

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person on February 14-15, 2024 in Cheyenne. Chair Holmes convened the meeting at 3:30 p.m. on February 14th and 8:30 a.m. on February 15th. The following members were present both days, constituting a quorum.

Chair Susan Holmes, Sheridan
Vice Chair Jon Dolezal, Evanston
Commissioner Micheal Baker, Thermopolis
Commissioner Patrick Crank, Cheyenne
Commissioner Mark Hughes, Sundance
Commissioner Brandt Lyman, Rock Springs
Commissioner Jim Willox, Douglas
Commission Secretary Caitlin Casner
Director Darin J. Westby

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Colonel Timothy Cameron, Wyoming Highway Patrol (WHP); Mark Gillett, Chief Engineer; Tom DeHoff, Assistant Chief Engineer, Operations; Keith Fulton, Assistant Chief Engineer, Engineering and Planning; Nathan Smolinski, Chief Technology Officer; Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Brian Olsen, Aeronautics Administrator; Rodney Freier, Budget Program Manager; Doug McGee, Public Affairs; Carlos Machado, Federal Highway Administration; John Davis, Management Services Manager; Nicholas Gronski, Procurement Services Manager; Doug Jensen, Contracts and Estimates; Sara DiRienzo, Transportation, Wildlife, and Gaming Policy Advisor to Governor Gordon; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary.

February 14, 2024

1. Colonel Tim Cameron presented the Fatal Crash Summary through January 31, 2024, which includes two fatal crashes involving two deaths. The fatalities include one motorcycle crash and one pedestrian crash. One of the fatalities was a driver.

There were no fatal crashes deemed drug or alcohol related, resulting in zero deaths through January 2024.

Of the two deaths this year, zero were attributed to not using occupant restraints, rollover crashes, multi-car collisions, or fixed objects. One perished that was under 21 years old.

Of the two fatal crashes so far this year, it is unknown whether of those drivers had no distractions.

Both of the fatal crashes that have occurred this year, occurred on city/county roads.

The days of the week for fatal crashes in 2024 are as follows:

Sunday	0 crashes
Monday	1 crash
Tuesday	1 crash
Wednesday	0 crashes
Thursday	0 crashes
Friday	0 crashes
Saturday	0 crashes

The times of day for fatal crashes in 2024 are as follows:

12:00 a.m. to 6:00 a.m.	1 crash
6:00 a.m. to 12:00 p.m.	0 crashes
12:00 p.m. to 6:00 p.m.	0 crashes
6:00 p.m. to 12:00 a.m.	1 crash

There were 405 patrol investigated crashes so far in 2024.

Commissioner Crank commended Colonel Cameron for his recent efforts to address safety concerns on a county road near Cheyenne.

Colonel Cameron explained that Captain Pritchard was previously scheduled to address the Commission at today's meeting, but due to the recent event in Sheridan, he has been assigned to assist in the transporting of Sheridan Police Sergeant Nevada Krinke, who was killed in this event.

Chair Holmes asked Colonel Cameron if the WHP tracks blowover investigations and crashes as a result of the new blowover procedures and guidelines. Colonel Cameron advised that this information is available very recently. Chair Holmes asked if this information could be added to the Commission's monthly report. Mr. Smolinski stated that data from these crashes is being analyzed and broken down by location and may lead to future adjustments.

2. Mr. Olsen presented the Aeronautics Report, beginning with the January 2024 Aeronautics Flight Operations Passenger Summary Report.

Federal Update: Mr. Olsen reminded the Commission that the Federal Aviation Administration (FAA) is currently funded through March 1, 2024. Mr. Olsen is hopeful that a longer term Continuing Resolution will be agreed upon soon.

Mr. Olsen and staff continue to monitor the progress of the House and Senate regarding the FAA Reauthorization, as the current Reauthorization goes through March 8, 2024. The Senate Commerce Committee approved a bi-partisan, five year Reauthorization bill, which will be forwarded to the Senate and eventually the House. Amendments have been made as well, and the possibility of raising the pilot retirement age from 65 to 67 was also voted on, with results falling along party lines. Raising the retirement age would have been a short term solution to the pilot

shortage, but Mr. Olsen stated that a good long term solution would be to reduce barriers such as training and education costs.

Mr. Olsen advised the Commission that the funding level for the entire country for airport improvements is currently \$3.53 billion, but it has proposed that this level be increased to \$4 billion. \$350 million will be used for locations to transition away from using polyfluoroalkyl substances (PFAS), which has been shown to be a carcinogen and was used in firefighting efforts as required by the FAA. There is no clear guidance on how to transition at this time from the Environmental Protection Agency (EPA) or the FAA. There have been two chemicals approved to replace PFAS. Funding has also been increased to hire and train more air traffic controllers and safety inspectors.

There were recent disagreements regarding commercial pilot training as well, and it was decided that the FAA needed to establish an enhanced qualification program. It is unknown what this program may look like. Mr. Olsen explained the hours required in training as well as types of aircrafts used in training and simulation hours.

On February 6th, there was a House Aviation subcommittee hearing, which was prompted by the recent Alaska Airlines/Boeing 737 Max plug that came out during flight. The subcommittee questioned the FAA regarding these hearings, and FAA Administrator Michael Whitaker emphasized the need for the Continuing Reauthorization bill to be approved. Other issues were discussed, including large airports housing illegal immigrants as well as other challenges the industry is facing.

Division and Airport Updates: Mr. Olsen advised that there are no bills significant to aviation at this time to be addressed by the Wyoming Legislature during the 2024 session.

In late January, Mr. Olsen participated in a meeting with the Regional Administrator and several of his counterparts from other states. Topics discussed included lack of FAA training, liquidated damages, issuance of grants.

On January 25th, Aeronautics staff met in Casper with commercial service airports. Mr. Olsen advised that this was a productive meeting.

Mr. Olsen expects to hear news regarding the relocation of the Reno Air Races at any time. A shortlist of new host communities will most likely be announced before the final selection. The event brings approximately \$180 million in economic impact to host cities.

Aeronautics has been working to hire pilots, and one was hired in late 2023. He has completed training and has been approved by Risk Management and is flying. There is a total of five pilots now.

Air Service News: Load factors in Wyoming have dropped for January and February, which is to be expected. Overall, however, load factors look good, especially for Gillette, Rock Springs, and

Sheridan. Future bookings look promising, and SkyWest has been approached to bring in additional services to Rock Springs and Riverton areas.

In calendar year 2023, Wyoming had 1.4 million passengers go through local airports. This was 65,000 passengers more than calendar year 2022.

U.S. airlines have begun to report their earnings for the last year, and the major airlines did very well while ultra-low cost airlines have seen a decline.

Commissioner Baker expressed concern about the eventual need to replace the current State aircraft and potential repercussions from the Legislature and Wyoming citizens. Baker also expressed concern that based on repercussions, WYDOT may choose to keep the aircraft longer than necessary. Mr. Olsen assured Commissioner Baker that the current aircraft are currently in good shape but there may be a problem obtaining parts in the future. At this time, there is not a sinking fund for the replacement of the aircraft but it has been discussed by Executive Staff. Commissioner Crank requested information regarding the type of funds used to purchase the current planes. Mr. Olsen advised that the planes were purchased using highway funds.

3. Mr. Westby presented the Support Services Report on behalf of Taylor Rossetti.

Employment Summary: WYDOT employed 1,842 personnel as of January 30, 2024, compared to 1,819 a month ago and 1,786 one year ago. Director Westby discussed recent recruitment efforts as well as vacancies in each district. Westby also addressed the need to continue recruiting even though WYDOT services continue to be delivered with decreased staff, and hopes to achieve a 10% or lower vacancy rate.

Commissioner Crank questioned what appears to be only a gain of one employee has been made in WHP dispatch. Director Westby advised that Colonel Cameron and Mr. Rossetti will provide additional information at the March Commission meeting.

Director Westby summarized the recently completed study regarding several classes of maintenance employees in conjunction with the Department of Administration and Information (A&I). Westby will be requesting the Commission's approval at the February 15th business meeting to move maintenance employees to updated classes based on the completed study. Commissioner Crank asked where the increase in pay for several employees in maintenance will come from. Director Westby explained that for now, vacancy savings will fund the increase, but in the future, the increase will come out of the Commission budget.

4. Chief Technology Officer's Report: Mr. Smolinski presented the Chief Technology Officer's Report.

RIS/TIS: This project is moving along according to schedule. WYDOT recently held meetings and trainings with several partners engaged in the RIS/TIS project.

Transportation Management Center (TMC): Senator Dockstader and Representative Allred will be bringing in students from Rock Springs for a tour of the TMC.

TMC employees have also recently submitted an abstract for possible presentation at WASHTO's July meeting. Vince Garcia and Mr. Smolinski will focus on weight based closures, connected vehicles, and navigation systems in relation to local roads and closures if chosen to present.

Public Safety Communications Commission (PSCC): The PSCC held a business meeting on February 6th and 7th, and presented "WyoLink 101" and discussed 911 aspects. There were also presentations by T-Mobile, Motorola, and the Federal Communications Commission (FCC). The next meeting is scheduled for May 2024 and will include a tour of the AT&T FirstNet facility in Boulder, Colorado.

WyoLink: Mr. Smolinski summarized the WyoLink map provided to the Commission and briefly described current projects, including upgrading system versions used. Mr. Smolinski also summarized the Top 20 talk groups, and advised that this information is constantly analyzed and can be dependent on the time of year.

It was moved by Commissioner Lyman and seconded by Commissioner Crank to adjourn the meeting at 5:16 p.m. on Wednesday, February 24, 2024. The motion carried unanimously.

February 15, 2024

5. Pledge of Allegiance: Chair Holmes led the attendees in the Pledge of Allegiance.

7A. January 18, 2024 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Dolezal and seconded by Commissioner Hughes to approve the January 18, 2024 Business Meeting minutes. The motion carried unanimously.

7B. December 21, 2023 Executive Session Minutes: It was recommended by Secretary Casner, moved by Commissioner Baker and seconded by Commissioner Lyman to approve the December 21, 2023 Executive Session minutes. The motion carried unanimously.

7A. January 18, 2024 Executive Session Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes and seconded by Commissioner Baker to approve the January 18, 2024 Executive Session minutes. The motion carried unanimously.

9A. Policy 24-1(c) Contract Amendments Discussion: Director Westby presented a summary of the proposed updates to Policy 24-1(c) as well as what information regarding change orders needs to be presented to the Commission and levels of approval within the Department.

Commissioner Crank addressed item IC and referenced Wyoming State Statute 24-2-108. Mr. Crank proposed that the phrase "waive monetary limits in emergencies" be changed to "approve emergency contracts as provided in Statute 24-2-108."

It was moved by Commissioner Crank and seconded by Commissioner Lyman to approve the updated Policy 24-1(c).

Commissioner Baker stated that he believes it is appropriate to vote to amend the policy and then vote to approve the complete policy.

Commissioner Lyman stated that he is in favor of the proposed amendment and believes that it makes the policy more durable for the future.

Commissioner Crank amended his previous motion to approve the proposed amendment to the policy. This was seconded by Commissioner Willox and the motion carried unanimously.

It was carried unanimously to approve the complete amended policy.

10A. Officer Succession Plan and Selection of Nominating Committee: Chair Holmes presented the Transportation Commission Succession Planning document, which summarized the current makeup of the Commission as well as potential succession scenarios. Holmes expressed the need to agree on a succession plan to ensure future success.

Commissioner Dolezal stated that he believes the current proposal is a good framework, but depending on situations that may arise, flexibility may be needed.

Chair Holmes advised the Commission that while in the future it may make the most sense to elect a Chair and Vice Chair every two years, at this time she would propose having Commissioner Dolezal stay on one more year as Vice Chair, if he is willing, and she would stay Chair for the next year, especially since current statute provides for a Chair to be elected biennially.

Holmes also expressed her belief that it is important to have a nominating committee in the future in order to select the proper candidates. Commissioner Willox added that it may be appropriate for the outgoing Chair and Commissioners to be on the nominating committee. Willox also discussed how members could be potentially nominated.

Commissioner Lyman agreed with the Chair's statements, and added that it could help alleviate any future issues with leadership elections. Commissioner Baker agreed, and stated that he believes it would be best to elect the Chair and Vice Chair for two years at the same time. Commissioner Crank agreed with Lyman and Baker, and stated it may be the best to send nominations to either the Director or the Commission Secretary.

Commissioner Crank also requested the Commission decide on whether or not the Chair is a voting member, which may or may not change a Commissioner's willingness to serve as Chair.

It was moved by Commissioner Hughes and seconded by Commissioner Baker to elect a Chair and Vice Chair every two years in odd numbered years. The motion carried unanimously.

It was moved by Commissioner Crank and seconded by Commissioner Willox to allow the Chair to vote on all matters in front of the Commission.

Mr. Kahler stated that it is the position of the Attorney General's office that all members vote, especially since Boards and Commissions in Wyoming are typically small.

The motion carried unanimously.

Commission recessed to break at 9:22 a.m.

Commission returned to public session at 9:30 a.m.

10B. Chapters 1 and 29 Rules Revision: Ms. Zimmerman presented the proposed changes to the Chapter 1 rules, which include changes previously requested by the Commission as well as changes required by the Federal Motor Carrier Safety Administration (FMCSA) and the Drug and Alcohol Clearinghouse.

Mr. Davis explained to the Commission that the next step will be to submit the proposed rules to the Governor's office, after which there is a public comment period. Mr. Davis requested permission from the Commission to change a date in Chapter 1 from January 1, 2024 to July 1, 2024. Any other changes made would be the result of public comment. Director Westby clarified with Mr. Davis and Mr. Kahler that a formal vote for the approval and submission of the rules to the Governor would be necessary.

It was moved by Commissioner Baker and seconded by Commissioner Dolezal to approve the changes to Chapter 1, including the updated date, and forward to the Governor's office. The motion carried unanimously.

Mr. DeHoff and Mr. Davis presented the proposed changes to the Chapter 29 rules, which include changes to lighting on snow removal equipment based on research and technology innovations.

It was moved by Commissioner Willox and seconded by Commissioner Dolezal to approve the changes to Chapter 29 rules and forward to the Governor's office. The motion carried unanimously.

Commission recessed to break at 10:13 a.m.

Commission returned to public session at 10:20 a.m.

11. Director's Report: Director Westby has been focused over the last month on the upcoming Legislative session as well as briefing the federal delegation and other committees in Washington, D.C.

Also in the last month, Director Westby has attended Aeronautics Commission meetings as well as the Association of General Contractors-Wyoming (AGC-WYO) Annual Meeting in Casper.

Westby thanked Commissioners Holmes and Willox for attending events during the AGC-WYO Annual Meeting. During his presentation to the AGC-WYO, Westby discussed his time as Director as well as the importance of customer service and satisfaction. Westby also addressed his efforts regarding an increase in stateside funding as well upcoming projects and future construction methods. Director Westby shared several statistics with AGC-WYO regarding bridge rehabilitation projects and what they may need to do to be prepared for these projects.

HDR, Inc. recently completed a space analysis at Headquarters and briefed Executive Staff on the results. The report is being refined and will be presented to the Commission in the coming months.

Westby explained to the Commission that there is a for-profit company that Mr. Smolinski and his employees have been working with that also has a non-profit side. The non-profit side of this company began a program that teaches children, beginning in Kindergarten, how to build robots, operating tools in a machine shop and wood shop, and using CAD programs and CNC machines. This program provides mechanical engineering and computer science experience to the young participants, helping distinguish themselves in competitions, education, and the job market.

Westby also recently attended a Rotary Club meeting and will be attending other club meetings and event to discuss the mission of WYDOT and the impact of infrastructure, including roads.

As mentioned above, Westby recently attended AASHTO briefings in Washington, D.C. These briefings focused on the FAA Reauthorization, rural transit and regulations, current projects such as the truck parking project in Evanston, transit between metropolitan areas, formula funds versus discretionary funds, and the importance of the transportation industry to the U.S. Director Westby also met with the Wyoming delegation and discussed current WYDOT concerns.

Commissioner Crank asked if customer service, specifically geared toward the motoring public, is a priority for WYDOT and AGC-WYO. Crank referenced projects that seem to be prolonged and inconvenient. Director Westby advised that this is a priority for WYDOT, and this issue will be discussed during upcoming meetings with AGC-WYO to possibly come up with solutions and alternative methods that still serve the public.

Commissioner Crank asked Director Westby about the timeline of building and rehabilitation bridges in the coming years and expressed concerns with possibly inflated prices. Commissioner Crank asked about possibly increasing the project timelines to possibly save funding. Director Westby stated he is hopeful that potential changes in the future, such as increased construction crews, can assist in the issues seen with bridges. Mr. Fulton explained that upcoming bridge projects using federal funds will be spread out from 2025 to 2029. The deadline to spend bridge funds typically needs to be spent four years after it is allocated. Mr. Crank requested more details regarding the upcoming timelines for bridge projects. Commissioner Willox stated that there are several entities across the U.S. attempting to increase funding timelines.

Commissioner Crank also requested an update at the March 2024 meeting regarding the status of the National Electric Vehicle Infrastructure (NEVI) plan in Wyoming, including responses to Request for Information and the development of a Request for Proposal by WYDOT.

Director Westby summarized recent actions on bills by the Legislature. Westby also summarized the bills WYDOT is following, including those regarding light/high profile blowovers, electric vehicle taxation, and retirement contributions.

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

12A. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 33 percent expended, and the legislative budget was 67 percent expended in Fiscal Year 2024.

12B. Award of Procurement Services Bids. It was recommended by Mr. Byrne to move Bid Numbers 24-044RC, 24-069AC, 24-070AC, 24-071AC, 24-072AC, 24-073AC, 24-074AC, 24-075AC, 24-076AC, 24-077AC and Requisitions 70111, 70116, and 70246 to a consent list. It was moved by Commissioner Lyman and seconded by Commissioner Hughes to move Bid Numbers 24-069AC, 24-070AC, 24-072AC, 24-073AC, 24-074AC, 24-075AC, 24-076AC, 24-077AC and Requisitions 70111, 70116, and 70246 to a consent list. The motion carried unanimously.

It was recommended by Mr. Byrne, moved by Commissioner Willox and seconded by Commissioner Lyman to approve, by consent, the following bids and requisitions. The motion carried unanimously.

- Bid Number 24-069AC to furnish 14,000 tons of hot plant mix and 45 tons of tack oil to the departments located in District 1. The bid was awarded to Knife River of Cheyenne, Wyoming, for the sum of \$1,116,250.00.
- Bid Number 24-070AC to furnish 13,500 tons of hot plant mix to the departments located in District 2. The bid was awarded to Knife River of Cheyenne, Wyoming, and Croell, Inc. of Sundance, Wyoming, for the sum of \$1,121,080.00.
- Bid Number 24-072AC to furnish 21,900 tons of hot plant mix to the departments located in District 4. The bid was awarded to Simon Contractors of Gillette, Wyoming, and Croell, Inc., of Sundance, Wyoming, for the sum of \$1,825,620.00.
- Bid Number 24-073AC to furnish 7,500 tons of warm plant mix and 40 tons of tack oil to the departments located in District 5. The bid was awarded to Croell, Inc., of Sundance, Wyoming, and 71 Construction, of Riverton, Wyoming, for the sum of \$756,070.00.
- Bid 24-074AC to furnish 285 tons of un-modified emulsified asphalt, 1,780 tons of modified emulsified asphalt, and 149 tons of dilute emulsified asphalt to departments located statewide. The bid was awarded to Peak Asphalt, LLC of Rawlins, Wyoming, Ergon Asphalt and Emulsions, Inc. of Cheyenne, Wyoming, and Western Emulsions of Billings, Montana, for the sum of \$1,829,884.60.

- Bid 24-075 to furnish 1,225 of un-modified performance graded asphalt binder to the departments located in Districts 1 and 2. The bid was awarded to Ergon Asphalt and Emulsions, Inc., of Cheyenne, Wyoming, for the sum of \$671,287.75.
- Bid 24-076AC to furnish 7,500 tons of aggregate gravel, type A, to the department located in Walcott Junction. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$242,625.00.
- Bid 24-077AC to furnish 10,500 tons of aggregate gravel, types A and B, to the department located in Guernsey. The bid was awarded to Knife River, of Casper, Wyoming, for the sum of \$240,250.00.
- Requisition 70111 to furnish one (1) each, new current model Viking-Cives Midwest bi-directional tow plow for use by the Department. The requisition was awarded to Viking-Cives Midwest, of Salt Lake City, Utah, for the sum of \$226,393.10.
- Requisition 70116 to furnish 39 each, 6100 ultra hydraulic package for eight (8) yard tandem axle trucks for use by the Department. The requisition was awarded to Force America, Inc., of Burnsville, Minnesota, for the sum of \$1,047,501.00.
- Requisition 70246 to furnish Trimble survey equipment and storage for use by the Department. The requisition was awarded to Trimble, of Westminster, Colorado, for the sum of \$203,546.50.

It was recommended by Mr. Byrne, moved by Commissioner Lyman and seconded by Commissioner Willox to award Bid Number 24-044RC to furnish 8,489 feet and 42,392 each of bridgerail/guardrail/cablerail and components for use by the Department, for the sum of \$2,064,174.00. The motion carried. *Commissioner Crank declared a conflict and abstained from voting.*

It was recommended by Mr. Byrne, moved by Commissioner Dolezal, and seconded by Commissioner Hughes to award Bid 24-058NG to furnish a septic system for use by the department located in Arlington, for the sum of \$203,505.86.

Mr. Byrne explained that the bid is over the budget, but this is the second time bids have been requested for this project. Mr. Byrne does not anticipate different results if the project was to go out to bid again. Contingency funding within the major maintenance budget will be used to cover the overage.

The motion carried, with Commissioner Baker voting no.

It was recommended by Mr. Byrne, moved by Commissioner Willox, and seconded by Commissioner Baker to award Bid 24-071AC to furnish 4,000 tons of hot plant mix to the departments located in District 4, for the sum of \$756,070.00. The motion carried. *Commissioner Lyman declared a conflict and abstained from voting.*

13. Chief Engineer's Report: Mr. Gillett updated the Commission regarding the Infrastructure Investment and Jobs Act (IIJA), including three recent Notice of Funding Opportunities (NOFOs). The first NOFO available is the Active Transportation Infrastructure Investment Program, which provides funding for government entities to design, construct, and bypass walking trails for active transportation. The second NOFO is Strategic Innovation for Revenue Collection, which is a program that seeks to fund pilot projects through competitive grants at state, regional and local levels to test the feasibility of a road usage fee and/or other user based alternative revenue mechanisms. There is \$15 million available for this program. Lastly, the third NOFO for transportation education and training development and employment program. This program makes \$4.2 million available for workforce training and development in the highway construction industry.

Mr. Gillett reminded the Commission that Congress has recently passed another Continuing Resolution, which appropriates funding for this year at last year's levels.

Wyoming has joined several other states in a lawsuit against the FHWA concerning greenhouse gases. As a result, the Wyoming Greenhouse Gases Reduction Targets Report has been postponed from February 1st to March 29th. This report requires Wyoming to create a plan to reduce greenhouse gases through transportation over time.

The recent Carbon Reduction Program Strategy Report for Wyoming was not accepted by the FHWA, and WYDOT has met with local and national FHWA representatives to enhance the report. Mr. Gillett thanked WYDOT staff for their efforts in assembling this report.

Mr. Gillett and WYDOT staff recently met with the Wyoming Game and Fish Department regarding strategies for wildlife crossings using a wildlife discretionary grant for US-189 between Evanston and Kemmerer. There is also support for the Dubois wildlife crossing project as well as the Halleck Ridge I-80 overpass project. It was decided that the Game and Fish Department would talk to local Tribes about applying for a grant for the Dubois wildlife crossing project and WYDOT would apply for a grant for the Halleck Ridge I-80 overpass project. This strategy would increase the chance that Wyoming would be awarded these grants.

Mr. Gillett advised the Commission that he is currently working on three different informal disputes for three different construction projects.

Mr. Gillett stated that he is on the Programs Decision Committee for the Wyoming Federal Land Access Program, which is overseen by the FHWA Central Federal Lands Program. The Land Access Program allocates funds for road and bridge projects that access federal lands. Although any Wyoming governmental entity is eligible to apply for these funds, Mr. Gillett has not submitted an application for WYDOT to allow interested counties to be competitive in the awarding of funds. Applications are being taken for this fund through April 30th, and the Committee also plans to program two to four years of projects at approximately \$10 million per year.

WYDOT is meeting with the broadband providers industry regarding broadband fiber inside the highway right of way. The main topic being discussed is the Shared Resources Agreement, which is an agreement between WYDOT and the broadband providers that requires providers to install additional conduit for current or future use by WYDOT. This is also referred to as a “Dig Once” policy which helps conserve the limited space within the right of way. After several meetings, Mr. Gillett believes the agreement is close to being finalized, and acknowledged all WYDOT employees involved in this project. Commissioner Crank questioned why WYDOT has been previously been opposed to multiple providers accessing the right of way as needed. Mr. Gillett advised that right of way has typically been purchased for highway purposes only, but there are several other utilities such as water and sewer in the right of way and multiple accesses may lead to utilities “zig-zagging” through the right of way, which can impede future projects. Mr. Gillett also explained that the “Dig Once” policy is a national policy.

Mr. Gillett reminded the Commission that the Wyoming Legislature passed a bill allowing off road vehicles (ORVs) in the right of way with stipulations. WYDOT is working closely with State Parks and Cultural Resources to approve and sign an agreement between the two agencies. An internal policy is being developed to guide the agreement and rules and regulations process for this bill.

Mr. Gillett advised that the current Construction Management System (CMS) requires an approving authority be listed for change orders. If a change order is above \$500,000.00, the Commission decided that once they approve the change order, either Mr. Gillett or Director Westby will log in to the CMS and choose the Commission as the final approving authority.

Commission recessed to break at 11:52 a.m.

Commission returned to public session at 12:05 p.m.

13Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the February 8, 2024 letting.

State Project SCP-TC-0607038 to mill, overlay, chip seal, make ADA upgrades, and one (1) bridge rehabilitation (deck repair and overlay, bridge railing modification, and erosion repair) on approximately 5.9 miles on US-14 beginning at RM 154.63 in Crook County. Completion Date: October 31, 2024.

<i>Engineer’s Estimate</i>	\$4,799,272.00	
McGarvin-Moberly Construction Co., Worland, WY	\$5,113,545.66	6.5%
Croell, Inc., Sundance, WY	\$5,187,377.20	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$5,339,217.75	
Simon Contractors, Cheyenne, WY	\$5,490,410.25	
Northern Improvement Company, Fargo, ND	\$5,406,322.22	
<i>Plus 5% for Comparison</i>	\$5,676,638.33	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Dolezal 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 the responsive low bidder. The motion carried, with Commissioner Crank voting no.

State Project SCP-TC-B241009 to chip seal on approximately 45 miles at various locations in Transportation District 1. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$3,221,700.00	
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$2,970,250.00	-7.8%
<i>Plus 5% for Comparison</i>	\$3,118,762.50	
Simon Contractors, Cheyenne, WY	\$3,181,182.50	
Bituminous Paving, Inc., Ortonville, MN	\$3,049,000.00	
<i>Plus 5% for Comparison</i>	\$3,201,450.00	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Baker that Intermountain Slurry Seal, Inc., of Salt Lake City, Utah, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously.

Federal Projects STP-PM-B232016 and SCP-CN08095 combined to scrub seal and chip seal on approximately 28 miles at various locations in Transportation District 2. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$1,830,852.95	
Bituminous Paving, Inc., Ortonville, MN	\$1,823,873.60	-0.4%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,949,480.65	
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$1,952,445.15	
71 Construction, Casper, WY	\$2,432,413.71	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Baker that Bituminous Paving, Inc., of Ortonville, Minnesota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Projects STP-0507001 to mill, overlay, chip seal, and replace guardrail and fence on approximately 3.0 miles on WYO-90 beginning at RM 0.0. Completion Date: September 30, 2024.

<i>Engineer's Estimate</i>	\$1,638,847.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,172,434.18	-28.5%
Croell, Inc., Sundance, WY	\$1,352,012.95	
71 Construction, Casper, WY	\$1,629,907.71	

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

Federal Projects STP-PM-B241011 and STP-BR-B241014 combined to mill, overlay, replace concrete slab, and two (2) bridge rehabilitations (1 bridge over railroad) (deck repair and epoxy overlay, bridge railing, expansion joint and bearing device repair/modification) on approximately 0.93 miles on I-80 Business Loop beginning at RM 0.33 in the City of Laramie. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$1,627,649.00	
S&S Builders, LLC, Gillette, WY	\$1,577,577.00	-3.1%
Reiman Corp., Cheyenne, WY	\$1,731,446.50	

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

Federal Project HSIP-B243030 for epoxy pavement striping on approximately 134 miles at various locations in Transportation District 3. Completion Date: June 30, 2024.

<i>Engineer's Estimate</i>	\$1,424,780.00	
Streamline Markings, Inc., Billings, MT	\$1,398,370.00	-1.9%
S&L Industrial, Cowley, WY	\$1,479,600.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that Streamline Markings, 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. The motion carried unanimously. FHWA concurred with this decision.

Federal Project NHPP-N271038 to chip seal approximately 14.3 miles on US-26 beginning at RM 0.44. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$906,487.00	
Bituminous Paving, Inc., Ortonville, MN	\$822,226.00	-9.3%
JTL Group, Inc DBA Knife River, Cheyenne, WY	\$865,681.30	
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$874,252.00	
Croell, Inc., Sundance, WY	\$1,129,695.00	
71 Construction, Casper, WY	\$1,236,194.71	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Baker that Bituminous Paving, Inc., of Ortonville, Minnesota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming,

be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project HSIP-B249025 for epoxy pavement striping on approximately 70.9 miles in Transportation Districts 1 and 4. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$706,350.00	
Streamline Markings, Inc., Billings, MT	\$826,880.00	17.1%
S&L Industrial, Cowley, WY	\$990,300.00	

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

Federal Project PRT-0607040 for rockfall mitigation (manual rock scaling and excavation) at various locations on US-14 and WY-24 in Crook County. Completion Date: May 31, 2024.

<i>Engineer's Estimate</i>	\$678,654.00	
Drill Tech Drilling and Shoring, Inc., Antioch, CA	\$1,237,996.00	82.4%
Triptych Construction, LLC, Glide, OR	\$1,241,293.76	
Oftedal Construction, Inc., Casper, WY	\$1,307,508.00	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Dolezal that Drill Tech Drilling and Shoring, Inc., of Antioch, California, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project HSIP-B249024 for epoxy pavement striping on approximately 20.4 miles on US-212 in Crook County. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$285,980.00	
Streamline Markings, Inc., Billings, MT	\$217,920.00	-23.8%
S&L Industrial, Cowley, WY	\$296,258.00	
Traffic Safety Services, Inc., Bismarck, ND	\$299,486.00	

It was recommended by Mr. Fulton, moved by Commissioner Baker and seconded by Commissioner Dolezal that Streamline Markings, 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. The motion carried unanimously. FHWA concurred with this decision.

13Aii. February FY 2024 State Transportation Improvement Program (STIP) Addendum: Mr.

Fulton presented the February FY 2024 STIP Addendum.

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Lyman to approve the February FY 2024 STIP addendum. The motion carried unanimously.

13Aiii. U.S. Bicycle Route 76 in Wyoming: Mr. Fulton summarized historical and recent efforts by AASHTO to designate a bicycle route across Wyoming that links with other segments across neighboring states including Idaho and Colorado. However, WYDOT did not support designating parts of I-80 as part of Route 76, and so additional miles were added so as to avoid bicyclists on I-80. The designation report will be submitted in March to AASHTO. Commissioner Willox expressed concern that future regulations regarding this project may cause safety issues and changes to road should requirement. Mr. Baker also expressed concerned that there may not be facilities available along this route for bicyclists, and that some locations may be too challenging for those less experienced.

13Aiv. Commission Highway Design Projects Updates: Mr. Fulton provided status updates regarding projects I804276 Rawlins-Creston Junction/County Line East Eastbound Lanes and WL32304 Kemmerer South Crossing.

13B. Mr. DeHoff presented the Operations Report.

WYDOT was recently awarded the Wyoming Engineering and Surveying Society 2023 President's Project of the Year Award for the I-25 over Walsh Drive project in Casper. The annual award recognizes excellence in engineering and surveying projects utilized by the State of Wyoming. Mr. DeHoff congratulated all WYDOT employees and contractors involved in this project. Another project that was recognized is the Curtis Street Interchange along I-80 in Laramie.

Operations: Maintenance teams continue winter and snow removal operations. There have been some road closures due to weather conditions and vehicle crashes. However, compared to last year, this winter is milder. If time and weather allow, crews will complete other projects such as fencing and trash pickup.

There are currently 41 vacancies in maintenance, which is the same as last month and 21 less than the same time last year.

Mr. DeHoff advised that the incentive pay is helping hiring efforts and crews are not having to move around the state as much.

Three snow plows have been hit since the January 2024 Commission meeting. The total for the season is now ten hits. Most hits have been sideswipes or minor "taps" to the plow.

Mr. DeHoff advised that on February 6th on WYO 789 in the Wind River Canyon, big rocks fell on to the roadway and guardrail and damaged them in the early morning hours. There were no

injuries and traffic was able to continue unhindered, and local crews were able to address the damages very quickly.

Mr. DeHoff also thanked all those involved in the recent TNHM reclassification efforts and is satisfied with the outcome.

There are currently 14 active construction projects across the state, which is slightly more than last month. Some of the projects involve the U.S. 30 project east of Cheyenne, the I-25 marginal project in District 2, the Snake River project in District 3, and high mast towers across the state.

Mr. DeHoff reminded the Commission that before a storm is scheduled to arrive, a conference call is held that includes WHP personnel, District Engineers, District Maintenance Engineers, and a meteorologist from the Transportation Management Center (TMC) to devise a plan to handle the incoming bad weather.

Stripers have been put away for the season, and annual maintenance is being conducted. Crews are also helping maintenance plow snow during storms.

Electrical crews continue to perform routine maintenance on signals and other devices.

Equipment: Mechanics are currently repairing plow trucks and other snow removal equipment. The eighth rotary has not been received as scheduled, but it is on its way to the final destination now after equipment updates. Mr. DeHoff read a thank you letter to the Commission from a maintenance crew member regarding the purchasing of the rotaries.

Equipment orders are being received, and progress is being made at rigging shops.

Facilities: All other facilities are open at this time.

14. March 2024 Commission Meeting: Secretary Casner advised that the March 2024 meeting will be held in Douglas. The education session topic is tentatively scheduled to be the Employee Satisfaction Survey results and the McGee, Hearne, and Paiz Audit.

15B. Commissioner Comments: Commissioner Willox addressed the need for a good working relationship between local governments and WYDOT. Commissioner Baker thanked the Commission and staff for their patience with new Commissioners and willingness to assist. Commissioner Hughes requested other areas within WYDOT be analyzed for possible wage disparities, similar to the analysis of the TNMH positions. Commissioner Lyman echoed Commissioner Baker's comments, and stated that he has enjoyed his time so far on the Commission. Commissioner Lyman also stated that he believes the new split schedule for the Commission will work well. Commissioner Crank stated that he believes the Commission is working well and is pleased with the results of the work the Commission is doing. Commissioner Dolezal agreed with Commissioner Crank, and thanked everyone for their hard work. Chair Holmes thanked the Attorney General representatives for their work, especially for information

recently distributed regarding lobbying. Chair Holmes also believes the new split schedule will work well and allow for more engagement.

16. Executive Session: It was recommended by Director Westby, moved by Commissioner Crank and seconded by Commissioner Dolezal to enter in to Executive Session to discuss current and proposed litigation matters, pursuant to Wyoming State Statute 16-4-405(a)(iii), to discuss litigation matters and to receive legal advice. The motion carried unanimously.

Commission recessed to Executive Session at 1:19 p.m.

Commission returned to public session at 1:36 p.m.

17. It was moved by Commissioner Dolezal and seconded by Commissioner Lyman to adjourn the meeting at 1:39 p.m. on Thursday, February 15, 2024. The motion carried unanimously.