissioner Filer, of Cheyenne, was absent.

1. Pledge of Allegiance: Chairman Schmidt led the attendees in the Pledge of Allegiance.
3. Approval of Minutes: It was recommended by Secretary Casner, moved by Commissioner Holmes, seconded by Commissioner Venable, and carried to approve the minutes from the September 16, 2021, business meeting and education session.

4. Correspondence: Secretary Casner advised that a request for an informal hearing in front of the Commission was received from 307 Towing and Repair out of Douglas, WY. Colonel Haller and several of his employees are gathering documents to be presented to the Commission at the November 2021 meeting. Commissioner Holmes stated that the letter from 307 Towing and Repair requested lifting their current suspension until the November hearing. Colonel Haller stated that he is currently working with towing subject matter experts and will present that information at the November hearing. 307 Towing and Repair has been advised that their request for lifting of the current suspension has been denied.

5. Old Business: Director Reiner advised the Commission that leadership continues to work with the Governor's office regarding the District 1 commissioner replacement because of continued absenteeism.

Director Reiner stated that previously WYDOT had requested CARES Act funding to fund rest stops. However, that request was denied after proceeding through the approval process. Currently, an ARPA funds request in the amount of approximately \$700,000 is pending and WYDOT will continue to seek federal funding for rest areas that were previously closed. A decision on the ARPA funds request will not be made for several months due to the legislative budget process.

Director Reiner recommended that the Transportation Needs Survey not be sent out at this time. Questions from the Transportation Needs Survey can be added to the spring 2022 Customer Satisfaction Survey. Chairman Schmidt reminded the Commission members that the Transportation Needs Survey had previously been discussed to alleviate confusion by legislators and address the transportation expectations of Wyoming citizens. Sandra Sanderson advised the Commission that the Customer Satisfaction Survey is able to absorb a small number of questions from the Transportation Needs Survey without substantially increasing the length of time needed to complete the survey. Director Reiner, Chairman Schmidt, and Sandra Sanderson will continue work on the Customer Satisfaction Survey.

Tom DeHoff advised that District 1 Engineer Ralph Tarango along with several employees of the Bridge program met with Cheyenne City Councilman Pete Laybourn as requested at the September 16, 2021 meeting. Options are being evaluated currently to address the homeless population that congregates under the Crow Creek bridge.

8. Director Reiner presented the Director's Report.

Coronavirus (COVID-19) Update: Cases are stabilizing throughout WYDOT. WYDOT is not tracking vaccination status. Several meetings within WYDOT have been held remotely and will continue to be. The director reminded all present to continue to take recommended precautions including social distancing, wearing a mask when social distancing is not possible, and practicing handwashing.

Director Reiner advised the Commission that there was a question in the past week regarding the ability of contractors to bid on certain jobs if they did not comply with the White House's recent vaccine mandate. At this time, if there is a third party outside of the Federal government letting the project, the vaccine mandate will not apply to any contractors bidding on projects. The vaccine mandate and its application to WYDOT projects and processes will continue to be monitored.

WYDOT Budget: The budget approved at the September 16, 2021 Transportation Commission meeting has been forwarded to the proper legislative committees. Governor Gordon's budget will be released in November, and Director Reiner and budget staff will be meeting with the Governor's office regarding the WYDOT budget.

ARPA funding recommendations will be released by the Governor's office in mid-December, and will be included in the February 2021 legislative budget session. RIS/TIS and WyoLink are the main projects associated with the ARPA requests.

Federal Budget: Director Reiner advised that the Infrastructure Investments and Jobs Act (IIJA) is currently pending and may be voted on in October. The FAST Act was continued through October 31, 2021 and allows WYDOT to operate utilizing last year's calculations.

Employee Compensation: Discussions are occurring at the Governor's and legislative level regarding increased employee compensation. More information should be made available by mid-November.

Currently, 27 items are being prioritized by WYDOT Employee Advisory Teams to address employee concerns.

Director Travel: Director Reiner recently met with the Wyoming County Commissioner's Association in Gillette and was able to interact with several county commissioners and employees. Director Reiner also traveled to Washington D.C. September 28th through September 30th and met with the Wyoming Congressional Delegation regarding broadband in the right of way and 2020 House Bill 14.

Mark Gillett, John Davis, and Director Reiner will be attending the AASHTO Annual Meeting in San Diego the week of October 25, 2021. Attendance has been scaled back due to COVID concerns and budget consciousness.

The Joint Transportation Committee (JTC) will be meeting in Casper on November 2nd and 3rd, and Director Reiner and several Executive Staff members will attend the hearing. Topics covered during this meeting will include a general WYDOT update, the results of the Employee Satisfaction Survey, compensation, the Transportation Information System, electric vehicles, and WyoLink.

The JTC has asked WYDOT to address federal funding and the possibility that it may be cut because current Wyoming laws do not meet federal requirements. Director Reiner advised that

this is not accurate, and the current practice is for federal money to be diverted to safety if requirements are not met. The two Wyoming laws in question are the Repeat Offender laws and Open Container laws. In the last ten years, \$114 million out of \$2.7 billion received by WYDOT has been diverted to safety programs. WYDOT will recommend to the JTC to keep Wyoming Repeat Offender and Open Container laws as is since the diversion of monies to safety programs is not detrimental.

State Building Commission: Director Reiner and Executive Staff members recently spoke with the State Building Commission regarding the consolidation of leases around the state. State Building Commissioners recommended that WYDOT also look at a stand-alone building for WYDOT programs. The Worland shop and Jackson housing were also discussed with the State Building Commission.

Commissioner Holmes asked Director Reiner to explain WYDOT's position on broadband in the right of way and what any ongoing issues are. Director Reiner stated that one challenge is speed of permitting and fair competition. WYDOT is interested in preservation of right of way, and federal authorizing agencies want to cause minimal disruption to the ground to avoid environmental issues. Director Reiner has met with broadband companies regarding their needs and WYDOT's goals as well as industry requirements. Right of way and broadband expansion was recommended as a topic for a future Commission education session.

During the September 2021 meeting, off road vehicles (ORVs) and the right of way was discussed. Commissioner Hughes questioned if there have been requests to allow ORVs in the right of way. Director Reiner confirmed that was correct and pertains to interstate and non-interstate right of ways as well as off road tourism that may generate funds. At this time, the specific area where it has been requested that ORVs be allowed on the right away is in District 3 near Evanston. Commissioner Espy recommended that the Utah Department of Transportation be contacted for process examples because there are so many ORVs in use in Utah.

7A. Mr. Byrne presented the Chief Financial Officer's Report.

Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 90 percent expended, and the legislative budget was 90 percent expended in Fiscal Year (FY) 2021.

Mr. Freier advised that the budget report included in this month's Commission materials will be the last for FY 2021.

7B. It was recommended by Mr. Byrne, moved by Commissioner Venable, seconded by Commissioner Hughes, and carried to move Bid Numbers 21-200SH and 21-201SH to a consent list. Commissioner Hughes asked Mr. Byrne why the in-state preferential was calculated when no bidders are in-state. Mr. Byrne advised it is a requirement that WYDOT is taking in to account in-state preference, regardless of who bids. Chairman Schmidt stated that there was prior issues with paint orders being fulfilled, and asked if there were further supply chain issues expected. Mr. Byrne stated that at this time WYDOT is starting to see increased prices as a result

of supply chain disruptions, and Mr. DeHoff confirmed that until further notice, WYDOT will remain utilizing the emergency striping procedures to counter possible supply chain disruptions. Commissioner Holmes noted that the bids were significantly higher than the original estimate and asked Mr. Byrne if this would affect WYDOT's budget. Mr. Byrne stated that it is yet to be determined what the impact of Bid 21-200SH would be on the budget. Awarding the bid at this time is recommended, and the budget department will continue to monitor the overall maintenance budget. If necessary, Commissioners may be asked to approve a budget modification in either the second or the third quarter of FY 2022 to account for increased costs.

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

- Bid 21-200SH to purchase 349,230 gallons of fast drying acrylic line paint (196,345 gallons of white traffic line paint, 151,635 gallons of yellow traffic line paint, 750 gallons of white high build traffic line paint, and 500 gallons of yellow high build traffic line paint.) The bid was awarded to Diamond Vogel, Inc., of Orange City, Iowa, for the sum of \$3,477,172.45.
- Bid 21-201SH to purchase 2,406,000 pounds of type one (1) reflective glass spheres. The bid was awarded to Potters Industries, LLC, of Valley Forge, Pennsylvania, for the sum of \$933,528.00.

7C. Wayne Herr from McGee, Hearne and Paiz, LLP addressed the Commissioners regarding pre-audit procedures. The WYDOT audit will be performed under three sets of standards, and three federal programs will be audited. The programs audited will be the highway construction and planning program, the airport improvement fund, and the Coronavirus relief fund. At the conclusion of the audit, McGee, Hearne and Paiz, LLP will issue a report addressing internal controls and compliance with federal programs. Director Reiner confirmed that once the report is complete, it will be made available on WYDOT's website.

8. Mr. Gillett presented the Chief Engineer's Report.

Change Orders: According to WYDOT policy, the Chief Engineer is required to advise the Commission of any change orders to a project that exceeds \$250,000. Mr. Gillett recently approved a change order in the amount of \$390,682.46 for Project N151027, also known as Lander streets. Mr. Gillett explained that in this case the local government requested WYDOT add to the project similar work to be done on their streets. This request for WYDOT services necessitated a change order to WYDOT's project. WYDOT will enter in to an agreement with the local government whereby the local government will reimburse WYDOT for the work completed on their streets. Therefore, this change order will not have an effect on the budget or project funding.

Material Shortage: Mr. Gillett reported that contractors continue to make progress on projects despite material shortages and price escalation. This topic will be discussed at the AASHTO meeting occurring the week of October 25, 2021.

WASHTO Standing Committee on Maintenance Annual Meeting: Mr. Gillett and Marcus Anderson, State Maintenance Engineer for WYDOT, recently attended the WASHTO Standing Committee on Maintenance Annual Meeting. Several similar issues are facing other states, including employee recruitment and retention and compensation. Homeless encampments within the right of way were also discussed.

Natrona County Federal Lands Access Program (FLAP): Mr. Gillett advised that the Natrona County FLAP project near Alcova Reservoir is considered a direct federal project, and as such, is subject to the White House's vaccine mandate. Any projects considered an assisted project, such as those let through WYDOT, are not currently subject to the vaccine mandate.

Monica Gourdine clarified that the current vaccine mandate does not apply to grant money from the Federal Highway Administration (FHWA).

8A. As a result of a lack of continuing authorization from the federal government, the FHWA and USDOT were not able to authorize any funding or complete any work from September 30, 2021 to October 2, 2021. However, a continuing authorization was signed by the President allowing operations to continue until October 31st. Ms. Gourdine advised that the Fixing America's Surface Transportation (FAST) act was also extended until October 31, 2021.

On October 26, 2021, the FHWA published a notice of request for information for the Primary Highway Freight System (PHFS.) The PHFS is a set of highways that freight passes over, and enables states to spend national highway freight monies on the freight highway network. Currently, the FHWA is looking at re-designating the PHFS. Public comments on the project will be accepted until December 15, 2021.

8Bi. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the October 15, 2021, letting in Casper. The letting was originally scheduled for October 14th in Riverton, but due to road conditions and weather, the letting was rescheduled.

Federal Project NHPPI-I254159 involving grading, draining, milling plant mix, bituminous pavement surfacing, plant mix wearing course, bridge rehabilitation and miscellaneous work on approximately 10.90 miles on both the northbound lane and southbound lane on I-25 beginning at RM 200.00 between Casper and Kaycee in Natrona County. Completion date: July 31, 2023.

<i>Engineer's Estimate</i>	\$13,989,868.00	
Northern Improvement Company, Fargo, ND	\$13,979,551.40	-0.1%
Riverside Contracting	\$14,189,540.00	
Simon Contractors	\$16,396,008.00	

Mr. Fulton advised that there were errors in the original project requirements, including a miscalculated value for grout and incorrect pipe size and work required. Each of the bidders received the same project information but did not interpret the requirements in the same way. Due to the different interpretations and closeness of two low bids, Mr. Fulton recommended that

all bids be rejected for this project and ensure the integrity of the bidding process.

Rob Sande and Clyde Bradshaw with Northern Improvement addressed the Commission, stating that they believe the bidding process for this project was fair since all companies were provided with the same information. Mr. Bradshaw reported that if the bids were rejected, Northern Improvement may not be able to participate due to other obligations.

It was moved by Commissioner Espy, and failed due to lack of a second, that Northern Improvement Company, of Fargo, North Dakota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Dolezal, and carried four to two that all bids should be rejected due to errors in the listed project requirements and information provided during the bid process. FHWA concurred with this decision.

State Project SCP-TC-B203020 involving grading, bituminous pavement surfacing, bridge rehabilitation and miscellaneous work at various locations in Transportation District 3 in Sweetwater County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$4,793,004.00	
Reiman Corp., Cheyenne, WY	\$5,004,314.10	4.4%

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Hughes, and carried unanimously 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. FHWA concurrence was not required.

Federal Projects STP-0708029 and STP-0708030 combined involving grading, milling plant mix, bituminous pavement surfacing (recycle), chip seal and miscellaneous work on approximately 10.40 miles on WYO 135 beginning at RM 24.15 between Sweetwater Junction and Riverton in Fremont County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$3,419,809.00	
McGarvin-Moberly Construction Co., Worland, WY	\$3,413,349.02	-0.2%
Mountain Construction Company, Lovell, WY	\$3,742,167.45	
Avail Valley Construction-WY, LLC, Afton, WY	\$3,807,666.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Hughes, and carried unanimously 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. FHWA concurred with this decision.

Federal Project STP-I180021 involving grading, bituminous pavement surfacing, removal and replacement of sidewalk, curb and gutter, electrical and miscellaneous work on approximately 0.50 mile on US 85 beginning at RM 9.76 in the City of Cheyenne in Laramie County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$2,986,697.00	
S&S Builders, LLC, Gillette, WY	\$3,348,535.00	12.1%
Simon Contractors, Cheyenne, WY	\$3,428,871.00	
Reiman Corp., Cheyenne, WY	\$3,610,191.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Holmes, and carried unanimously that S&S Builders, LLC, of Gillette, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

State Project PEG2231, ARSCT-PEG3A26, and ARSCT-PEG3A27 combined involving crushing and stockpiling of crushed surfacing material, salt mixing of designated stockpiles and miscellaneous work at various locations in Transportation District 3 in Lincoln, Sublette, Sweetwater, Teton, and Uinta counties. Completion Date: April 30, 2022.

<i>Engineer's Estimate</i>	\$1,466,606.00	
Kilgore Companies, LLC dba Lewis & Lewis Inc., Rock Springs, WY	\$1,449,925.76	-1.1%
Avail Valley Construction-WY, Afton, WY	\$1,526,666.00	
<i>Plus 5% for comparison</i>	\$1,602,999.30	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that Kilgore Companies, LLC dba Lewis & Lewis, Inc. of Rock Springs, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurrence was not required.

Federal Project HSIP-N345107 involving grading, draining, fencing, guardrail and miscellaneous work on approximately 2.90 miles on US 310 and WYO 789 beginning at RM 230.00 between Greybull and Lovell in Big Horn County. Completion Date: October 31, 2022.

<i>Engineer's Estimate</i>	\$1,148,430.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$1,190,775.00	3.7%
Oftedal Construction, Inc., Casper, WY	\$1,240,585.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Hughes, and carried unanimously that Wilson Bros. Construction, Inc., of Cowley, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA

concurred with this decision.

Federal Project STP-PM-B223027 involving crack sealing and miscellaneous work on approximately 104.70 miles at various locations in Transportation District 3 in Lincoln, Sublette, Sweetwater, and Uinta Counties. Completion Date: June 30, 2022.

<i>Engineer's Estimate</i>	<i>\$1,011,251.00</i>	
Highway Improvement, Inc., Sioux Falls, SD	\$834,001.00	-17.5%
Z & Z Seal Coating, Inc., Billings, MT	\$941,536.33	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Dolezal, and carried unanimously that Highway Improvement, Inc., of Sioux Falls, South Dakota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project STP-PM-B212013 involving crack sealing and miscellaneous work on approximately 43.20 miles at various locations in Transportation District 2 in Converse, Goshen, Natrona, and Platte Counties. Completion Date: April 30, 2022.

<i>Engineer's Estimate</i>	<i>\$999,401.00</i>	
Z & Z Seal Coating, Inc., Billings, MT	\$798,688.63	-20.1%
Highway Improvement, Inc., Sioux Falls, SD	\$815,401.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Holmes, and carried unanimously that Z&Z Seal Coating, Inc., of Billings, Montana, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project STP-GM-B225025 involving grading, draining, bituminous pavement surfacing, fencing and miscellaneous work at various locations in Transportation District 5 in Fremont County. Completion Date: June 30, 2022.

<i>Engineer's Estimate</i>	<i>\$473,780.00</i>	
Wilson Bros. Construction, Inc., Cowley, WY	\$516,969.00	9.1%
American West Construction, LLC, Denver, CO	\$697,500.00	
71 Construction, Casper, WY	\$896,471.00	

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

Federal Project STP-PM-B225024 involving crack sealing and miscellaneous work on approximately 77.50 miles at various locations in Transportation District 5 in Big Horn and Park Counties. Completion Date: April 30, 2022.

<i>Engineer's Estimate</i>	\$455,425.00	
Z & Z Seal Coating, Inc., Billings, MT	\$398,764.09	-12.9%
Highway Improvement, Inc., Sioux Falls, SD	\$437,275.00	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that Z&Z Seal Coating, Inc., of Billings, Montana, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Federal Project STP-PM-B221018 and SCP-PM-B221032 combined involving crack sealing and miscellaneous work on approximately 101.30 miles at various locations in Transportation District 1 in Albany, Carbon, and Laramie Counties. Completion Date: March 31, 2022.

<i>Engineer's Estimate</i>	\$282,152.00	
Z&Z Seal Coating, Inc., Billings, MT	\$324,055.22	14.9%

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Venable, and carried unanimously that Z&Z Seal Coating, Inc., of Billings, Montana, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. FHWA concurred with this decision.

Commission adjourned for break at 11:12 a.m.

Commission returned to meeting at 11:22 a.m.

Mr. Fulton advised that the rejected project will be re-bid in the December 2021 or January 2022 lettings and will ensure at the corresponding Commission meeting that he highlights the differences in the bids.

8Bii. Addendum to the FY 2022 State Transportation Improvement Program (STIP): Mr. Fulton presented the October addendum to the FY 2022 STIP.

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Venable, and carried unanimously to approve the October addendum to the FY 2022 STIP.

8C. Mr. DeHoff presented the Operations Report.

Construction: At present, there are 49 active projects across the state. There are projects across the state that will not be completed before winter, and temporary measures will be taken to ensure safety.

Northern Wyoming Severe Snowstorm: Several employees from different programs across WYDOT assisted in the recent snowstorm cleanup in Districts 2, 4, and 5. One plow was struck during cleanup efforts, and the plow driver sustained minor injuries.

Employee Recruitment/Retention: Mr. DeHoff reported that employee recruitment and retention is an ongoing challenge with pay continuing as a leading cause for the lack of interest in WYDOT maintenance and mechanic field positions. Cost of living is also an issue facing employee recruitment and retention. All roads will continue to be plowed according to the snow priority plan, but snow removal may take longer than normal due to employee shortages.

O’Bellx Device: On Friday, October 15th, one of the two O’Bellx devices owned by WYDOT and used for mitigating avalanches was damaged during placement efforts. This occurred in the Hoback area along US 89. The incident is being investigated, and the Colorado Department of Transportation has been contacted in hopes of borrowing an O’Bellx device throughout the winter season.

District 4 Landslide: On Friday, October 15th in District 4 at Milepost 29.7 on I-90 westbound, an existing landslide traveled closer to the road surface. A permanent lane closure has been set up in the driving lane until crews are able to mitigate the effects of the landslide.

Equipment: Crews are currently repairing and conducting annual maintenance equipment inspections. Crews are also assessing and preparing snow removal equipment. Mr. DeHoff advised that advertisements for bids are out for eight-yard trucks, patrol sedans, patrol mid-size SUVs, and patrol pickups.

Snow Rotaries: Mr. DeHoff stated that the request for proposals for snow rotaries received are being reviewed, and oral presentations and interviews for the RFPs are scheduled for November 2021.

Facilities: All rest areas are open at this time.

COVID-19: Cases are decreasing in the field. Employees are encouraged to social distance, practice proper handwashing, sanitize equipment before and after use, and remain home if they are ill.

Association of General Contractors (AGC): WYDOT and the Wyoming AGC continue to collaborate on several projects, including the flagger certification program and preparing for the upcoming WYDOT-AGC co-op meeting, which will be held in Casper in January 2022.

District 3 Engineer: Mr. Gillett advised that the District 3 Engineer position has been re-advertised after adding moving expense funds.

9. Colonel Haller presented the Highway Patrol Report.

The Fatal Crash Summary through September 31, 2021, includes 81 fatal crashes involving 88 deaths. The fatalities include 35 rollover crashes, 19 multi-car crashes, 6 fixed-object crashes, 17 motorcycle crashes, 2 all-terrain vehicle crashes, and 9 pedestrian crashes. Of the 81 fatal crashes that have occurred in 2021, 9 involved commercial vehicles.

There were 4 fatal crashes deemed drug or alcohol related, resulting in 4 deaths in September 2021.

Of the 88 deaths this year, 37 were attributed to not using occupant restraints, with 25 involving rollover crashes, 8 involving multi-car collisions, and 4 involving fixed objects. Thirty-one of those who died from the non-use of occupant restraints were Wyoming residents. Eleven of those who perished were under 21 years old, and 3 of those fatalities were attributed to the failure to use proper occupant restraints.

Of the 81 fatal crashes so far this year, 28 of those drivers had no distractions. In 44 of those crashes, it was unknown whether a distraction caused the incident.

Of the 81 fatal crashes that have occurred this year, 43 occurred on primary/secondary highways, 17 occurred on interstate highways, and 21 occurred on city/county roads.

Of the multiple-fatality crashes in 2021, 2 were rollovers, 2 involved multiple vehicles, 0 involved commercial vehicles, and 4 were drug and/or alcohol related.

In locations where rumble strips/strips were present, there were 31 crashes. There were 41 crashes where rumble strips/strips were not present.

Inclement weather or road conditions contributed to 4 vehicle crashes in 2021, which resulted in 4 deaths. Speed was considered a factor in 17 of the vehicle crashes, causing 20 deaths.

The days of the week for fatal crashes in 2021 were as follows:

Sunday	16 crashes
Monday	6 crashes
Tuesday	10 crashes
Wednesday	13 crashes
Thursday	11 crashes
Friday	13 crashes
Saturday	12 crashes

The times of day for fatal crashes in 2021 were as follows:

12:00 a.m. to 6:00 a.m.	10 crashes
6:00 a.m. to 12:00 p.m.	16 crashes
12:00 p.m. to 6:00 p.m.	34 crashes
6:00 p.m. to 12:00 a.m.	21 crashes

The Commission also heard the following statistics:

- 71 percent of those who died in rollover crashes were unbelted.
- 42 percent of those who died in multi-vehicle crashes were unbelted.
- 67 percent of those who died in fixed-object crashes were unbelted.
- 74 percent of the fatalities in 2021 were drivers.
- 17 percent of the fatalities in 2021 were passengers.
- 84 percent of the resident fatalities were unrestrained.
- 3 percent of non-resident fatalities were unrestrained.
- 33 percent of fatalities involved alcohol and/or drug impairment.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary depicts 4,404 crashes statewide, of which 1,062 involved commercial vehicles.

Commissioner Dolezal left the meeting at 11:54 a.m.

Color of Patrol Vehicles: At this time, the WHP is not allowing white colored vehicles in the fleet due to winter conditions and snow. Light blue, tan, maroon, silver, bronze, and black are the current colors being considered for new WHP vehicles. There will not be a price increase due to the color changes.

Staffing: Currently, there are 29 vacant trooper positions. There are currently 14 dispatcher vacancies, and there is a high number of retirement eligible employees within dispatch. The dispatch center is on mandatory overtime to meet needs.

Trooper Testing: Colonel Haller advised that one trooper has been put into an expedited training program based on the fact that he is a certified Washington State Trooper.

Trooper Phil Pendergrass: Trooper Pendergrass returned to full duty on Wednesday, October 13th. Trooper Pendergrass was shot on June 25, 2021 while on duty.

Lieutenant Daniel Dundas: Colonel Haller and several members of the WHP recently attended a funeral service for Lieutenant Daniel Dundas in Casper. Colonel Haller and WHP leadership is increasing suicide training and support efforts for troopers as a result.

10. Mr. Olsen presented the Aeronautics Report beginning with the September 2021 Aeronautics Flight Operations Passenger Summary Report.

Federal Legislation: Mr. Olsen reminded the Commission that a continuing resolution was passed that funds the federal government through December 3, 2021. Without this continuing resolution, the FAA, TSA, and essential air service program would have experienced service disruption. Mr. Olsen continues to monitor the infrastructure bill in order to be prepared for any impacts to Wyoming aviation.

Aeronautics Staff: Shawn Burke, Air Service Development Program Manager, will be joining the Denver International Airport managing air service development. Recruitment for his position will begin soon, and there is a technical consultant currently on retainer to help in the interim.

Cheyenne Runway: Paving on the runway is complete and temporary markings are being put on the runway. Grooving on the concrete will be completed as soon as it reaches full strength, and air service will restart November 1, 2021.

Air Service: Volume through TSA checkpoints is 22% lower than 2019 levels. In Wyoming, volume is up roughly five percent, due in part to traffic through the Jackson Hole airport and increased capacity. Business travel is 55% below 2019 levels, which is very detrimental to airlines. Currently, the average ticket price is 23% below pre-pandemic levels. International travel numbers should increase in November due to travel restrictions easing. Effects of the COVID-19 Delta variant continue to be seen.

11. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,829 personnel as of October 5, 2021, compared to 1,837 a month ago and 1,910 one year ago. The amount of temporary employees is down significantly as well.

Employee Recruitment and Retention: Targeted recruitment efforts are underway in states that have vaccine mandates.

Workforce Report: Mr. Rossetti presented the Wyoming Workforce Report, which is published yearly by the Administration and Information Human Resources Division. This report summarizes data from the entire state workforce and is presented to the Wyoming legislature yearly. Mr. Rossetti highlighted pay table data and turnover rates of WYDOT versus the rest of the state workforce. Turnover rates at WYDOT typically are lower than the rest of the state workforce, which is a reflection of WYDOT retention efforts. However, in five years, WYDOT will have 30.6% percent of the workforce eligible to retire.

12. Mr. Babbitt presented the Chief Technology Officer's Report.

WyoLink Update: Mr. Babbitt reported that the Rock Springs tower was activated, which marks the first time the Rocks Springs Police Department has had indoor radio coverage. Equipment needed to complete the remaining sites is beginning to arrive, and the Cheyenne water tower location is up and functioning as expected.

Strategic Sourcing Contract for Radios: A contract with Motorola for radios has been signed, executed and submitted to the State Budget Department Director Kevin Hibbard. The contract is for three years and is a 57% savings off list price. Agencies and first responders across Wyoming will be able to purchase supplies using this contract.

Communications: WYDOT staff recently met with First Net by AT&T regarding the interoperability of that system and WyoLink. Testing is occurring and has been successful. Several other wireless vendors are able to offer this service as well.

RIS Replacement Update: Mr. Babbitt and Mr. Rossetti continue to work with Enterprise Technology Services (ETS) and the University of Wyoming to complete the RFP for the system replacement. Vendor days have been scheduled, and 12 vendors have signed up.

Next Gen 911: The State plan draft is complete and comments from first responder stakeholders continue to be received. A stakeholder meeting will occur November 4, 2021 in Casper and will be available virtually as well.

Transportation Management Center (TMC): TMC dispatchers were in training when the most recent disruptive storm occurred. The system continues to be fine-tuned and communication with WHP and maintenance continues to assist with any issues.

13. November 2021 Commission Meeting: The November 2021 Commission Meeting will be held in person in Cheyenne on November 18th. The Education Session topic will be the Right of Way and will be held the afternoon of the 18th. Commissioner Espy will not be available for the November Commission meeting.

14A. Legislator Comments: State Representative Mark Baker shared remarks regarding the special legislative session regarding vaccine mandates, recruiting efforts in other states, employee compensation and retention, and changes to the infrastructure bill.

18. It was moved by Commissioner Hughes, seconded by Commissioner Venable, and carried to adjourn the meeting. Chairman Schmidt adjourned the meeting at 12:43 p.m., on Thursday, October 21, 2021.