

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person in Sheridan on May 11, 2023. Chairwoman Holmes convened the meeting at 1:30 p.m. The following members were present constituting a quorum:

Chairwoman Susan Holmes, Sheridan
Vice Chair Jon Dolezal, Evanston *via Zoom*
Commissioner Micheal Baker, Thermopolis
Commissioner Mark Hughes, Sundance
Commissioner Brandt Lyman, Rock Springs
Commissioner Jim Willox, Douglas
Commission Secretary Caitlin Casner
Interim Director Darin Westby

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Rodney Freier, Budget Program Manager; Mark Gillett, Chief Engineer; Tom DeHoff, Assistant Chief Engineer for Operations; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Colonel Timothy Cameron, Wyoming Highway Patrol (WHP); Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Mike Kahler, Senior Assistant Attorney General; Bryan Wenger, Equipment Program Manager; Doug Jensen, MacKenzie Sewell, Assistant Attorney General; Nate Smolinski, Chief Technology Officer (CTO); Hank Rettinger and Carlos Machado, Federal Highway Administration (FHWA); Representative Kevin O'Hearn; Senator Stephan Pappas; Scott Taylor, District Four Engineer; Misty Zimmerman, Driver's Services Program Manager; Michelle Edwards, District Four Traffic Engineer; Christina Spindler, Highway Development Engineer; and Cole Frost and Bryce Jaynes, Ralph L. Wadsworth Construction Company, LLC.

Other meeting attendees: Doug McGee, Public Affairs Manager; Jordan Achs, Public Affairs; Mark Ayen, District Two Engineer; John Davis, Management Services Manager; Chelsey Lindsay, Senior Budget Analyst; Nicholas Gronski, Procurement Services Program Manager; Ali Ragan, Grants and Contracts Policy Program Manager; Pam Fredrick, Senior Budget Analyst; Rob Rodriguez, Program Performance; Julie Newlin, Program Performance Manager; Doug Jensen, Contracts and Estimates Program Manager; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary; Katie Legerski, Association of General Contractors-Wyoming.

1. Pledge of Allegiance: Chairwoman Holmes led the attendees in the Pledge of Allegiance.

3A. March 16, 2023 Executive Session Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes, seconded by Commissioner Baker, and carried unanimously to approve the March 16, 2023 Executive Session minutes.

3B. April 20, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Willox, seconded by Commissioner Hughes, and carried unanimously to

approve the April 20, 2023 Business Meeting minutes with the appropriate change made to the ending time in item 19.

4. Correspondence: Secretary Casner summarized the letter received from a Douglas High School student requesting a speed limit study and possible change. Secretary Casner also explained the previous internal process followed to answer a letter addressed to the Transportation Commission when received. Interim Director Westby requested the Commission provide direction to staff for handling of future correspondence addressed to the Commission. Commissioner Willox requested that any correspondence be emailed to the Commission for comments and possibly a proposed answer. Commissioner Baker stated he believes the need for the Commission to respond depends on the subject and gravity of the situation. Chairwoman Holmes questioned who would make the decision on the significance of the topic of the correspondence, and recommended all correspondence be forwarded to the Commission and dealt with either via email or at the next scheduled Commission meeting, whichever is timelier.

It was moved by Commissioner Lyman, seconded by Commissioner Baker, and carried unanimously for the Commission Secretary to forward all correspondence addressed to the Commission to the Commission for formulation of a response via email or at the next scheduled Commission meeting, whichever is timelier.

6A. Revised Meeting Schedule Discussion: Chairwoman Holmes reminded the Commission that it was requested at the April meeting that the July meeting possibly be held in person in a location other than Cheyenne. However, the decision has been made to keep the July meeting online due to previously scheduled vacations and events, as well as the fact that July is peak travel season and lodging may be very expensive. However, the requests for different locations for in person meetings can be addressed in September when assembling the 2024 Commission meeting calendar.

6B. Director Candidate Search Update: Chairwoman Holmes advised that a search committee has been finalized and the position posting should be finalized and posted soon. The posting will run for approximately a month, and interviews will be conducted in the middle of July. Applications will be narrowed down to six candidates, and three applicants will be forwarded to the Governor.

Commissioner Willox stated that he believes it is appropriate for the search committee to narrow down the applicants to six candidates, but those six candidates should be interviewed by the full Commission. Chairwoman Holmes stated that she believes that is feasible but she does not want to exclude the search committee from the interviews. She clarified that the full Commission would approve the list of the three candidates to be sent to the Governor for consideration. Commissioner Baker expressed concern with this process, especially if the full Commission did not want to forward one of the three candidates recommended by the search committee.

Chairwoman Holmes reiterated the proposed search and interview schedule, which would allow the Commission to vote on the names to be forwarded to the Governor's office at the July Commission meeting.

Mr. Kahler reminded the Commission that if a quorum of Commissioners meets, proper notice requirements will apply and the Commission will need to adhere to the Open Meetings Act.

Commissioner Baker stated that he believes this is a personnel matter, and as such, is not subject to the Open Meetings Act. Mr. Kahler advised that an Executive Session may need to be scheduled within a noticed meeting if all Commissioners were to be involved in the interview process.

Commissioner Lyman asked if it was possible for Commissioners not participating in the interview process to submit questions and view recordings of the interviews. Commissioner Willox stated that he would be comfortable with the process if he was able to view recordings of the interviews. Chairwoman Holmes clarified that the Human Resources Department (HRD) has developed a survey that will be sent out to the emerging leaders of WYDOT and the Commission that will be used to formulate interview questions.

Chairwoman Holmes summarized the schedule for gathering applications, conducting interviews, and providing names to the Governor for consideration.

7. Director's Report. Interim Director Westby advised that he has been traveling very frequently since the last Commission meeting, and has been able to meet several WYDOT employees and see many WYDOT offices and shops. He was able to witness the Agile Chariot event and observed the impact of the recent harsh winter conditions on Wyoming roads.

Interim Director Westby has also recently attended other WYDOT Commission meetings including the Public Safety Communications Commission (PSCC) and witnessed the usage of drones in tower maintenance. Westby has also accompanied Governor Gordon on recent tours of the TerraPower plant in Kemmerer, which may affect Highway 30 as well as the access points of other roads.

Interim Director Westby and Commissioner Hughes were able on May 10th to attend a demonstration of one of the new snow rotaries on US 14A.

During the week of May 15th, Westby will be in District 5 and will be meeting with District Engineer Hallsten.

Interim Director Westby shared that he was approached by the spouse of a snow plow driver, who spoke with him at the end of the Wyoming Trucker's Association panel and expressed concern for her husband's safety during winter operations.

Interim Director Westby also advised the Commission that in southwest Wyoming, a WYDOT employee off the clock hit a police vehicle with a WYDOT vehicle while under the influence. The situation is currently under investigation.

Executive Staff will be working on interim topics to be discussed at the Joint Transportation Committee meeting on Friday, May 26th in Douglas, especially I-80, WYDOT practices and procedures, and agency efficiencies.

8. Mr. Byrne presented the Chief Financial Officer's Report.

8A. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 59 percent expended, and the legislative budget was 56 percent expended in Fiscal Year (FY) 2023.

8B. Award of Procurement Services Bids.

It was recommended by Mr. Byrne, moved by Commissioner Hughes, seconded by Commissioner Baker, and carried unanimously to award Bid 23-148RE to six (6) new and most current model three (3) axle deckover tilting platform to departments located statewide to the low bidder, Floyd's Truck Center, of Gillette, Wyoming. The bid was awarded for the sum of \$299,958.00.

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

Infrastructure Investment and Jobs Act (IIJA): The USDOT recently announced they are accepting applications for the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Grant Program. This grant applies to resiliency projects, and is open to state and local governments, metropolitan planning organizations, Native American tribes, and other transportation entities and is very competitive. WYDOT is currently evaluating projects that might fit the criteria for this grant.

Commissioner Willox asked what projects this grant might apply to. Mr. Gillett stated that it may apply to rock fall areas, such as in the Wind River Canyon, and re-routing a path into the basin, as well as mitigating landslide damages.

The Fiscal Year 2023 Safe Streets and Roads for All grant has been posted, and WYDOT is not eligible to apply for this grant. Local governments are able to apply, and the Local Government office of WYDOT has information in the event Commissioners are approached for information.

Agile Chariot: WYDOT and various military partners recently executed the Agile Chariot exercise, which saw aircraft landing on two different highways at two different times and conducting various unloading, loading, fueling, and rescue activities.

During one of the exercises, an unmanned drone landed on the highway and was reloaded with missiles. The drone was reloaded with missiles, and was being operated from a military base in Florida. This marked the first time a military drone has ever landed on a highway. Mr. Gillett also advised that the stretch of highway north of Rawlins utilized for these exercises is now the world's largest surveyed runway.

Mr. Gillett shared the Public Affairs video regarding the Agile Chariot exercises with the Commission.

9Ai. Mr. Fulton introduced Christina Spindler, Highway Development Engineer, based out of Cheyenne. Ms. Spindler explained her position within WYDOT to the Commission.

Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the May 4, 2023 letting.

Federal Projects NHPP-N212121, ARSCT-N212A04, ARSCT-N212A05, and STP-E-N212125 combined involving structure, draining, surfacing (concrete), traffic control, grading, electrical and miscellaneous work on approximately 0.80 mile at various locations on Poplar Street and 1st Street in the City of Casper in Natron County. Completion Date: October 31, 2025.

<i>Engineer's Estimate</i>	\$39,599,144.50
Ralph L. Wadsworth Construction Co., LLC, Draper, UT	\$62,248,935.67 57.2%

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Baker, and carried unanimously to reject the bid received from Ralph L. Wadsworth Construction Co., LLC, of Draper, Utah. FHWA concurrence was not required.

Mr. Fulton explained that this project was previously brought before the Commission in January 2022, with a single bidder that was 55% over the engineer's estimate. At that time, Mr. Fulton recommended rejection of the bid, and the Commission voted to reject the bid. There are several concerns surrounding this project, including traffic control and contaminated soil. Several redesigns of the project have occurred in order to minimize problems, but there are still issues that face the project.

Mr. Fulton also stated that there is approximately \$56 million left to let for the current year's project. This bid for this project is over \$62 million, and the City of Casper does not have the funding necessary, which would be approximately \$7.2 million, to contribute to the project. As a result, the city did not concur with this project. The project will be broken down into multiple smaller projects and will be brought to the Commission at a later date.

Cole Frost from Ralph L. Wadsworth Construction presented to the Commission regarding subcontractor and supplier costs, project risks and actual productions, his company's capabilities, and estimate preparation costs. Mr. Frost stated that there might not be interest from subcontractors if this project is brought forth a third time.

Federal Project HSIP-I251171 involving bituminous surfacing, guardrail, surfacing, grading, traffic control, draining, fencing, seeding/erosion control and miscellaneous work on approximately 0.40 mile on I-25 southbound lane and guardrail on northbound lane at the US 85 Interchange between Cheyenne and Chugwater in Laramie County. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$1,477,665.00	
Simon Contractors, Cheyenne, WY	\$1,408,173.00	-4.7%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,823,862.55	

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

9Aii. May 2023 State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the May 2023 STIP Addendum.

It was recommended by Mr. Fulton, moved by Commissioner Willox, seconded by Commissioner Hughes, and carried unanimously to approve the May 2023 STIP addendum.

Commission recessed to break at 3:21 p.m.

Commission returned to public session at 3:30 p.m.

9B. Mr. DeHoff presented the Operations Report.

Maintenance: Districts 1, 4, and 5 are in the process of opening all passes that have been closed all winter, and are on track to have the passes open before Memorial Day weekend.

O'Bellx Devices: The two O'Bellx, which are the two avalanche mitigation devices located in District 3, have been removed from the Hoback Canyon.

Emergency Operations: An emergency contract was executed on April 27 to proceed with scaling operations on the junior slide in the Wind River Canyon at reference marker 114 along U.S. 20/WYO 789 using the low bid submitted by GeoVert in the amount of \$72,000.00. Three quotes were obtained for this work. Chairwoman Holmes and Commissioner Baker were notified of this emergency, and Mr. DeHoff thanked them both for their quick responses. Work has already started on this project.

Flooding: Significant flooding has not been experienced yet, however, WYDOT and partners continue to monitor areas of concern with high snow-water equivalents, including the eastern slope of the Laramie Range, the Popo Agie River system, the Little Snake River, Star Valley, and the upper and central Bear Rivers.

Maintenance: Maintenance crews are currently working on repairing fences, pot holes, signs, and little control between spring storms. They have also started to pave some districts, and May and June are some of the busiest months of the year for maintenance staff.

Construction: The construction season is currently in full swing. Paving has begun, and there are currently 43 active construction projects across the state. Districts have submitted their STIPs, and reviews will be completed in preparation for public presentations.

Traffic: Crews have begun summer striping projects as weather allows, and there are two striping machines per districts.

Signs and electrical crews have also begun their summer upgrade projects.

Shops: Mechanics are transitioning from repairing winter equipment to summer equipment.

Facilities: All facilities and rest areas are open at this time. However, facilities may close for two days at a time to complete a deep clean of the building.

10. Colonel Cameron presented the Highway Patrol Report.

The Fatal Crash Summary through April 30, 2023, includes 31 fatal crashes involving 39 deaths. The fatalities include 10 rollover crashes, 23 multi-car crashes, 0 fixed-object crashes, 0 motorcycle crashes, 0 all-terrain vehicle crashes, 2 snowmobile crashes, and 4 pedestrian crashes. Of the 31 fatal crashes that have occurred in 2023, 17 involved commercial vehicles.

There were 2 fatal crashes deemed drug or alcohol related, resulting in 2 deaths through April 2023.

Of the 39 deaths this year, 15 were attributed to not using occupant restraints, with 6 involving rollover crashes, 9 involving multi-car collisions, and 0 involving fixed objects. Eight of those who died from the non-use of occupant restraints were Wyoming residents. Four perished that were under 21 years old.

Of the 31 fatal crashes so far this year, 65 of those drivers had no distractions. In 15 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 31 fatal crashes that have occurred this year, 15 occurred on primary/secondary highways, 12 occurred on interstate highways, and 4 occurred on city/county roads.

Of the 31 fatal crashes that have occurred this year, 9 had multiple fatalities.

Inclement weather or road conditions contributed to 14 vehicle crashes in 2023, which resulted in 16 deaths.

The days of the week for fatal crashes in 2023 are as follows:

Sunday	5 crashes
Monday	3 crashes
Tuesday	7 crashes

Wednesday	6 crashes
Thursday	1 crashes
Friday	4 crashes
Saturday	5 crashes

The times of day for fatal crashes in 2023 are as follows:

12:00 a.m. to 6:00 a.m.	5 crashes
6:00 a.m. to 12:00 p.m.	3 crashes
12:00 p.m. to 6:00 p.m.	17 crashes
6:00 p.m. to 12:00 a.m.	6 crashes

The Commission also heard the following statistics:

- 60 percent of those who died in rollover crashes were unbelted.
- 39 percent of those who died in multi-vehicle crashes were unbelted.
- 0 percent of those who died in fixed-object crashes were unbelted.
- 59 percent of the fatalities in 2023 were drivers.
- 31 percent of the fatalities in 2023 were passengers.
- 24 percent of the resident fatalities were unrestrained.
- 23 percent of non-resident fatalities were unrestrained.
- 21 percent of fatalities involved alcohol and/or drug impairment.

There were 2,324 patrol investigated crashes so far in 2023.

Colonel Cameron stated that the Highway Patrol is authorized to have 208 Troopers, and currently has 160. Twenty-two civilian staff positions are authorized, and there are currently 24 positions, including temporary positions. One hundred two Port of Entry positions are authorized, and there are currently 80 employees. Dispatch is authorized to have 47 dispatchers and has 27. Recruiting efforts are ongoing, and a Trooper class of five is in session currently with an anticipated graduation date of May 26th at the Supreme Court in Cheyenne.

In 2022, 104,615 vehicles were stopped by the Wyoming Highway Patrol. 43,000 warnings were written and 53,000 citations were issued. In addition, 724 DWI arrests were made. So far, in 2023, 18,193 vehicles have been stopped, 8,000 warnings have been written, and 7,000 citations have been issued. 232 individuals have been charged with DWI in 2023.

Every year, Wyoming Troopers average over 4.5 million miles driven.

In 2022, over 770,000 drivers were contacted through the Ports of Entry and 375,000 were weighed. Approximately 3,000 drivers were warned for having overweight loads, and 519 were cited.

Commissioner Hughes asked the reasoning behind Variable Speed Limits (VSLs). Colonel Cameron explained how they operate and how the speeds are set, especially based on weather conditions and local personnel recommendations.

11. Mr. Olsen presented the Aeronautics Report, beginning with the April 2023 Aeronautics Flight Operations Passenger Summary Report.

FAA Re-Authorization: Congress continues to work on the FAA authorization, however, very little information has been released. Updates should be released in the coming weeks.

Passenger Compensation: The USDOT will be proposing rules that would make carriers compensate passengers when flights are delayed or cancelled due to controllable circumstances.

Division Updates: Construction season at many airports has begun, and there are 13 active projects at airports across the state. The Aeronautics Commission will be touring airports in Central Wyoming in mid-May.

Air Service: Load factors in May are very strong, and June and July look to be outstanding as well. Mr. Olsen expects the demand this summer to outweigh the capacity, and ticket prices should remain fairly robust.

Mr. Olsen advised that airlines finished their earnings reports for the first quarter last week, and are making good progress overall on returning to profitability. This year, airlines had an overall approximately \$1 billion loss in the first quarter versus a \$5.5 billion loss in the first quarter last year.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,770 personnel as of May 8, 2023, compared to 1,782 a month ago and 1,781 one year ago.

Mr. Rossetti also noted that between May 2, 2023 and June 30, 2023, there is a hold on hiring in order for the updated pay plan to be implemented. Mr. Rossetti also explained the increased pay process, and will present a report on each classification within WYDOT for the Commission to see salaries before and after July 1, 2023.

Mr. Rossetti reminded the Commission that there were three hiring incentives authorized through HRD and the Governor's office at the end of December, two of which were hiring incentives and one that was a retention incentive. With the permission of the Commission, WYDOT participated in all three incentives. The retention incentive applied to areas that had at least a 25% vacancy rate, which included 272 WYDOT employees. These employees received additional pay, and hopefully the increased pay will help fill vacancies, at which point the extra retention pay would cease.

One of the hiring incentives was a referral program that offered a \$250.00 bonus to the referring employee once the referred employee started, and so far 14 employees have followed the process and have been able to claim the bonus.

The last incentive was an accelerated pay incentive. When hourly pay employees start with the State, they are paid from the 16th of the month to the 15th of the next month. If someone were to start on the 1st of the month, they would be paid for 15 working days at the end of their first month. However, someone who started on the 16th of the month would not be paid until the end of what would 45 days after their first day. This incentive would allow a payment of 80 hours for all employees no matter when they started during the month. Mr. Rossetti will track employees that were included in this incentive over at least a year and will report retention results to the Commission at a later date.

Mr. Rossetti also advised the Commission that a Job Fair recently took place at Headquarters in Cheyenne, and 40 individuals attended. Twenty applications were received, and so far one person has been hired and several other individuals remain in job queues. Mr. Rossetti believes this was a success and will try to hold other events in the future. Mr. Taylor agreed, and shared a success story as a result of a job fair in his district where an employee was hired and very quickly promoted.

WYDOT is also working with Climb Wyoming in Sweetwater County, and eight participants have expressed interest. WYDOT employees and the participants will meet at the end of May, and five individuals have identified WYDOT as their first choice employer.

Mr. Rossetti also explained the WyLead program, an internal leadership program that just began this year. This group has chosen to focus on recruitment and retention efforts, and have come up with several ideas to support incoming and current employees. Mr. Rossetti also mentioned that a University of Colorado Master's Program student needed 240 hours for his degree and so he has offered to assist in projects the leadership program has identified.

13. Mr. Smolinski presented the Chief Technology Officer's Report.

RIS Replacement Update: WYDOT staff is working to move the contract process forward and is in negotiations with the vendor.

ITS/Emergency Communications Technicians: Technicians are shifting focus to communication sites and completing preventative maintenance and gearing up for the next winter. There should be some construction started in June on new sites.

WyoLink Update: Mr. Smolinski reported that the PSCC recently visited the Sweetwater Combined Communications Center, which is one of the 911 dispatch centers across the state that relies very heavily on WyoLink. The site the PSCC toured has been flown and examined by a drone, and Mr. Smolinski explained the repair process by a technician after examination via the drone.

Bi-Annual WyoLink/PSCC Report: Mr. Smolinski and his team are working on the bi-annual WyoLink/PSCC report, which will be in draft form by the end of the month

Portable Radio: Portable radios are being deployed for Highway Patrol and maintenance crews. WYDOT technicians are upgrading the maintenance crew radios, and a specialized vendor is installing the new Highway Patrol radios. Mr. Smolinski thanked all involved staff for their willingness to assist in this project and take on additional work.

Survey: Mr. Smolinski stated that the communication items listed on the Customer Satisfaction Survey are at expected levels. However, due to changes in Twitter's requirements, WYDOT accounts will be terminated due to high fees.

14. June 2023 Commission Meeting: Secretary Casner advised that the June 2023 meeting is currently scheduled to be held in person in Cheyenne, and there will be a service award luncheon held at the Cheyenne Country Club.

15B. Commissioner Comments: Commissioner Hughes thanked Mr. Rossetti and Colonel Cameron for their in-depth reports, and requested Mr. Smolinski provide a project map for WyoLink towers. Commissioner Baker thanked staff for their efforts, and commended recruitment efforts that include advancement opportunities. Commissioner Willox thanked Mr. Taylor for the office tour and reminded the Commission he will be attending the upcoming Joint Transportation Committee meeting in Douglas. Chairwoman Holmes advised that she recently attended the Attorney General's Boards and Commissions training, which she believes was very well done and very beneficial.

16. Executive Session: It was moved by Commissioner Willox, seconded by Commissioner Lyman, and carried to enter in to Executive Session pursuant to Wyoming State Statute 16-4-405(a)(iii).

Commission recessed to Executive Session at 4:43 p.m.

Chairwoman Holmes returned the Commission to public session at 4:51 p.m.

17. It was moved by Commissioner Hughes, seconded by Commissioner Baker, and carried to adjourn the meeting at 4:52 p.m. on Thursday, May 11, 2023.