



Mark Gordon  
Governor

# WYOMING Aeronautics Commission

DEPARTMENT OF TRANSPORTATION

Sigsbee Duck, Chairman

(307) 777-4015



K. Luke Reiner  
Director

## MEETING MINUTES

### I. CALL TO ORDER

A meeting of the Wyoming Department of Transportation (WYDOT) Aeronautics Commission was held via videoconference on June 21, 2022. Chairman Sigsbee Duck presided, calling the meeting to order at 1:32 p.m.

### II. PLEDGE OF ALLEGIANCE

Chairman Duck led the attendees in the Pledge of Allegiance.

### III. ROLL CALL

*The following commission members were present, constituting a quorum.*

Anja Bendel, Commissioner, District 1

Bruce McCormack, Vice Chairman, District 4

Jerry Blann, Commissioner, District 2

Steve Maier, Commissioner, District 5

Bill DeVore, Commissioner, District 3

Luke Reiner, WYDOT Director, Ex Officio

Commissioner Randy Harrop was absent.

*The following WYDOT staff and guests were present and participated in the business meeting.*

Brian Olsen, Aeronautics Administrator

Mike Kahler, Senior Assistant Attorney General

Mariah Johnson, Air Service Development  
Manager

Wendy Volk, President, Cheyenne Regional Air  
Focus Team

Phillip Hearn, Engineering & Construction  
Manager

Glenn Januska, Director, Natrona County  
International Airport

Cheryl Bean, Planning & Programming Manager

Kimberly Chapman, Commission Secretary

*Susan Elliott assisted with virtual meeting management.*

### IV. ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

### V. APPROVAL OF MINUTES

It was moved by Commissioner Blann, seconded by Commissioner McCormack, and unanimously carried to approve the minutes from the May 19, 2022, business meeting and the May 17-18, 2022, education session.

### VI. UPDATES/DISCUSSIONS

#### A. CHAIRMAN'S UPDATE

Chairman Duck thanked the WYDOT staff and airport managers for arranging tours for the commission at four northeast Wyoming airports last month. He felt that the tours were very informative and provided commissioners with a necessary connection to Wyoming's airports.

**B. DIRECTOR'S UPDATE**

Director Reiner presented the Director's Update.

Infrastructure Investment and Jobs Act (IIJA)

Notices of funding opportunities (NOFO) continue to be released for various programs and grants. Director Reiner is working with the Governor's office and other statewide entities, like the Wyoming Association of Municipalities, to ensure that the appropriate parties are aware of these funding opportunities. The commission was briefed on the Bridge Investment Program (BIP) at a previous meeting, and WYDOT's efforts to coordinate with local governments to leverage BIP funding is proceeding well.

*National Electric Vehicle Infrastructure Plan*

Director Reiner reported that the National Electric Vehicle Infrastructure (NEVI) Plan was made available for public comment the week prior for a 45-day comment period. The commission was briefed on the plan at last month's meeting, but the director shared a few updates. With Tesla opening up its Supercharger network and Electrify America's future builds, WYDOT was able to integrate the existing and planned stations into Wyoming's proposed network. Now the first phase of the plan recommends building NEVI charging stations in Sundance, Buffalo, Douglas, and Pine Bluffs.

Director Reiner shared that WYDOT will also be requesting multiple waivers to certain rules. There are a few communities with existing charging stations that exceed the distance requirement of being within a mile of the interstate. However, WYDOT will not place new stations in these areas to avoid taking potential revenue from those businesses. WYDOT also requested waivers to the rule stipulating the installation of charging stations every 50 miles along interstate corridors. As an alternative to this rule, WYDOT plans to request funds for a mobile charging station that could be deployed to assist stranded travelers. Future phases would include the installation of smaller stations along the major routes (Interstates 80, 25, and 90).

After questions and comments from Commissioners DeVore and Blann, the director shared that the mobile charging station was an idea to mitigate any pushback from the federal government on the requested waivers to the 50-mile rule. The mobile charging station would also serve tourists, who may not be as familiar with the state and distances, and those traveling in the winter when conditions affect battery life. Following a question from Commissioner McCormack, the director outlined the project timeline, pending federal approval. Director Reiner hopes that the plan will receive federal approval by the end of summer, so WYDOT could send out requests for proposals by fall, and then hopefully see installation of Phase I stations sometime in the summer or fall of 2023.

Gas and Diesel Price Working Group

Director Reiner will serve on the Governor's Gas and Diesel Price Working Group. The working group's purpose is to devise solutions that alleviate high gasoline costs for consumers. Public meetings will begin in July to examine numerous options, including gas tax "holidays."

### Yellowstone Flooding

WYDOT has been carefully monitoring the flooding situation in Yellowstone National Park and surrounding area. The park's south loop is projected to open tomorrow, but it remains unclear when the north loop will reopen.

Director Reiner praised WYDOT crews in Park County for their hard work while responding to this emergency. There was no damage to any Wyoming roadways or bridges, but several riverbanks along the Yellowstone River suffered significant erosion and will need to be rebuilt as some are close to roadways. WYDOT is also supporting affected communities in Montana. Crews have been dispatched to assist in disaster recovery.

### Towing Legislation

Director Reiner shared that WYDOT has started discussing ways to modify legislation to address the towing issue. As mentioned at a previous meeting, WYDOT would like to set fixed rates to keep companies on the nonconsensual tow list from engaging in price gouging.

### Wildlife Project Funding

WYDOT continues to work with Wyoming Department of Game and Fish and the Wyoming Wildlife and Natural Resource Trust to ensure proper funding availability for wildlife projects statewide.

### Strategic Retreat

WYDOT executive staff will participate in a strategic planning retreat on June 23<sup>rd</sup> and 24<sup>th</sup>. The group will discuss several topics, but one key issue will be recruitment and retention. The director shared that his current focus is on "doing less with less." His focus is on sustaining WYDOT's workforce.

## **C. ADMINISTRATOR'S UPDATE**

Administrator Olsen presented the Administrator's Update.

### Yellowstone Flight

Administrator Olsen reported that Flight Operations coordinated a flight to take Governor Gordon over Yellowstone so that he could see the destruction caused by the flooding. The Photogrammetry and Surveys aircraft was also sent to Yellowstone to capture high-quality images of the damages to roadways and bridges in the greater Yellowstone area.

### Federal and National Updates

#### *PFAS Mitigation*

PFAS, or polyfluoroalkyl substances, are known as forever chemicals, because the components are long-lasting and break down very slowly over time. PFAS chemicals are widely persistent in the environment and can cause harmful health effects to both human and animals.

For the last several years, the Department of Defense (DoD) and the Federal Aviation Administration (FAA) have been working to find a replacement for PFAS chemicals in firefighting foam. On May 31<sup>st</sup>, the DoD released draft performance standards for fluorine-free

foams and requested industry comment on those standards. Once the standards are adopted, the next step will be for the FAA to find a replacement foam, which will be approved to use at commercial service airports.

#### *FAA Reauthorization*

The U.S. Senate requested industry stakeholders submit priority lists for the upcoming reauthorization process by June 1, 2022. The American Association of Airport Executives, the National Association of State Aviation Officials (NASAO), and other stakeholders submitted priorities for Senate consideration. Administrator Olsen was heavily involved in NASAO's process through his chairmanship of their Legislative Affairs Committee. A list of statewide priorities has also been shared with Wyoming's congressional delegation. The U.S. House of Representatives will begin their process later this fall.

#### *COVID Travel Restrictions*

The Center for Disease Control and Prevention's order requiring international travelers to show proof of negative pre-departure COVID-19 test results was rescinded on June 12, 2022. The order's rescission is expected to increase an already surging demand for air travel.

#### State Legislative Updates

##### *Wyoming Airports Coalition Proposed Legislation*

Wyoming Airports Coalition (WAC) continues to work on several pieces of proposed legislation for the interim session, including potential legislation for airport authorities. Administrator Olsen meets with WAC's legislative committee regularly, so he will keep the commission updated on any proposed legislation.

#### **D. AIR SERVICE DEVELOPMENT PROGRAM UPDATE**

Ms. Johnson presented the Air Service Development Program Update.

##### General Matters

##### *May Traffic*

Enplanements were up 16 percent from May 2021 numbers. This figure does not include Jackson since the runway was closed. Enplanements in Cody, Gillette, Laramie, and Sheridan were all up year-over-year, and Cheyenne had the highest enplanements so far this year in May.

##### *Future Bookings*

Ms. Johnson reported that markets look strong for the summer season. July bookings for Gillette, Riverton, and Sheridan are all over 50 percent at this time.

##### *General Industry News*

The airline industry continues to struggle with the pilot shortage. Increasing retirements over the last two years and an increase in sick leave due to the Omicron variant have impacted airlines' ability to restore service to some markets to accommodate the surging demand in the U.S. Most major airlines have reduced summer flying by anywhere from five to 15 percent.

Jet fuel prices, which are the second largest line item cost for airlines, continue to rise. Over the last month, prices have increased dramatically—up over 125 percent from average prices. Airfares may be increased to combat the rising costs.

The U.S. has dropped its COVID-19 testing requirements for international arrivals, which will likely boost international travel this summer.

Resurging demand combined with limited seat capacity and the pilot shortage is pushing SkyWest load factors for Wyoming higher than usual, particularly for the Capacity Purchase Agreement (CPA) markets. Three of the four communities are at 80 percent load factors or above so far in June. These combined effects will likely lead to higher airfares this summer and possibly beyond.

One positive outcome is that Gillette and Rock Springs were profitable in April and May, requiring no CPA support.

#### *Capacity Purchase Agreement Memorandum of Understanding Agreements*

Ms. Johnson reported that all four of the amendments are before the governing bodies in their respective communities today. She hopes to have all of the signed agreements returned for Administrator Olsen's signature by early next week.

#### Standard Reports

##### *Air Service Enhancement Program Budget Forecast Report*

Ms. Johnson reported that the forecasted budget for FY23 was increased by \$150,000. This reflects the increased amount being sought by Cheyenne.

##### *CPA Budget Forecast Report*

Ms. Johnson reported no changes at this time.

##### *Percent of Grant Projects by City Report*

Ms. Johnson reported the two projects approved for Jackson at last month's meeting now appear on the report.

#### **E. ENGINEERING AND CONSTRUCTION PROGRAM UPDATE**

Mr. Hearn presented the Engineering and Construction Program Update.

#### General Matters

##### *General Construction Update*

Mr. Hearn reported that there are currently 18 active construction projects statewide, including two crack seal and seal coat and mark projects that are occurring at multiple airports.

The Jackson Hole Airport runway reconstruction project will be completed soon. WYDOT Airport Engineer Tim Dolan is currently in Jackson to conduct a "substantial completion walk" and it went well. The airport is still on schedule to complete the project on-time and reopen on June 28<sup>th</sup>.

The Cheyenne Regional Airport has experienced a few issues with their runway reconstruction project. The contractor's initial schedule at the beginning of this summer was projected to take 110 days, which was 40 days over the remaining 70 contract days for the project. The concrete mix design has still not been approved as the first mix failed and a second mix had to be designed. The concrete mix will not be approved until it passes the 28-day strength and alkali-silica reactivity tests. Paving can begin once it is approved. There is also an asphalt mix design still awaiting approval, but all testing has been successfully completed and should be approved within the next few days. The asphalt will be the base layer beneath the concrete, so it will need to be laid down before concrete paving can begin.

The issues with the concrete and asphalt mixes have resulted in delays to the project timeline. The contractor is now 62 days beyond the 70-day contract period. The current projected completion date is August 28<sup>th</sup>. Commissioner DeVore expressed his displeasure with the situation in Cheyenne and how it could affect flights and traffic. Mr. Olsen shared that the contractors would be liable for liquidated damages.

#### Standard Reports

##### *Change Orders Report*

Mr. Hearn reported two new change orders.

##### *Statewide Line Items Report*

Mr. Hearn reported two new line items for NAVAID maintenance.

##### *Bid Summary Report*

Mr. Hearn reported five new bid results, and he specifically addressed the discrepancy between the engineer's estimate and the bids submitted for Douglas' backup generator. The numbers were skewed, because the contractors entered total costs into a certain line that was to be factored by unit costs. Mr. Hearn and his team were able to determine that neither of the two contractors that this happened to would have been the low bidder when their bids were adjusted to account for the mistake.

Mr. Hearn informed the commission that the only projects that use WYDOT estimates are the crack seal projects; the remaining projects rely on estimates provided by consultants working for the different airports. From what he has seen, the consultants are adding fairly significant contingencies into their estimate, where they can, in an attempt to account for the varying conditions in the industry. Following a question from Commissioner McCormack, Commissioner Blann shared that the incentive offered to the contractor for completing the Jackson runway project came from unrestricted funds at the airport.

#### **F. PLANNING AND PROGRAMMING PROGRAM REPORT**

Mr. Hearn presented the Planning and Programming Program Update.

General Matters

*Kickoff of the 2022 Wyoming Airport Capital Improvement Program Update Cycle*

Mr. Hearn reported that the annual Wyoming Airport Capital Improvement Program (WACIP) update kicked off on June 14 when notices were sent to airport sponsors. Four WACIP workshops are scheduled to take place in Gillette, Thermopolis, Rock Springs, and Cheyenne. The workshops are scheduled to take place from July 12<sup>th</sup> through August 30<sup>th</sup>. Staff is working to schedule individual meetings with airport sponsors, FAA personnel, and Aeronautics staff. WACIP submittals are due to the division by September 14, 2022.

*IIJA Funding*

The Airport Terminals Program made \$5 billion in competitive grants available for airport terminal development projects. A few Wyoming airports applied for these grants, but the division is still waiting to hear on final awards.

Standard Reports

*Administrative Approvals Report*

Mr. Hearn reported that there were no administrative approvals this period.

*Recovered State Funds Report*

Mr. Hearn reported \$23,769.10 in recoveries from three projects this period, with total recoveries of \$542,067.84 for the fiscal year.

**G. UNMANNED AIRCRAFT SYSTEMS PROGRAM UPDATE**

Mr. Olsen presented the Unmanned Aircraft Systems (UAS) Program Update.

General Matters

Mr. Olsen reported that Ms. Taylor is currently attending a Federal Highway Administration peer exchange program with the Utah Department of Transportation. The goal of these exchanges is to increase collaboration, share best practices, and facilitate the exchange of innovative approaches.

*UAS Incidents and Accidents*

More departments and programs at WYDOT are integrating drones into their operations. As unique-use cases increase, so will incidents and accidents. Emergency Communications has a Skydio drone that it uses for tower inspections. Recently, the drone clipped a guy wire while performing an inspection, so Skydio will inspect the drone and modify the software to help improve future performance and obstacle avoidance.

Another recent incident occurred when the Wyoming Highway Patrol was trying to determine the location of an armed fugitive. While flying the drone into the house where the fugitive was hiding, one of the drone's rotors clipped a door.



## VII. REGULAR BUSINESS

### A. FY22 WACIP BUDGET MODIFICATIONS

Mr. Hearn reported 15 modifications this period totaling an increase in state funds of \$270,696, and an increase in federal funds of \$389,332. The remaining state reserve is \$1,312,413.

Action: It was recommended by Mr. Hearn, moved by Commissioner McCormack, seconded by Commissioner Blann, and unanimously carried to approve the FY22 WACIP budget modifications as presented.

### B. FY2023 WACIP BUDGET MODIFICATIONS

Mr. Hearn reported three modifications this period totaling an increase in state funds of \$45,900, and an increase in federal funds of \$688,500. The remaining state reserve is \$756,831.

Action: It was recommended by Mr. Hearn, moved by Commissioner DeVore, seconded by Commissioner Maier, and unanimously carried to approve the FY2023 WACIP budget modifications, as presented.

## VIII. NEW BUSINESS

### A. CONSIDERATION OF CHEYENNE REGIONAL AIR FOCUS TEAM AIR SERVICE ENHANCEMENT PROGRAM APPLICATION

The Cheyenne Regional Air Focus Team (CRAFT) is requesting a state match of 60 percent not to exceed \$1,350,000 from Air Service Enhancement Program (ASEP) to continue service on United Express operated by SkyWest to Denver International Airport. This service would take place from July 1, 2022, to June 30, 2023, and would consist of two daily flights. CRAFT has secured additional funding, bringing the local match to more than 40 percent. The service meets all six of the statutorily intended benefits of the ASEP, and staff regards this as a good use of state funds.

Wendy Volk from CRAFT briefly addressed the commission in support of the request.

Action: It was recommended by Ms. Johnson, moved by Commissioner McCormack, seconded by Commissioner DeVore, and unanimously carried to approve CRAFT's request for service on United Express operated by SkyWest to Denver International Airport at a state match of 60 percent not to exceed \$1,350,000.

### B. CONSIDERATION OF THE NATRONA COUNTY BOARD OF COUNTY COMMISSIONERS ASEP APPLICATION

The Natrona County Board of County Commissioners is requesting a state match of 40 percent not to exceed \$240,000 from ASEP to continue service on Delta Connection operated by SkyWest Airline to Salt Lake City, Utah. This service would take place from May 1, 2022, to December 31, 2022, and staff regards this as a good use of state funds for accomplishing the intended benefits of ASEP.



Mr. Januska participated in the discussion and answered questions about the application.

Action: It was recommended by Ms. Johnson, moved by Commissioner Blann, seconded by Commissioner Bendel, and unanimously carried to approve the Natrona County Board of County Commissioners' request for service on Delta Connection operated by SkyWest to Salt Lake City, UT at a state match of 40 percent not to exceed \$240,000.

**C. CONSIDERATION OF DRAFT COMMISSION PRIORITIES**

Mr. Olsen presented the commission a final draft of the updated commission priorities. A safety statement has been added to the document as requested by Commissioner Harrop and agreed to by the commissioners at the May meeting. No other changes have been made since the priorities were submitted for commission consideration in May.

Action: It was recommended by Mr. Olsen, moved by Commissioner Maier, seconded by Commissioner Blann, and unanimously carried to approve the commission priorities, as presented.

**IX. EXECUTIVE SESSION**

There was no need for an executive session.

**X. ANNOUNCEMENTS/REMINDERS**

Commission Activities

Ms. Chapman announced that the commission's next business meeting will be held July 19, 2022, via videoconference.

WYDOT executive staff and Mr. Kahler will be presenting a new commissioner orientation for members of the Public Safety Communications Commission on Monday, June 27, 2022, in Cody. Aeronautics Commissioners are invited to attend.

Ms. Chapman reported on several upcoming fly-ins this summer including: Lander on July 2, Big Piney on July 16, Green River Spaceport Days on August 19-20, and a Wheels and Wings event in Gillette on August 20.

Jackson Hole Air Improvement Resources Annual Airline Rendezvous will be held August 31-September 2, 2022, in Jackson.

Commissioner Comments

Commissioner Blann acknowledged and thanked Administrator Olsen for his hard work on renegotiating the CPA contract. In his opinion, the timing to complete the contract was very fortuitous given the current climate of the airline/aviation industry. He also requested that Director Reiner keep Jet-A fuels in mind as he serves on the Governor's Gas and Diesel Price Working Group. Those fuels have seen a precipitous rise in prices in recent months.

**XI. ADJOURNMENT**

It was moved by Commissioner Blann to adjourn. Chairman Duck adjourned the meeting at 3:03 p.m. on June 21, 2022.