

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom on July 21, 2022. Chairman Schmidt convened the meeting at 8:36 a.m. The following members were present constituting a quorum:

Chairman Philip Schmidt, Casper
Vice Chairman Greg Venable, Worland
Commissioner Patrick Crank, Cheyenne
Commissioner Jon Dolezal, Evanston
Commissioner Jim Espy, Savery
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; Lieutenant Colonel Shannon Ratliff, Wyoming Highway Patrol (WHP) Interim Administrator; Brian Olsen, Aeronautics Administrator; Taylor Rossetti, Support Services Administrator; Mike Kahler, Senior Assistant Attorney General; Monica Gourdine, Interim Division Administrator, Federal Highway Administration (FHWA); Representative Mark Baker; and Senator John Kolb.

Other meeting attendees: Doug McGee, Public Affairs Manager; Carlie Vanwinkle, Public Affairs; Mark Horan, Public Affairs; John Davis, Management Services Program Manager; Doug Jensen, Contracts and Estimates Program Manager; Kacey Brown, Senior Policy Analyst; Chelsey Lindsay, Senior Budget Analyst; Pam Fredrick, Senior Budget Analyst; Mattie Bray, Financial Services Accounting Manager; Cori Schrinar, Procurement Services Manager; Nicholas Gronski, Procurement Officer; Lisa Fresquez, Civil Rights Program Manager; Ali Ragan, Grants and Contracts Policy Program Manager; Kent Ketterling, State Construction Engineer; Hank Rettinger, FHWA; Susan Elliott, Executive Assistant; and Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary.

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 Hughes, seconded by Commissioner Espy, and carried to approve the minutes from the June 16, 2022, business meeting. During discussion, Commissioner Crank suggested that the minutes may not be entirely accurate with respect to the Chief Engineer's report regarding change order processes. Following discussion involving Commissioners Crank and Espy and Chief Engineer Gillett, Assistant Chief Engineer Fulton, and FHWA representative Monica Gourdine, the motion was amended to identify the necessary changes to the June meeting minutes. The

Commission voted to accept those amendments, and those changes are reflected in official June minutes as approved by the Commission.

4. Correspondence: Correspondence was received from the Wyoming Wildlife Taskforce Co-Chairs thanking WYDOT for the planning and work to reduce wildlife-vehicle collisions. Director Reiner responded to the Co-Chairs thanking them for the kind words and reiterating WYDOT's commitment to wildlife crossings.

5. Old Business.

Commission Budget Subcommittee: Chairman Schmidt requested Director Reiner address the proposed Commission Budget Subcommittee and the potential responsibilities of this group.

6. Director Reiner presented the Director's Report.

Commission Budget Subcommittee: Director Reiner recently contacted the Wyoming Game and Fish for information on how they conduct meetings of their budget subcommittee and provided a synopsis of their procedures.

Currently, Transportation Commissioners are provided with budget training during their on-board orientation. Commissioners are also presented with proposed budget documents and revisions at regular intervals. In addition, procurement bid information and STIP updates are presented monthly. Director Reiner also summarized the budget timeline utilized by WYDOT employees.

Chairman Schmidt and Vice Chairman Venable agreed to Commissioner Espy becoming a member of the Commission Budget Subcommittee. The Committee will consist of Commissioners Espy, Crank, and Hughes. Commissioner Crank suggested that the majority of the Subcommittee meetings occur during the summer months when the WYDOT budget is being built. Commissioner Dolezal requested that summaries of the Subcommittee meetings be provided to the entire Commission at the regularly scheduled Commission meetings.

Director Reiner stated that he has previously advised WYDOT to staff to maintain the budgetary guidelines that were developed and approved previously by the Transportation Commission. These guidelines included employee support and maintaining current assets as well as focusing on WYDOT facilities maintenance.

Infrastructure Investment and Jobs Act (IIJA): WYDOT continues to work with the Governor's office to track potential grants and funding opportunities. A federal notice of proposed rulemaking was published the week of July 11th regarding greenhouse gases, which could be problematic for Wyoming. WYDOT has 90 days to submit a response to the federal notice.

State Legislature: Director Reiner and other Executive Staff members will be attending the Joint Transportation Committee meeting in Rock Springs August 23rd and 24th. Towing and right of way usage may be discussed at this meeting.

WYDOT staff also recently presented to the Joint Corporations Committee regarding the proposed electric vehicle plan. Affordable housing was also discussed in relation to employee needs.

Governor Gordon recently assembled a Gas and Diesel working group, which includes Director Reiner. There will be multiple public meetings, which aim to reduce the price at the gas pump.

On July 18th, Governor Gordon visited WYDOT headquarters in order to discuss agency operations and meet employees.

Wildlife Conservation Account: Director Reiner recently distributed proposed rules for the use of funds in the wildlife conservation account to Commissioners that previously expressed interest. The formal rulemaking process will begin once the Commission approves the proposed rules.

Commissioners have also received the wildlife crossing MOU, which is being worked on in conjunction with the Game and Fish and Wyoming Wildlife Natural Resource Trust (WWNRT).

Upcoming Meetings: Director Reiner will be meeting with the Teton County Commissioners to discuss their portion of the STIP as well traffic control plans for the local rebuilding process following recent floods.

During the first week of August, Director Reiner will also be meeting with the Yellowstone Superintendent and the Director of the Montana Department of Transportation as well as visiting the park to assess road repair needs and winter plans.

National Electric Vehicle Infrastructure (NEVI) Plan: The NEVI plan is in the final stages of the draft process, and comments will be received from FHWA in the near future. The final plan will be submitted to FHWA in August.

Commission adjourned to break at 10:01 a.m.

Commission returned to public session at 10:11 a.m.

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

Third Quarter Budget Revision: Mr. Freier presented the third quarter budget revision.

It was recommended by Mr. Freier, moved by Commissioner Dolezal, seconded by Commissioner Hughes, and carried to approve the third quarter budget revision.

Monthly Budget Report: Ms. Lindsay presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 64 percent expended, and the legislative budget was 68 percent expended in Fiscal Year (FY) 2022.

Draft 2023 Budget: Mr. Freier presented the draft 2023 budget.

7D. It was recommended by Mr. Byrne, moved by Commissioner Espy, seconded by Commissioner Venable, and carried to move Bid Numbers 22-147RE, 22-148RE, 22-149RE, 22-157CS, 22-167RE, and 22-169RE to a consent list. *Commissioner Crank voted against this motion.*

It was recommended by Mr. Byrne, moved by Commissioner Holmes, seconded by Commissioner Dolezal, and carried to approve, by consent, the following: (*Commissioner Crank voted against this motion.*)

- Bid 22-147RE to furnish seven (7) new current model 15 series four wheel drive crew cab short box pickups for departments statewide. The bid was awarded to Ken Garff, of Cheyenne, Wyoming, for the sum of \$275,856.00.
- Bid 22-148RE to furnish ten (10) new current model 15 series four wheel drive four door short box pickups for departments statewide. The bid was awarded to Ken Garff, of Cheyenne, Wyoming, for the sum of \$360,570.00.
- Bid 22-149RE to furnish 27 new current model 15 series two wheel drive four door short box pickups for departments statewide. The bid was awarded to Ken Garff of Cheyenne, Wyoming for the sum of \$813,051.00.
- Bid 22-157CS to furnish mechanic/traffic building roof replacement for the department located in Basin. The bid was awarded to Big Horn Roofing, Inc., of Laramie, Wyoming for the sum of \$236,705.00.
- Bid 21-167RE to furnish 136 exterior and interior light bar packages with accessories for the department located in Cheyenne. The bid was awarded to Ameritech Equipment Co., of Evansville, Wyoming for the sum of \$334,915.00.
- Bid 22-169RE to furnish six (6) new current model four wheel self-propelled brooms for departments statewide. The bid was awarded to Tri-State Truck and Equipment, of Casper, Wyoming, for the sum of \$454,885.56.

Commission adjourned to break at 11:35 a.m.

Commission returned to public session at 11:45 a.m.

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

Change Order: 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 \$366,344 for a project on WYO 59 between Gillette

and Wright. However, this amount will not affect WYDOT’s budget as it is fully reimbursable by Eagle Specialty Materials, who requested the relocation of Bishop Road to WYO 59 in order to mine coal.

IIJA: Mr. Gillett reported that a requirement has been sent out by FHWA that Departments of Transportation across the country utilize materials manufactured in America in compliance with the Build America, Buy America (BABA) Act. There is currently a 180 day program waiver which ends November 10th, after which time WYDOT will be required to implement the BABA Act. However, this program may cause supply chain issues and increased costs, and WYDOT will continue work to with AASHTO and FHWA to potentially revise the regulations set forth.

Mr. Gillett also expressed concern with the requirements recently published in a notice of proposed rulemaking from FHWA regarding greenhouse gases and emissions. Currently proposed, FHWA will require each state DOT to implement a plan with performance measurements to reduce vehicular carbon emissions each year going forward. The goals are to reduce carbon emissions by half by 2030, and to be at net zero by 2050. These requirements may be hard to achieve in small rural states that depend on tourism and could negatively affect funding received by Wyoming. Mr. Gillett reiterated that WYDOT will be submitting comments regarding the proposed regulations during the allotted comment period.

8A. Monica Gourdine advised that as of September 6, 2022, FHWA form 1273 must be physically incorporated into each construction contract. The language of the form was edited to be gender neutral.

Ms. Gourdine congratulated WYDOT on reduced fatality numbers from 2020 to 2021. In 2020, there were 127 fatalities on Wyoming roads and in 2021 there were 111 fatalities.

8Bi. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the July 14, 2022, letting in Casper.

Federal Projects NHPPI-I802209 involving bituminous surfacing, milling, plant mix wearing course, traffic control and miscellaneous work on approximately 11.90 miles on the eastbound and westbound lanes of I-80 beginning at RM 65.44 between Lyman and Green River in Sweetwater County. Completion Date: October 31, 2023.

<i>Engineer’s Estimate</i>	<i>\$22,404,301.00</i>
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$10,244,646.09 -5.9%

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried 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 concurred with this decision. *Commission Crank declared a conflict and did not vote.*

Federal Project NHPPI-I254168 involving bituminous surfacing, grading, traffic control, surfacing, structure and miscellaneous work on approximately 8.10 miles on northbound and southbound lanes of I-25 beginning at RM 219.00 between Casper and Kaycee in Natrona County. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	\$21,347,049.00	
Riverside Contracting, Inc., Missoula, MT	\$22,231,297.50	4.1%
Simon Contractors, Cheyenne, WY	\$23,316,169.00	
JTL Group, Inc. dba Knife River, Cheyenne, WY	\$23,727,014.62	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Holmes, and carried unanimously that Riverside Contracting, Inc., of Missoula, 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 NHPPI-I253116 involving bituminous surfacing, traffic control, structure, surfacing, milling, plant mix wearing course, grading, fencing and miscellaneous work on approximately 15.10 miles on I-25 on the northbound lane beginning at RM 160.01 at the Glenrock Marginal in Converse County. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$16,539,545.00	
JTL Group, Inc., dba Knife River, Cheyenne, WY	\$16,226,657.77	-1.9%
Croell, Inc., Sundance, WY	\$17,703,036.70	

It was recommended by Mr. Fulton, moved by Commissioner Hughes, seconded by Commissioner Venable and carried unanimously that JTL Group, Inc. DBA Knife River, 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.

Federal Project NHPP-N132108 involving bituminous surfacing (recycle), traffic control, fencing, milling, chip seal, bridge deck repair and miscellaneous work on approximately 8.80 miles on US 189/191 beginning at RM 111.27 between Daniel Junction and Hoback Junction in Sublette County. Completion Date: September 30, 2023.

<i>Engineer's Estimate</i>	\$6,491,593.00	
Avail Valley Construction-ID, LLC, Victor, ID	\$6,768,600.00	4.3%
H-K Contractors, Inc., Idaho Falls, ID	\$6,888,769.00	
McGarvin Moberly Construction Co., Worland, WY	\$7,238,547.62	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal, seconded by Commissioner Venable, and carried unanimously that Avail Valley Construction-ID, of Victor, Idaho, 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 PRT-I901126 involving surfacing, grading, traffic control, drainage, bituminous surfacing and miscellaneous work at various locations along I-90 beginning at RM 29.31 between Sheridan and Buffalo in Sheridan County. Completion Date: June 30, 2023.

<i>Engineer's Estimate</i>	\$2,086,947.00	
High Country Construction, Inc., Lander, WY	\$1,797,774.50	-13.9%
Mountain View Building, Inc., Sheridan, WY	\$1,851,610.00	

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried unanimously that High Country Construction, Inc., of Lander, 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 HSIP-1900043 involving electrical, sidewalk, curb and gutter, signing, surfacing (concrete), traffic control, grading, striping and miscellaneous work at various intersections in the Town of Green River in Sweetwater County. Completion Date: October 31, 2023.

<i>Engineer's Estimate</i>	\$1,978,205.00	
Casper Electric, Inc., Casper, WY	\$2,084,884.84	5.4%
Advanced Electrical Contracting, Inc., Sheridan, WY	\$2,434,409.25	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously 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.

Federal Project STP-0703021 involving bituminous surfacing, traffic control, milling, surfacing, chip seal, drainage and miscellaneous work on approximately 2.10 miles on WYO 132 beginning at RM 15.19 between Ethete and Kinnear in Fremont County. Completion Date: August 31, 2023.

<i>Engineer's Estimate</i>	\$1,809,252.00	
71 Construction, Casper, WY	\$1,682,702.71	-7.0%
McGarvin-Moberly Construction Co., Worland, WY	\$2,081,366.50	

It was recommended by Mr. Fulton, moved by Commissioner Venable, seconded by Commissioner Dolezal, and carried unanimously that 71 Construction, 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.

Federal Project HSIP-N601044 involving electrical, traffic control, sidewalk, curb and gutter, grading and miscellaneous work at the Intersection of Coffeen and Lowell in the City of Sheridan in Sheridan County. Completion Date: June 30, 2023.

<i>Engineer's Estimate</i>	\$565,925.00	
Advanced Electrical Contracting, Inc., Sheridan, WY	\$647,060.40	14.3%
Modern Electric Co., Casper, WY	\$708,535.00	
Casper Electric, Inc., Casper, WY	\$716,784.00	

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Hughes, and carried unanimously that Advanced Electrical Contracting, Inc., of Sheridan, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal Project STP-I180027 involving drainage, grading, traffic control, bituminous surfacing, surfacing and miscellaneous work at RM 6.995 on US 85 in the City of Cheyenne in Laramie County. Completion Date: November 30, 2022.

<i>Engineer's Estimate</i>	\$478,466.00	
Reiman Corp., Cheyenne, WY	\$318,732.00	-33.4%
Simon Contractors, Cheyenne, WY	\$457,077.00	
S&L Industrial, Cowley, WY	\$746,103.00	
Ralph L. Wadsworth Const. Co., LLC,		

It was recommended by Mr. Fulton, moved by Commissioner Holmes, seconded by Commissioner Venable, 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.

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

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

8C. Mr. DeHoff presented the Operations Report.

Construction: The construction season is underway. There are a total of 80 active projects across the state.

Maintenance: Crews are continuing with summer projects, including asphalt patching, painting, fencing, and other repairs.

Pathfinder Irrigation Canal: On July 1st, a breach in the Pathfinder irrigation canal caused severe flooding across US 26, west of Lingle. Traffic was detoured to WY 157 or US 85, and Mr. DeHoff expressed thanks for all WYDOT and WHP employees that assisted in this emergency situation. There was no water damage to the roadway.

Traffic: Crews continue to implement the emergency striping plan.

Sign and Electrical: Crews continue to complete annual inspections.

Equipment: Delays in part deliveries continue to affect repair times, and staff continues to complete repairs as soon as parts are received.

Facilities: All facilities and rest areas are open at this time.

9. Lieutenant Colonel Ratliff presented the Highway Patrol Report.

The Fatal Crash Summary through June 30, 2022, includes 42 fatal crashes involving 50 deaths. The fatalities include 23 rollover crashes, 16 multi-car crashes, 4 fixed-object crashes, 2 motorcycle crashes, 0 all-terrain vehicle crashes, and 4 pedestrian crashes. Of the 42 fatal crashes that have occurred in 2022, 13 involved commercial vehicles.

There were 7 fatal crashes deemed drug or alcohol related, resulting in 7 deaths in June 2022.

Of the 50 deaths this year, 33 were attributed to not using occupant restraints, with 19 involving rollover crashes, 9 involving multi-car collisions, and 4 involving fixed objects. Twenty-three of those who died from the non-use of occupant restraints were Wyoming residents. Seventeen perished that were under 21 years old.

Of the 42 fatal crashes so far this year, 20 of those drivers had no distractions. In 15 of those crashes, it was unknown whether a distraction caused the incident.

Of the 42 fatal crashes that have occurred this year, 19 occurred on primary/secondary highways, 14 occurred on interstate highways, and 9 occurred on city/county roads.

Of the 42 fatal crashes that have occurred this year, nine had multiple fatalities.

Inclement weather or road conditions contributed to seven vehicle crashes in 2022, which resulted in nine deaths.

The days of the week for fatal crashes in 2022 are as follows:

Sunday	14 crashes
Monday	5 crashes
Tuesday	6 crashes
Wednesday	3 crashes

Thursday	4 crashes
Friday	4 crashes
Saturday	6 crashes

The times of day for fatal crashes in 2022 are as follows:

12:00 a.m. to 6:00 a.m.	9 crashes
6:00 a.m. to 12:00 p.m.	13 crashes
12:00 p.m. to 6:00 p.m.	8 crashes
6:00 p.m. to 12:00 a.m.	12 crashes

The Commission also heard the following statistics:

- 83 percent of those who died in rollover crashes were unbelted.
- 56 percent of those who died in multi-vehicle crashes were unbelted.
- 100 percent of those who died in fixed-object crashes were unbelted.
- 62 percent of the fatalities in 2022 were drivers.
- 24 percent of the fatalities in 2022 were passengers.
- 57 percent of the resident fatalities were unrestrained.
- 40 percent of non-resident fatalities were unrestrained.
- 36 percent of fatalities involved alcohol and/or drug impairment.

10. Mr. Olsen presented the Aeronautics Report, beginning with the June 2022 Aeronautics Flight Operations Passenger Summary Report.

FY 2023 Transportation Spending Bill: The House of Representatives recently passed the FY 2023 Transportation Spending Bill. Funding allocated to Wyoming will continue to remain at the same level, but there is some supplement discretionary money available, however, fifty percent of the discretionary funding must be allocated to small airports.

FAA Administrator: President Biden recently nominated Phil Washington, current CEO of Denver International Airport, to be the new FAA Administrator. Mr. Washington must go through the federal confirmation process before he is officially appointed to the position.

Jackson Hole Airport: The Jackson Hole runway opened on June 28th as previously scheduled. In addition, the Jackson Hole airport was recently awarded a competitive discretionary grant as part of the Infrastructure Bill. A geothermal heating system will be installed and gates will be added to the airport.

Evanston Runway: The Evanston runway is on schedule to open August 8th.

Air Service: Travel demand continues to be high, which is driving fares up considerably. Staffing continues to be an issue for airlines at all levels.

11. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,775 personnel as of July 6, 2022, compared to 1,793 a month ago and 1,871 one year ago.

12. Director Reiner presented the Chief Technology Officer's Report.

Babbitt Retirement: A retirement party was held on July 20th for Mr. Babbitt, whose official last day is July 29th.

WyoLink Update: Director Reiner reported that there is approximately six towers left to be completed across the state.

RIS Replacement Update: The replacement process for the Revenue Information System (RIS) continues. Mr. Rossetti continue to work with Enterprise Technology Services (ETS) through the replacement process.

Chief Technology Officer Replacement: The job is posted and applications are being submitted. Interviews will most likely occur in August.

13. August 2022 Commission Meeting: Secretary Casner advised that the August 2022 meeting is currently scheduled to be held in person in Cheyenne.

Commissioner Crank requested that modification of change order policies be placed for discussion on the August agenda. Director Reiner suggested holding an education session regarding change orders on August 17th.

14A. Legislator Comments: State Representative Mark Baker and State Senator John Kolb shared remarks regarding essential air service program funding, sworn WHP officer pay and recruitment, picture quality of Wyoming identification cards, the upcoming Joint Transportation Committee meetings, towing workgroups, and the upcoming WYDOT budget.

14B. Commissioner Comments: Commissioners Venable, Hughes, and Dolezal thanked Director Reiner and WYDOT staff for their hard work, especially in the Yellowstone area after the recent flood.

16. It was moved by Commissioner Hughes, seconded by Commissioner Venable, and carried to adjourn the meeting. Chairman Schmidt adjourned the meeting at 12:49 p.m., on Thursday, July 21, 2022.