

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom and in person on October 19, 2023. Chair Holmes convened the meeting at 8:30 a.m. The following members were present constituting a quorum:

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

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Mark Gillett, Chief Engineer; Keith Fulton, Assistant Chief Engineer for Engineering and Planning; Major Karl Germain, Wyoming Highway Patrol (WHP); Trooper Jason Robinson, WHP; Taylor Rossetti, Support Services Administrator; Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Brian Olsen, Aeronautics Administrator; Nicholas Gronski, Procurement Services Program Manager; Rodney Freier, Budget Program Manager; John Davis, Management Services Manager; Lilian Zuniga, Civil Rights Program; Carlos Machado, Federal Highway Administration (FHWA) Division Administrator for Wyoming; Hank Rettinger, FHWA; Senator Stephan Pappas; Representative Kevin O’Hearn; Senator Eric Barlow; Steve Bastian, Simon Contractors; Jess Gray, TCRI Energy Services; Don McKillop, DRM Inc.

Other meeting attendees: Jordan Young, Public Affairs; Mark Horan, Public Affairs; Matt Groth, Public Affairs; Mark Ayen, District Two Engineer; John Eddins, District Three Engineer; Scott Taylor, District Four Engineer; Doug Jensen, Contracts and Estimates; Lieutenant Colonel Joshua Walther, WHP; Chelsey Lindsay, Senior Budget Analyst; Pam Fredrick, Senior Budget Analyst; Julie Newlin, Program Performance Manager; 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.

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

10Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the October 12, 2023 letting.

Federal Projects STP-N561041 and ARSCT-N561A01 and ARSCT-N561A02 to widen the roadway to five lanes, overlay, pathway, sidewalk, storm drain, traffic signals, and utility adjustments on approximately 2.60 miles on Cheyenne Streets (US 30 / Pershing Boulevard-Christensen Road) beginning at RM 365.74. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$21,482,430.00
Simon Contractors, Cheyenne, WY	\$18,351,814.92 -14.6%
Reiman and Aztec JV Limited Partnership, Cheyenne, WY	\$19,129,466.55

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Hughes that Reiman and Aztec JV Limited Partnership, of Cheyenne, 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.

Mr. Fulton summarized the bid process and review by WYDOT staff of received bids, as well as what the construction company attests to when they submit their bid. Mr. Fulton reminded the Commission that they reserve the right to reject any and all bids, to waive bid irregularities, or to advertise for new bids. Mr. Fulton explained the discrepancies noted by the Civil Rights program in the Disadvantaged Business Enterprise (DBE) information provided by Simon Contractors.

Commissioner Baker confirmed with Mr. Fulton that Simon Contractors will not be allowed to modify or correct their submitted bid documents. Commissioner Willox reminded the Commission that it is possible for the Commission to award with conditions, and asked if requiring Simon Contractors to fix the discrepancies would be an acceptable condition of award. Mr. Fulton explained that this would be outside the norm, and acceptable conditions of award include situations where a railroad or right of way clearance is needed. Commissioner Crank asked Mr. Fulton to clarify if he believed that Simon Contractors simply did not complete the bid forms. Mr. Fulton agreed and that the form was not filled out as required. Mr. Crank also stated that currently WYDOT is contracted with Simon Contractors on several other projects, and in the past Simon Contractors has used DBE contractors and complied with all requirements. Mr. Crank confirmed that the Commission has the discretion to accept the Simon Contractors bid or the Reiman and Aztec JV Limited Partnership. Ms. Zuniga explained the bid analysis process the WYDOT Civil Rights office goes through when a bid is submitted. Commissioner Lyman questioned if there was a difference between irregularities or discrepancies, as both terms have been used by WYDOT staff. Mr. Fulton stated that the information provided by Simon Contractors was ambiguous, and that would classify the bid as irregular and unresponsive. Mr. Kahler confirmed that the Commission could choose to waive the irregularities and award as they see fit. Commissioner Baker asked if federal funding for the project would be in jeopardy should the Commission chose to waive the irregularities and award the contract to Simon Contractors. Mr. Machado stated that if the Commission chose to waive the irregularities, FHWA would not concur and federal funding would not be available for this project. Mr. Crank stated that he feels it would be most appropriate for the Commission to reject all bids and put the project back out for new bids. Commissioner Dolezal asked if there was a projected start date. Mr. Fulton explained that the start date is based on when a notice to proceed is drafted and sent by WYDOT. Commissioner Willox advised that both bids are under the Engineer's Estimate, and that at this time he feels the Commission should accept Mr. Fulton's recommendation.

Steve Bastian with Simon Contractors explained that on this project, Simon intends on using two of the five DBE solicitations and explained the information provided in the bid packet as it pertains to sub-contractors. Mr. Bastian also referenced a prior conversation with Ms. Zuniga in which she

said she would recommend for award with notes. Overall, Mr. Bastian feels that Simon Contractors made a good faith effort submitting the bid documents. Commissioner Baker confirmed that there is a 0% goal for DBE on this project, and that in his opinion this bid meets the qualifications. Mr. Rossetti explained the process for the Civil Rights office when a bid is submitted and that the WYDOT DBE program is approved by the FHWA. Mr. Crank reiterated his request to reject all bids, especially when it would mean a difference in cost of over \$770,000.00.

The motion carried, with Commissioners Crank, Lyman, and Baker voting no. FHWA concurred with this decision.

Federal Projects NHPP-N311101 and STP-RF-B255020 involving mill work, overlay, chip seal, one (1) bridge rehabilitation (deck and expansion joints) and fence replacement on approximately 14.70 miles on US 14/16/20 beginning at RM 75.72 between Cody and Greybull and 7.54 miles on WYO 120 beginning at RM 111.00 between Cody and Montana. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$9,649,182.00	
Mountain Construction Company, Lovell, WY	\$9,205,856.67	-4.6%
Riverside Contracting, Inc., Missoula, MT	\$9,356,820.00	
McGarvin-Moberly Construction Co., Worland, WY	\$9,710,330.80	
Croell, Inc., Sundance, WY	\$9,859,436.40	
Avail Valley Construction-WY, LLC, Afton, WY	\$12,594,474.84	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Willox that Mountain Construction Company, of Lovell, 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 HIP-B234002 and SCP-TC-BR-B234033 involving five (5) bridge rehabilitations (deck replacement, expansion joints, concrete repair, deck overlays, approach slabs) in various locations in Transportation District 4. Completion Date: October 31, 2025.

<i>Engineer's Estimate</i>	\$9,647,578.00	
S&S Builders, LLC, Gillette, WY	\$10,716,307.00	11.1%
Reiman Corp., Cheyenne, WY	\$10,754,197.65	

It was recommended by Mr. Fulton, moved by Commissioner Lyman 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 STP-1202031 and ARSCT-1202A02 and CD22307 involving full depth reclamation work, overlay, ADA upgrades, pathway, and one (1) bridge rehabilitation (deck overlay, approach slabs). Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$6,051,311.00	
H-K Contractors, Inc., Idaho Falls, ID	\$6,495,569.00	7.3%
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$7,275,276.27	
Avail Valley Construction-WY, LLC, Afton, WY	\$7,537,325.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that H-K Contractors, Inc., of Idaho Falls, Idaho, 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-N432062 involving mill work, overlay, and wearing course on approximately 6.70 miles on WYO 59 beginning at RM 77.00 just north of Reno Junction. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$5,882,935.00	
McGarvin-Moberly Construction, Co., Worland, WY	\$5,343,152.63	-9.2%
Simon Contractors, Cheyenne, WY	\$5,579,481.45	
Croell, Inc., Sundance, WY	\$5,657,613.45	
Northern Improvement Company, Fargo, ND	\$6,538,555.50	

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

State Projects SCP-TC-0404014 and SCP-0404015 involving mill work, overlay, chip seal and replacing pipe with box culvert and chip sealing of the WYDOT maintenance yard on approximately 3.60 miles on WYO 72 South beginning at RM 12.37 between Hanna and Elk Mountain. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$3,373,012.00	
Simon Contractors, Cheyenne, WY	\$3,588,353.00	6.4%
Avail Valley Construction-WY, LLC, Afton, WY	\$4,257,615.01	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Hughes that Simon Contractors, of Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurrence was not required.

State Project PEG2431 involving stockpiling salt/sand for winter maintenance in various locations in Transportation District 3. Completion Date: March 31, 2024.

<i>Engineer's Estimate</i>	\$2,970,360.00	
Avail Valley Construction-WY, LLC, Afton, WY	\$3,789,728.00	27.6%

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Hughes that Avail Valley Construction-WY, LLC, of Afton, 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, with Commissioner Crank voting no. FHWA concurrence was not required.

Federal Project STP-1111003 involving mill work, overlay, turn lane, new railroad crossing, and replacing pipe with box culvert on approximately 1.30 miles on US 30 beginning at RM 401.76 between Pine Bluffs and Nebraska. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$2,496,579.00	
Simon Contractors, Cheyenne, WY	\$2,282,976.50	-8.6%
Pine Bluffs Gravel & Excavating, Inc., Pine Bluffs, WY	\$2,338,138.37	
IRREGULAR BID		

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

Federal Project STP-BR-B232015 involving three (3) bridge rehabilitations (expansion joints, bridge rail, deck overlays, approach slabs) at various locations in Transportation District 2. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$2,417,345.00	
Reiman Corp., Cheyenne, WY	\$1,988,526.35	-17.7%
S&S Builders, LLC, Gillette, WY	\$2,484,084.00	

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

Federal Project STP-PM-B232017 involving crack sealing of 112 miles at 14 locations in various locations in Transportation District 2. Completion Date: April 30, 2024.

<i>Engineer's Estimate</i>	\$1,587,626.00	
Highway Improvement, Inc., Sioux Falls, SD	\$926,726.00	-41.6%
Z&Z Seal Coating Inc., Laurel, MT	\$1,137,334.74	

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

10Aii. October Fiscal Year (FY) 2024 State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the October FY 2024 STIP Addendum.

It was recommended by Mr. Fulton, moved by Commissioner Willox, seconded by Commissioner Dolezal, and carried unanimously to approve the October FY 2024 STIP addendum.

Commission recessed to break at 9:40 a.m.

Commission returned to public session at 9:47 a.m.

3A. September 21, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes and seconded by Commissioner Baker to approve the September 21, 2023 Business Meeting minutes.

Commissioner Willox requested that in the future, motions be listed in the following order: recommendation, first and second, discussion, and then the vote.

The motion carried unanimously.

5. Public Comment: Senator Barlow addressed the Commission and thanked them for their attention to the issues presented in the Gillette area and urged them to consider if these issues might be present in other Wyoming communities. Senator Barlow also stated that based on citations that are being issued in the Gillette issues, several jury trials have been requested. Barlow introduced Mr. Jess Gray of TCRI Energy Services and Don McKillop of DRM Inc. Mr. McKillop explained the issues that his company is concerned with, including the placement of black and white signs near Gillette and the amount of times they are required to go through a Port of Entry per load. Mr. McKillop requested that certain black and white signs be changed to be green, informational signs. Mr. McKillop also addressed discrepancies between the Sundance Port of Entry and the Gillette Port of Entry, especially when it comes to scales, load weights, measurements and citations. McKillop emphasized the need for a partnership between trucking companies and the Highway Patrol.

Mr. Gray also addressed the Commission and discussed issues he has seen, including the placement of black and white signs on Garner Lake Road.

Trooper Jason Robinson clarified that if a truck stops at the Sundance Port of Entry and then continues west on I-80, they are not required to stop at the Gillette Port of Entry. Mr. McKillop and Mr. Gray advised that there have still been issues with truckers being stopped by WHP after

not going to the Gillette Port of Entry. Trooper Robinson also advised that the WHP is still able to come to businesses and go through a truck with company representatives and answer any questions they may have.

Commissioner Willox thanked Mr. Gray and Mr. McKillop for their time and attendance at the Commission meeting. Director Westby thanked Senator Barlow for his involvement in this topic, and Mr. Gray and Mr. McKillop for their attention to this topic and assistance in ensuring safe travel for all. Colonel Cameron advised that the WHP will continue to evaluate and make changes as necessary and also emphasized that there is a common goal of safe roads and safe travels.

Commissioner Hughes referenced information that was shared at the Gillette Port of Entry tour that said approximately 1/3 of all trucks that go through that Port are overweight/oversized, and that some issues may need to be addressed within the trucking industry.

6. Adoption of Chapter 7, Motor Vehicle Records Proposed Rules: Mr. Rossetti summarized the proposed changes to Chapter 7, Motor Vehicle Records and advised that no public comment was received on the changes.

It was recommended by Mr. Rossetti, moved by Commissioner Willox and seconded by Commissioner Baker to approve the proposed changes to Chapter 7, Motor Vehicle Records. The motion carried unanimously.

Commission recessed to break at 10:41 a.m.

Commission returned to public session at 10:46 a.m.

7. 2024 Meeting Schedule: Secretary Casner summarized the 2024 Commission meeting schedule and highlighted the meetings that will be held outside of Cheyenne. Director Westby advised the Commission that the annual Association of General Contractors-Wyoming (AGC-WYO) meeting is in Casper in January, but does not coincide with the Commission meeting that month. If Commissioners wish to attend the AGC-WYO meeting, it will not be in conjunction with Commission events.

Commissioner Crank suggested a Commission meeting be held in Douglas, Dubois, Cody, or Riverton as he believes it is important to visit the people of Wyoming. Commissioner Dolezal suggested arranging the Commission meeting locations according to local projects. Commissioner Lyman suggested possibly having Service Award Luncheons in alternate locations as well to maximize employee recognition. Commissioner Baker agreed, and stated that August may be an appropriate month to hold an out-of-Cheyenne Commission meeting as well as a Service Award Luncheon. Commissioner Baker also referenced the ongoing federal discussion regarding the Beartooth Highway and that this may be a good opportunity for a tour by the Commission. Director Westby recommended waiting to decide on a tour of the Beartooth Highway until after a meeting is held between Wyoming and Montana and federal representatives in 2024. Commissioner Crank requested that the March 2024 meeting be held in Douglas, and the August 2024 meeting be held

in Cody. Commissioner Willox agreed and suggested that the August 2024 meeting be tentatively scheduled in Cody.

8. Director's Report. Director Westby thanked the Commission, WYDOT staff, Senator Barlow, and others for their involvement in working to resolve issues regarding the Gillette and Sundance Ports of Entry.

Director Westby advised that approval was received from the Department of Administration and Information (A&I) Human Resources Division (HRD) to proceed with hiring incentive programs for hard to fill positions and a market analysis on lower than market positions. Current WHP dispatch employees will be notified of increased pay and advertisements for open positions have been posted in various locations.

Director Westby reminded the Commission that a federal shutdown was avoided, but is concerned that an appropriations bill may not be passed in a timely manner.

Westby recently attended the Wyoming Association of County Officials (WACO) meeting and is eager to continue building relationships.

WYDOT staff recently met with the U.S. Forest Service, and Mr. Gillett will expand on that meeting during his report.

Director Westby advised that he has been doing research and analysis on Indirect Cost Allocation Program (ICAP) and will be reporting at a future meeting regarding his findings and suggestions.

Director Westby recently met with other agencies and Governor Gordon to discuss issues WYDOT is facing and ways to increase funding as well as combat the effects of inflation.

A ribbon cutting was recently held at the Dry Piney Wildlife Project, and Westby thanked all those involved for their efforts in completing this important project. Director Westby hopes to have data regarding the effectiveness of the project in the coming months.

WYDOT staff recently presented the budget to the Governor's office, including the exception requests from WHP.

Several meetings have been and will continue to be held regarding broadband and the right of way including what is needed and what equipment should be installed. Several of the discussions regarding broadband center on the relocation of utilities from the right of way, and those issues are being worked through by WYDOT as well as other agencies such as the Wyoming Business Council. Commissioner Lyman asked if there are any penalties if a utility company does not relocate their utility. Mr. Gillett clarified that there are no penalties, but permits can be withheld until relocation occurs and damages are repaid.

Director Westby reminded the Commission that a space efficiency study will begin on the Cheyenne campus in the coming months. This study will be completed before recommendations are made for new construction of WYDOT offices or other changes.

Currently, Wyoming does not have a revised National Electric Vehicle Infrastructure (NEVI) plan submitted to FHWA. Director Westby advised that confirmation has been received that Wyoming would not be liable for charging stations after the initial five year period, and that WYDOT staff is working to finalize the revised NEVI plan and will submit it as soon as possible. After this, a Request for Information (RFI) would be put out to gauge interest in partnering with WYDOT to establish charging stations. Commissioner Crank requested the updated NEVI plan be submitted to the Commission before final submission.

Director Westby referenced the Rock Springs Resource Management Plan (RMP) and expressed concern that future trona mining could be affected, which is needed for electric vehicles.

The Public Safety Communications Commission will be meeting in the coming weeks, and a major topic will be NextGen 911.

Director Westby will also be attending the Hospitality and Tourism Summit as well as meeting the Superintendents in Northwest Wyoming. Westby will also be attending WASHTO meetings and AASHTO meetings in the coming weeks.

Westby advised that the Joint Transportation, Highways and Military Affairs next meeting will be held at the beginning of November and several bill drafts will be discussed. WYDOT staff continues to analyze how each bill draft would impact Wyoming residents. Westby also advised that an efficiency study may be pursued at a later time by legislators. Chair Holmes requested that a Commission member join the meeting if possible.

Commission recessed to break at 11:46 a.m.

Commission returned to public session at 12:01 p.m.

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

9A. Propane Bid Bonding: Mr. Gronski presented to the Commission regarding the risk matrix used by Procurement for bonding. Mr. Gronski also discussed bid bonds, supply bonds, and contractor bonds, bond costs, bonding and contract pros and cons, contract enforcement and bonding enforcement, and presented scenarios where the risk matrix may be applied. Commissioner Willox requested that Mr. Gronski's presentation be sent to the Commission.

9B. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 95 percent expended, and the legislative budget was 93 percent expended in Fiscal Year 2023.

9C. Award of Procurement Services Bids. It was recommended by Mr. Byrne to move Bid number 23-233NG and Requisition Numbers 0000068705, 0000068716, 0000068719, 0000068733, 0000068739, and 0000068772 to a consent list. It was moved by Commissioner Lyman and seconded by Commissioner Willox to move Bid number 23-233NG and Requisition Numbers 0000068705, 0000068716, 0000068719, 0000068733, and 0000068772 to a consent list. The motion carried unanimously.

It was moved by Commissioner Willox and seconded by Commissioner Baker to approve, by consent, the following bids. The motion carried unanimously.

- Bid 23-233NG to furnish maintenance shop roof replacement to the department located in Gillette. The bid was awarded to Lowe Roofing of Wyoming, LLC, of Gillette, Wyoming, for the sum of \$289,650.000.
- Requisition Number 0000068705 to furnish annual Falcon maintenance for use by the Department. The requisition was awarded to tsaADVET, of Pittsburgh, Pennsylvania, for the sum of \$229,291.00.
- Requisition Number 0000068716 to furnish annual Oracle PeopleSoft enterprise maintenance for use by the Department. The requisition was awarded to Oracle American, Inc., of Austin, Texas, for the sum of \$528,419.84.
- Requisition Number 0000068719 to furnish application support for PeopleSoft and Agile Assets for use by the Department. The requisition was awarded to TriCore Solutions, LLC, of Norwell, Massachusetts, for the sum of \$564,000.00.
- Requisition Number 0000068733 to furnish 511 telephony services for use by the Department. The requisition was awarded to Iteris, Inc., of Santa Ana, California, for the sum of \$292,952.00.
- Requisition Number 0000068772 to furnish PowerAdvantage, ProParts, and aircraft maintenance for use by the Department. The requisition was awarded to Cessna Aircraft Co., of Wichita, Kansas, for the sum of \$810,966.00.

It was recommended by Mr. Byrne, moved by Commissioner Willox and seconded by Commissioner Hughes to award Requisition Number 0000068739 to furnish MicroStation CAD software and OpenRoads engineering design software for use by the Department.

Commissioner Lyman expressed concern that there may be other software systems that would increase efficiency and alleviate issues and may be a better option. Mr. Gillett advised that other software has been evaluated by WYDOT staff and the MicroStation CAD software has been deemed the best fit. Commissioner Willox questioned if a Request for Proposal (RFP) would be appropriate in the near future. Director Westby advised that a complete enterprise change would be difficult but may be in the best interest of the agency. Mr. Fulton advised that a meeting with the software provider will be held in the coming weeks to discuss the level of service and cost to

WYDOT. Director Westby advised the Commission that staff will begin work on investigating what other products might be available and will report back to the Commission.

The motion carried unanimously. The bid was awarded to Bentley Systems, Inc., of Exton, Pennsylvania, for the sum of \$497,879.91.

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

Infrastructure Investment and Jobs Act (IIJA): WYDOT has submitted an application for the Fiscal Year 2022/2023 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Special Circumstances Grant for the College Drive grade separation project in South Cheyenne. The total project cost is estimated to be \$48 million, and there will be a 20% match required, which will be split between WYDOT and the Union Pacific Railroad. WYDOT also plans to apply for a Strengthening Mobility and Revolutionizing Transportation (SMART) Grant, to revamp and improve end to end work zone collection process. This will help WYDOT provide more accurate information to travelers concerning where projects are and what is occurring. If awarded, the project will take place in two stages. The first stage will be planning and prototyping, with the second stage being implementation. Mr. Gillett anticipates applying for \$1.5 million for stage one (1) and \$1 million for stage two (2). Stage one does not require a state match, and at this time FHWA has not made a decision on if stage two will require one.

WYDOT has not been informed of the outcome of the application for the Combined Raised Rural Grant Funding Notice of Funding Opportunity (NOFO). The first project was the I-80 winter freight refuge and congestion relief, which is near Evanston. The second project was the Coffeen Avenue restoration and community connectivity project in Sheridan, and the third project was the WYO/US 20 passing lanes between Casper and Shoshoni and Shoshoni and the beginning of the Wind River Canyon. WYDOT has submitted an application to Governor Gordon's office for matching funds in the event WYDOT is awarded the grant.

Rare Earth Resources: Mr. Gillett and several members of District 4 staff recently attended an open house put on by Rare Earth Resources, who plan to mine rare earth minerals from the Bull Mountain area, north of Sundance in the Black Hills. Rare Earth Resources plans to haul the rare earth minerals to a facility in Upton for further processing and then will ship the desired minerals using the railroad. The processing facility is currently being constructed, and it is expected that the facility will be finished and mining started within ten (10) months. It is expected that if the beginning of the project is successful, operations will be expanded and over 40 trucks will haul mine material to Upton daily. Operations are expected to last 35-40 years. A bypass may need to be constructed to route the trucks so that they do not go through towns on their route. At this time, 85% of rare earth minerals are mined and processed in China, and so this project could help Wyoming and the U.S. as a whole.

U.S. Forest Service: Mr. Gillett and WYDOT staff recently met with Phil Osterly, the U.S. Forest Service liaison for Wyoming. Topics of discussion included filling the U.S. Forest Service/WYDOT liaison position and salary payment, rural broadband collaboration, and off-highway parking issues.

10B. Mr. DeHoff presented the Operations Report.

Construction: The construction season is currently wrapping up. There are currently 29 active construction projects across the state. Temporary measures will be taken on those projects that are unable to be completed by the beginning of winter. The Casper Marginal project will continue through the winter.

FHWA Grant: WYDOT recently received an FHWA grant for the Everyday Counts Initiative, which will be used for e-ticketing on construction projects. E-ticketing will increase safety and provides real time data on what is being delivered to the site. Mr. DeHoff will have a report on the progress of e-ticketing at a later date.

Operations: Mowing operations continue to be a priority around the state, which will help snow removal efforts.

The state hot plant is currently in the Baggs area and is expected to finish operations soon.

Winter weather recently occurred in Wyoming, causing the closure of several roads. Mr. DeHoff thanked all those involved in re-opening the roads, and advised that at this time there have been zero (0) snow plow hits.

There are currently 52 maintenance vacancies, and several of the current employees have never plowed snow. Mr. DeHoff is optimistic that recently approved recruitment measures will increase staffing levels. Temporary snow plow drivers are also being recruited, with a focus on recent retirees and seasonally laid off workers.

Draft Rule: A draft rule for the general section of Chapter 29 in regards to emergency lighting for snow removal equipment was recently sent out. This rule would give WYDOT and other entities the ability to experiment with alternate lighting colors for snow removal equipment to improve safety. WYDOT is analyzing the possible benefits of using pink and green lights, which may be able to be seen better by the traveling public.

Traffic: Striping projects are also a priority for WYDOT crews. Crews will continue to complete projects as weather allows.

There are several traffic impact studies occurring with construction continuing around the state. Speed studies are also being conducted to ensure safety.

Equipment: Mechanics are repairing summer equipment as well as assessing and repairing snow equipment.

Three snow rotaries have been delivered, with the fourth being delivered at the end of October to Lander, and the fifth will be delivered to Casper in mid-November. The sixth rotary will be delivered to Laramie at the end of November, with the seventh rotary being delivered to Jackson in December.

Facilities: All facilities and rest areas are open at this time, with the exception of the Fort Steele location. The Fort Steele location is tentatively scheduled to open at the end of November or beginning of December, pending gate valve replacement and caretaker hiring.

11. Major Karl Germain presented the Highway Patrol Report.

The Fatal Crash Summary through September 30, 2023, includes 89 fatal crashes involving 108 deaths. The fatalities include 28 rollover crashes, 50 multi-car crashes, 2 fixed-object crashes, 13 motorcycle crashes, 3 all-terrain vehicle crashes, 2 snowmobile crashes, 9 pedestrian crashes, and 1 bicyclist crash. Of the 89 fatal crashes that have occurred in 2023, 29 involved commercial vehicles.

There was 1 fatal crashes deemed drug or alcohol related, resulting in 1 death through September 2023.

Of the 108 deaths this year, 45 were attributed to not using occupant restraints, with 22 involving rollover crashes, 21 involving multi-car collisions, and 2 involving fixed objects. Twenty-four of those who died from the non-use of occupant restraints were Wyoming residents. Eleven perished that were under 21 years old.

Of the 89 fatal crashes so far this year, 103 of those drivers had no distractions. In 50 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 89 fatal crashes that have occurred this year, 39 occurred on primary/secondary highways, 31 occurred on interstate highways, and 19 occurred on city/county roads.

Of the 89 fatal crashes that have occurred this year, 13 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	9 crashes
Monday	17 crashes
Tuesday	10 crashes
Wednesday	15 crashes
Thursday	4 crashes
Friday	15 crashes
Saturday	19 crashes

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

12:00 a.m. to 6:00 a.m.	13 crashes
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6:00 a.m. to 12:00 p.m.	16 crashes
12:00 p.m. to 6:00 p.m.	34 crashes
6:00 p.m. to 12:00 a.m.	26 crashes

The Commission also heard the following statistics:

- 79 percent of those who died in rollover crashes were unbelted.
- 42 percent of those who died in multi-vehicle crashes were unbelted.
- 100 percent of those who died in fixed-object crashes were unbelted.
- 69 percent of the fatalities in 2023 were drivers.
- 23 percent of the fatalities in 2023 were passengers.
- 22 percent of the resident fatalities were unrestrained.
- 17 percent of non-resident fatalities were unrestrained.
- 28 percent of fatalities involved alcohol and/or drug impairment.

There were 4,464 patrol investigated crashes so far in 2023.

There was recently a WHP recruit testing, which saw 43 applicants. Twenty-four of those made it to the background check step, and it is expected that between 16-18 troopers will be offered positions. The training class for these applicants would begin in January 2024.

There are nine (9) candidates in the background check stage for WHP Dispatch, and is expected that between four (4) and six (6) candidates will be offered positions. A new training class would begin in December.

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

Federal Update: Mr. Olsen and staff continue to monitor the progress of the House and Senate regarding the FAA Reauthorization. There is some disagreement regarding pilot training rules. However, the FAA's authority to operate has been extended through the end of 2023 as part of the most recent Continuing Resolution.

The Biden Administration has nominated Michael Whitaker for the FAA Administrator position. Whitaker's confirmation hearing on October 4th before the Senate Commerce Committee went very well and a decision is expected soon.

Division and Airport Updates: Mr. Olsen advised that updates are being made to the Wyoming Aviation Capital Improvement Plan (WACIP) and projects are being evaluated and prioritized.

Construction projects are being wrapped up and final inspections are being completed.

The Wyoming Airports Coalition recently held their annual conference in Gillette, with the WYDOT Aeronautics holding a meeting immediately after.

Air Service News: Slightly lower load factors were seen in September in Wyoming, which is expected due to school beginning. November and December appear to be very strong for bookings, especially with holiday travel demand.

The Cheyenne runway re-opened on September 9th after construction that included several rain delays. Air service has been resumed with higher than anticipated demand.

The total amount of passengers that go through TSA checkpoints has increased, and numbers are at levels seen pre-Covid.

Overall, seat capacity is up two (2) percent over 2019 but flights are down ten (10) percent, which appears to mean that airlines are using larger aircraft. In Wyoming, efforts are being made to prepare for larger aircraft.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,763 personnel as of September 27, 2023, compared to 1,760 a month ago and 1,729 one year ago.

Mr. Rossetti summarized the areas within WYDOT that saw additional staffing over the last month as well as areas that still are in need of additional staffing. Mr. Rossetti also discussed efforts to increase staffing, including the possibility of hiring a recruitment firm.

12A. Department of A&I Workforce Report: Mr. Rossetti presented the July 1, 2022 – July 30, 2023 Department of A&I Workforce Report.

13. Chief Technology Officer's Report: Director Westby presented the Chief Technology Officer's Report on behalf of Mr. Smolinski.

RIS/TIS: Meetings are occurring between WYDOT and hired consultants regarding several areas, including interfacing with current data and programs and project timelines.

Transportation Management Center (TMC): Data collection is occurring to complete input into the algorithm from the recent blowover study.

The TMC is now operating in winter weather mode and is actively recruiting staff.

WyoLink: Director Westby summarized the WyoLink map provided to the Commission and briefly described current projects. Contractors are working to complete projects before weather prevents any more progress. Several upgrades are also being completed with American Rescue Plan Act (ARPA) funds.

Radios: Highway patrol radios continue to come in and are installed as possible by WHP division.

Public Safety Communications Commission (PSCC): The PSCC will be meeting in October, and usage data and statistics will be made available to the Commission after this meeting. Topics discussed will include AT&T First Net five year buildout updates and high frequency communications systems.

14. November 2023 Commission Meeting: Secretary Casner advised that the November 2023 meeting will be held via Zoom and in person in Cheyenne. November 15th will have an education session with two topics: an Aeronautics Program overview and the I-80/I-25 Interchange.

15B. Commissioner Comments: Commissioner Baker thanked all for the discussion during the Commission meeting.

Commissioner Baker left the meeting at 1:38 p.m.

Commissioner Willox advised that Converse County is currently researching an app for highway safety and oversize/overweight permits originally developed in North Dakota. Commissioner Hughes thanked all involved with the Gillette Port of Entry tour and is hopeful that progress will be made regarding previously discussed issues. Commissioner Dolezal echoed Commissioner Hughes. Commissioner Lyman requested that staff and Commissioners consider picking projects from the current STIP to follow so that a better understanding of the process by the Commission can occur. Commissioner Crank agreed with Commissioner Lyman and suggested that Director Westby and Executive Staff choose appropriate projects. Chair Holmes thanked all the Commissioners for their work for WYDOT

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

Commission recessed to Executive Session at 1:54 p.m.

Commission returned to public session at 2:06 p.m.

Commissioner Crank did not return to the meeting after Executive Session.

18. It was moved by Commissioner Lyman and seconded by Commissioner Hughes to adjourn the meeting at 2:08 p.m. on Thursday, October 19, 2023. The motion carried unanimously.