



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 March 15, 2022. Chairman Sigsbee Duck presided, calling the meeting to order at 1:33 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

Steve Maier, Commissioner, District 5

Bill DeVore, Commissioner, District 3

Randy Harrop, Commissioner, District At-large

Bruce McCormack, Vice Chairman, District 4

Luke Reiner, Ex Officio, WYDOT Director

Commissioner Jerry Blann was absent.

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

Brian Olsen, Aeronautics Administrator

Sheri Taylor, Unmanned Aircraft Systems (UAS)
Manager

Phillip Hearn, Engineering & Construction
Manager

Mike Kahler, Senior Assistant Attorney General

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

A. DRAFT MINUTES

It was moved by Commissioner Harrop, seconded by Commissioner Bendel, and unanimously carried to approve the minutes from the February 24, 2022, business meeting and the February 23, 2022, workshop.

VI. UPDATES/DISCUSSIONS

A. CHAIRMAN'S UPDATE

On behalf of the commission, Chairman Duck thanked Governor Gordon for his leadership on increasing state employee compensation. He also recognized the legislature's foresight in creating the Air Service Enhancement Program (ASEP) and the Capacity Purchase Agreement (CPA). These two programs have greatly benefitted Wyoming air service and may have been responsible for sparing two Wyoming airports from a recent service cancellation by SkyWest Airlines.

B. DIRECTOR'S UPDATE

Director Reiner presented the Director's Update.

Federal Update

Congress recently passed a \$1.5 trillion omnibus bill that will fund federal government agencies for the remainder of this fiscal year. President Biden should sign the bill into law today. This will enable certain bills and programs to be funded, and Director Reiner anticipates many notices of funding opportunities to be released soon.

State

Legislative Session

The director shared that the legislature approved the Governor's compensation package, which was increased from the initial proposal. The raises will be effective July 1, 2022. Director Reiner thanked the Governor, the legislature, and the commissioners for supporting the compensation package.

HB0007, an amendment to rules regarding commercial vehicles, was a must-pass bill for WYDOT. This amendment adds language disqualifying someone for life from driving a commercial vehicle if that individual is convicted of using that vehicle in the commission of a felony involving drugs or human trafficking. It passed and awaits the governor's signature.

Another key piece of legislation for WYDOT was SF0041, an act ensuring governance and the development of guidelines and standards for next generation 911 (NG911). This legislation will add members to the Public Safety Communications Commission, increasing the total number of WYDOT commissioners from 25 to 27. With this bill's passage, WYDOT is able to apply for federal NG911 grants.

Director Reiner also shared that WYDOT has submitted its interim topic list to the Management Council, which will make the final determination on 2022 interim. WYDOT's proposed topics included electric vehicles, autonomous vehicles, towing, safety, and various statute updates.

Electric Vehicles (EV)

WYDOT will brief the governor on the state's EV charging implementation plan. Pending the governor's plan approval, Director Reiner and other WYDOT personnel will present a series of briefings on the plan at different locations across the state in early April. Commissioners will be sent a schedule of the dates and times and are welcome to attend. Director Reiner also invited the commissioners to attend the EV briefing for the Wyoming Transportation Commission and the leadership of the legislature's Joint Transportation Committee on March 24, 2022.

Following the director's report, Commissioner McCormack expressed his gratitude for the legislature's support of the CPA through the appropriation of \$8.8 million in additional funding. Director Reiner thanked State Senator Jeff Wasserburger for his leadership in securing these funds. Senator Wasserburger was responsible for the CPA's inclusion in the list of programs receiving American Rescue Plan Direct Appropriations (ARPA).

ADMINISTRATOR'S UPDATE

Administrator Olsen presented the Administrator's Update.

Federal and National Updates

Legislative Issues

Mr. Olsen reported that President Biden signed the Consolidated Appropriations Act, 2022 into law today. Funding for the Airport Improvement Program (AIP) remained flat at \$3.5 billion per year. The act included an additional \$550 million in supplemental discretionary funding for aviation, with \$280 million to be set aside for earmarks. With the passage of this legislation, the Federal Aviation Administration (FAA) district office in Denver will now be able to proceed with funding projects.

Washington, DC Trip

Mr. Olsen recently traveled to Washington, DC, from February 28 through March 3 to participate in the National Association of State Aviation Officials (NASAO) Legislative Conference and the American Association of State Highway and Transportation Officials (AASHTO) Washington Briefing. While there, Mr. Olsen and several airport managers met with Wyoming's congressional delegation to discuss air service challenges facing small communities. He felt that the visit furthered the delegation's knowledge on a variety of aviation and transportation issues.

State Legislative Session

Mr. Olsen recognized the Wyoming airports for their role in securing \$8.8 million of ARPA funds for the CPA. Through the airports' and WYDOT's combined efforts, commercial air service providers will receive financial assistance to mitigate the effects of the pandemic. These funds will cover the state share of costs for three years, starting this year.

The passage of HB0055 provides an exemption for airports from liquor license limitations. This exemption will allow commercial service airports to obtain a liquor license without it counting against a county or municipality's overall total.

Division Update

Mr. Olsen shared that a small number of applications for the Air Service Development Program manager position have been received, and the job announcement is still being advertised. While the current applicants do not have much commercial air service experience, Mr. Olsen will still conduct interviews and attempt to find a candidate with other good qualities. Those interviews should happen in the near future.

Following questions about human resources (HR) issues at last month's meeting, Mr. Olsen has invited Taylor Rossetti, WYDOT Support Services Administrator, to present to the commission on compensation and various other HR issues. Mr. Rossetti will come to a future meeting to discuss these topics.

C. **AIR SERVICE DEVELOPMENT PROGRAM UPDATE**

Mr. Olsen presented the Air Service Development Program Update.

General Matters

Air Service Updates

Mr. Olsen has been working with SkyWest Airlines and the Cheyenne Regional Air Focus Team on a new agreement for air service for the summer of 2022 through the summer of 2023. The group is in preliminary negotiations.

Mr. Olsen also worked with United Airlines to adjust their booking algorithm. Before this work, anyone searching flights on United's website would only be able to see flights with a three hour or less layover, cutting down the number of flight options available (including many Wyoming markets). The algorithm has been updated to include flights with layovers of up to six hours.

CPA Renegotiations

Mr. Olsen continues to work with SkyWest Airlines on renewing the CPA contract for three years. A first draft of the extension has been sent to SkyWest for review. Mr. Olsen does not expect the airline to make any significant changes. He shared that the contract was updated to address the cost of rescue flights and to fine-tune reliability issues.

Meeting with United

Mr. Olsen, Vice Chairman McCormack, and Doug Blissit, with Mead and Hunt, will travel to Chicago next week to meet with United Airlines. During the trip, they will discuss the future of air service in Wyoming and how to overcome future challenges, as well as building relationships with United Airlines leadership.

Essential Air Service (EAS) Cancellations

SkyWest notified the United States Department of Transportation (USDOT) last week of the airline's intention to pull out of 29 EAS markets nationwide. The FAA has issued an order prohibiting SkyWest from leaving those markets until a replacement carrier may be found, but Mr. Olsen is unsure how that will be enforced. While none of the 29 airports were in Wyoming, the DOT's order could potentially impact service in Wyoming given the nationwide pilot shortage.

Standard Reports

Air Service Enhancement Program (ASEP) Budget Forecast Report

Mr. Olsen reported no changes to the ASEP Budget Forecast Report.

CPA Budget Forecast Report

Mr. Olsen reported no changes to the CPA Budget Forecast Report

Percent of Grant Projects by City Report

Mr. Olsen reported no changes to the Percent of Grant Projects by City Report.

D. ENGINEERING & CONSTRUCTION PROGRAM UPDATE

Mr. Hearn presented the Engineering and Construction Program Update.

General Matters

Seal Coat and Mark Bids

Seal coat and mark bids opened on March 2, 2022. Mr. Hearn was pleased to share that the bids were very favorable and should allow the division to recover a decent amount of money.

Cheyenne Runway Reconstruction Update

Mr. Hearn reported that construction on the intersection—the area between the two runways—should start April 4, 2022. Initially, there will be no impact to service, but warmer temperatures during later construction will require diminished seat capacity on commercial flights.

Mr. Hearn reported that there is currently no supplier for concrete, materials, or a concrete batching plant. The previous concrete production company left the project, so the airport is now hurriedly attempting to find a new supplier. The contractor is supposed to update the airport on their progress in finding a replacement by the end of this week. If, however, a decision is not made Friday, March 18, it will likely delay the start of construction for this part of the project.

Standard Reports

Change Orders Report

Mr. Hearn reported no new change orders.

Statewide Line Items Report

Mr. Hearn reported no new line items.

Bid Summary Report

Mr. Hearn reported no new bid results.

E. PLANNING & PROGRAMMING PROGRAM UPDATE

Ms. Bean presented the Planning and Programming Program Update

General Matters

Bipartisan Infrastructure Law (BIL) Funding Update

Ms. Bean reported that staff have been working with the FAA and airport sponsors to develop a draft five-year plan for BIL implementation, with the main focus on fiscal years 2022 and 2023. Since the plans have been developed in a relatively short time, the division will have to allow ample opportunity for airports to make changes later. Following today's vote on the Wyoming Aviation Capital Improvement Program (WACIP) update cycle, staff will more than likely be providing monthly updates to the WACIP as BIL-funded projects are added.

Ms. Bean shared that there was interest in the competitive funding for towers and terminals. The division has encouraged general aviation airports to pursue those funds as well as the commercial service airports.

Standard Reports

Administrative Approvals Report

Ms. Bean reported that there were no administrative approvals this period.

Recovered State Funds Report

Ms. Bean reported three project recoveries this period totaling \$12,900.76. Total recovered funds for this fiscal year are currently \$514,227.74.

F. UNMANNED AIRCRAFT SYSTEMS (UAS) PROGRAM UPDATE

Ms. Taylor presented the UAS Program Update.

General Matters

Federal Highway Administration (FHWA) Peer Exchange to WYDOT

Ms. Taylor reported that she is currently working with the FHWA on interstate peer exchanges, which are funded by the “Every Day Counts” grant program. These peer exchanges allow for state DOTs to share information on programs, technology, and best practices. WYDOT is arranging a peer exchange with the Utah Department of Transportation’s (UDOT) UAS program. This program would enable a small number of WYDOT staff to travel to Utah to observe operations and gain insights/lessons learned from UDOT’s well-established UAS program.

Ms. Taylor is also exploring the possibility of having an FHWA-facilitated UAS workshop in Cheyenne. Experts from across the country would present on a number of UAS-related topics that WYDOT staff feel would be most beneficial. Ms. Taylor will meet with others in WYDOT later this week to discuss both options and to decide whether to pursue one or both options.

VII. PUBLIC COMMENT

Chairman Duck provided airport sponsors the opportunity to address the commission on the WACIP. No sponsors addressed the commission.

VIII. REGULAR BUSINESS

A. AIRPORT SPONSOR COMMENTS ON PROPOSED WACIP

Ms. Bean reviewed some of the sponsor comments for certain WACIP submissions and explained the division’s response to those comments. She provided more detail on the comments for the Cowley and Greybull runway rehabilitation projects, the Dubois master plan, and the Kemmerer runway lighting project.

Commissioner DeVore asked if airports could receive low-interest loans from the state, and Ms. Bean said she would have to explore what other options might be available. She shared that the Cowley project is not eligible for a loan from the commission as the project is not revenue generating. Mr. Olsen also shared that the airport could ask the commission for a deviation. Commissioners McCormack and Duck both speculated that Kemmerer’s request to move up

their hangar project might be because of the new nuclear power plant to be built near Kemmerer.

B. FY22 WACIP BUDGET MODIFICATIONS

Ms. Bean reported four modifications this period for a total increase of \$23,275 in state funds and \$144,997 in federal funds. The remaining reserve is \$1,350,770.

Action: It was recommended by Ms. Bean, moved by Commissioner DeVore, seconded by Commissioner McCormack, and unanimously carried to approve the FY22 WACIP Budget Modifications as presented.

C. PROPOSED FY2023 WACIP BUDGET

Ms. Bean reported that changes have been incorporated into the proposed upcoming budget based on sponsor comments, FAA concurrence, and staff response. The remaining balance is \$838,869 in state funds. Due to the impacts of the upcoming programming of BIL formula funds, Ms. Bean asked the commission to approve the FY2023 WACIP Budget and FY2024-27 WACIP Plan in March instead of April, as previously announced. Typically, the next year's budget would not see any modifications until the start of the new fiscal year, but Ms. Bean anticipates that this budget will see monthly modifications because of the addition of BIL funds.

Action: It was recommended by Ms. Bean, moved by Commissioner Harrop, seconded by Commissioner McCormack, and unanimously carried to approve the final, proposed FY2023 WACIP Budget, as presented.

D. PROPOSED FY2024-27 WACIP PLAN

Ms. Bean reported that changes have been incorporated into the proposed upcoming budget based on sponsor comments, FAA concurrence, and staff response. Further changes to the WACIP Plan will be made as needed, but will not come before the commission.

Action: It was recommended by Ms. Bean, moved by Commissioner Bendel, seconded by Commissioner DeVore, and unanimously carried to approve the final, proposed FY2024-27 WACIP Plan, 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 would be held via videoconference on April 19, 2022, at 1:30 p.m. The next in-person meeting will occur May 17-19, 2022, in northeast Wyoming. The commission will tour airports in Hulett, Gillette, Buffalo, and Sheridan.

Ms. Chapman reminded the commissioners of the Wyoming Board Member Training, which is scheduled from 8:30 a.m. to 4:30 p.m. on Friday, April 22, 2022. The training is in person with a virtual attendance option.

Division Activities

Mr. Olsen recognized and thanked Mike Kahler, senior assistant attorney general, for all of his help to WYDOT and the division, but especially for his assistance with the CPA contract during the renegotiation process.

XI. ADJOURNMENT

It was moved by Commissioner DeVore to adjourn. Chairman Duck adjourned the meeting at 2:32 p.m. on March 15, 2022.