

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on April 17, 2008. The meeting was convened at 8:30 a.m. by Chairman Hawkins. The following members were present constituting a quorum:

Rip Hawkins, Chairman, Devils Tower  
Susan Dziardziel, Vice Chair, Douglas  
Emerson Scott III, Commissioner, Dayton  
Charlie Monk, Commissioner, Lovell  
Cactus Covello, Jr., Commissioner, Torrington (via the telephone)  
Jim Latta, Commissioner, Pinedale  
Sandi McCormick, Commissioner, Rock Springs  
John F. Cox, Director  
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Pat Collins, Assistant Chief Engineer of Engineering and Planning; Tim Hibbard, Assistant Chief Engineer of Operations; Dennis Byrne, Acting Aeronautics Administrator; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; Doug Moench, Senior Assistant Attorney General; and Phil Miller, Division Administrator, Federal Highway Administration.

Mr. Jim O'Connor, Support Services Administrator, and Colonel Sam Powell, Highway Patrol Administrator, were absent.

1. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner Monk, and carried to approve the minutes from the March 20, 2008, regular business meeting, executive session, education sessions, and one-on-one meeting with Dennis Byrne.

2. WYDOT Sheridan Complex Funding Update: Mr. McOmie reported on the status of the potential 3.7 acre land purchase and subsequent excavation for the Sheridan office property. Mr. Mark Gillett, District Engineer, met with City of Sheridan officials about the roadway design. Landowner concurrence to develop the road has been requested, and the 3.7 acre land parcel has been appraised. Sheridan County zoning requires that property must be over 35 acres for residential development, and there is some concern that this requirement may not be met if the developer sells 3.7 acres to the Department. Further investigation is necessary before the topic can be brought to the Commission for consideration. Mr. McOmie will attempt to have more information available at the May 15, 2008, meeting.

3. Director Cox presented the Director's report.

Commission Secretary/Legislative Coordinator Position: It was recommended by Director Cox, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to create a full-time Commission Secretary/Staff Legislative Coordinator position, effective May 1, 2008. In addition to

the current Transportation Commission Secretary duties, the incumbent will assist WYDOT executive staff in preparing for legislative meetings, attend and record pertinent information at State legislative committee meetings, track bill status during Legislature, and keep staff apprised of interim committee events and schedules. The incumbent will serve at the pleasure of the Transportation Commission and WYDOT's Director.

Colonel Powell entered the meeting.

Clean Water Restoration Legislation: Director Cox distributed copies of a letter he wrote to Wyoming's Senator John Barrasso about a proposed amendment to the Clean Water Restoration Act of 2007. The proposed change attempts to clarify the definition of regulated waters and would likely increase permitting and other environmental procedures for highway and bridge projects. Project expenses would also increase if the bill passes. Director Cox indicated that Senator Barrasso strongly opposes the bill.

Wildlife Migration Corridor: Director Cox indicated that the Western Governors' Association has solicited the Western Association of State Highway and Transportation Officials (WASHTO) to support the protection of wildlife migration corridors and crucial wildlife habitat in the west. A resolution was distributed about the policy. Implications appear to be serious for the Department. Director Cox anticipates that other WASHTO states will also oppose the action.

Joint Interim Transportation Committee Meeting (JITC): Director Cox distributed a draft agenda for the first of three JITC meetings this year. The next meeting will be May 21 & 22, 2008, in Gillette.

Commissioner Scott recommended writing a thank you letter to legislators who supported the Department in its funding request. The Commissioners agreed and asked Secretary Scott to prepare the letter.

4. Mr. Kevin Hibbard presented the Budget report.

Fiscal Year 2008 Second Quarter Budget Modification: Mr. Hibbard presented the second-quarter budget revision. Fuel tax adjustments were made, and half of the \$200 million (\$100 million) Legislative general fund appropriation was included in the quarterly budget.

Various other revisions were made to the budget to accommodate state-funded construction and maintenance programs. The snow removal budget was increased by \$4 million to cover statewide snow maintenance and escalating fuel prices, which have significantly impacted the budget this quarter. Snow maintenance is expected to continue to affect the budget the rest of this fiscal year. Mr. Hibbard stated that the \$4 million budget adjustment is essentially the last remaining funds available from this year's state construction project (SCP) reserve.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve the Fiscal Year 2008 Second-Quarter Budget Revision.

Mr. Hibbard presented the monthly budget report.

5. Mr. Collins presented the Engineering and Planning report, beginning with the tabulation of bids from the April 10, 2008, letting held in Cheyenne.

**COMMISSION DISTRICT 1  
Cactus Covello -Commissioner**

State project IRP-0C08068, involving grading, milling plant mix, placing bituminous pavement leveling and surfacing and miscellaneous work on 3.75 miles of County Road 67 (Grayrocks Road), beginning at reference marker 0.00 just north of Wheatland, in Platte County. Completion date - June 30, 2009

Engineer's Estimate	\$1,143,228.00	
<b>Simon Contractors, Cheyenne, WY</b>	<b>\$1,097,517.54</b>	<b>-4.0%</b>
McGarvin-Moberly Construction Company, Worland, WY	\$1,139,265.40	
McMurry Ready-Mix Co., Casper, WY	\$1,158,637.00	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that **Simon Contractors, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 2  
Sandi McCormick - Commissioner**

State project SCP-SL-0404010, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, removal and replacement of cattle guards and fencing, electrical systems, and miscellaneous work on 11.22 miles of WYO 72, beginning south of the junction with US 30 between Hanna and Elk Mountain, in Carbon County. Completion date - October 31, 2009

Engineer's Estimate	\$11,093,639.22	
<b>Simon Contractors, Cheyenne, WY</b>	<b>\$ 9,988,200.75</b>	<b>-10.0%</b>
Oftedal Construction, Inc., Miles City, MT	\$10,229,349.70	
Knife River, Cheyenne, WY	\$10,451,276.23	
Mountain Construction Company, Lovell, WY	\$11,320,139.94	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$11,442,209.00	
McMurry Ready-Mix Co., Casper, WY	\$11,474,187.50	
A & S Construction Co. and Affiliated Companies, Canon City, CO	\$12,485,596.10	
Plus 5% for Comparison	\$13,109,875.91	

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried that **Simon Contractors, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State projects SCP-SL-B083015 and ARSCT-B083A01 combined, involving grading, removal and replacement of curb, gutter and sidewalk, concrete pavement, placing crushed base and bituminous pavement surfacing, microsurfacing and miscellaneous work for 5.86 miles at various locations in the Rock Springs area, in Sweetwater County. Completion date - October 31, 2008

Engineer's Estimate	\$ 915,317.00
<b>Intermountain Slurry Seal, Inc., Salt Lake City, UT</b>	<b>\$1,247,742.00 +36.3%</b>

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Latta, and carried that **Intermountain Slurry Seal, Inc., 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.

**COMMISSION DISTRICTS 2 and 3**  
**Sandi McCormick - Commissioner**  
**Jim Latta - Commissioner**

State project SCP-SL-B073012, involving bridge rehabilitation and miscellaneous work at various locations on I-80 in Transportation District 3, in Sweetwater and Uinta counties. Completion date - October 31, 2008

Engineer's Estimate	\$1,208,684.00
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$1,280,435.00 +5.9%</b>

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried that **Reiman Corp., Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 3**  
**Jim Latta - Commissioner**

State projects SCP-SL-0801172, involving installation of slotted drains and miscellaneous work at reference markers 4.70 and 5.50 on the Evanston Marginal (Interstate 80), in Uinta County. Completion date - September 30, 2008

Engineer's Estimate	\$380,713.75
<b>J Wright Development, LLC., Harriman, UT</b>	<b>\$309,999.00 -18.6%</b>
Plus 5% for Comparison	\$325,498.95
EHC, LLC., Deaver, WY	\$561,995.00

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Monk, and carried that **J Wright Development, LLC., Harriman, Utah**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State project SCP-SL-P511016, involving sidewalk, curb and gutter (ADA upgrades), and miscellaneous work along I-80 (Business) and on US 189 in the city of Evanston, in Uinta County. Completion date - September 30, 2008

Engineer's Estimate	\$148,940.00
<b>Reiman Corp., Cheyenne, WY</b>	<b>\$259,960.00 +74.5%</b>
EHC, LLC., Deaver, WY	\$268,150.00

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried that **Reiman Corp., Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State project CMP-RF-N132094, involving right-of-way fence and miscellaneous work on 1.75 miles of US 191, beginning at reference marker 127.50 and ending at reference marker 129.50, in Sublette County. Completion date - September 30, 2008

Engineer's Estimate	\$88,500.00
<b>Custom Classic Fencing, Inc., Jackson, WY</b>	<b>\$42,346.00 -52.2%</b>
4-D Fencing Co., Riverton, WY	\$69,054.00
Crooked Fork Fencing, Inc., Lolo, MT	\$86,380.00
Plus 5% for Comparison	\$90,699.00
Wishbone Fencing Company, Aladdin, WY	\$99,775.00

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Scott, and carried that **Custom Classic Fencing, Inc., Jackson, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State project SCP-SL-N203055, involving draining, removal and replacement of sidewalk, curb and gutter, electrical systems and miscellaneous work at milepost 105.31 at the intersection of Federal Boulevard and Park Avenue in the city of Riverton, in Fremont County. Completion date - October 31, 2008

***NO BIDS RECEIVED***

Mr. Collins noted that no bid envelopes were requested for this project.

**COMMISSION DISTRICT 6  
Rip Hawkins - Chairman**

State project SCP-SL-0604016, involving grading, milling plant mix, bituminous pavement surfacing and miscellaneous work on 5.77 miles of WYO 112, beginning at milepost 7.62 between Hulett and the Montana State Line, in Crook County. Completion date - September 30, 2009

Engineer's Estimate	\$1,532,319.25	
<b>Roberts Construction Company, Sheridan, WY</b>	<b>\$1,386,515.00</b>	<b>-9.5%</b>
McGarvin-Moberly Construction Company, Worland, WY	\$1,452,638.09	
Border States Paving, Inc., Fargo, ND	\$1,392,198.83	
Plus 5% for Comparison	\$1,461,808.77	
Intermountain Construction and Materials, Inc., Gillette, WY	\$1,500,000.00	
Century Companies, Inc., Lewistown, MT	\$1,440,509.95	
Plus 5% for Comparison	\$1,512,535.45	
Mountain Construction Company, Lovell, WY	\$1,541,384.45	
McMurry Ready-Mix Co., Casper, WY	\$1,690,212.71	
Simon Contractors, Cheyenne, WY	\$1,771,889.25	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, and carried that **Roberts Construction Company, Sheridan, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Mr. Collins advised that the Department anticipates asphalt prices will significantly increase again in the near future. Mr. McOmie explained that without a consistent funding stream, it's impossible to plan ahead for projects involving asphalt. If projects could be planned, WYDOT could save millions of dollars by purchasing asphalt when there is ample supply and would realize the savings.

6. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Vice Chair Dziardziel, and carried to approve the following project authorizations:

**COMMISSION DISTRICT 1**

Urban Interstate

NH-GM 361.03 0806192; Laramie County; Cheyenne Marginal, Cribbon Avenue pedestrian overpass; line drain ditch with concrete; request to move from fiscal year 2009 to fiscal year 2008; request federal construction engineering and construction funds of \$613,000

**COMMISSION DISTRICT 2**

Rural Interstate

NH 245.86 I804242; Albany County; Walcott Junction to Laramie, Halleck Ridge West, westbound lane; resurfacing; fiscal year 2013 construction; request federal preliminary engineering funds of \$300,000; (split by lane from I804241)

Rural Minor Arterial

SCP-SL08 1.30 P221045; Carbon County; Walcott Junction to Saratoga, south; snow fence; request to move from fiscal year 2009 to fiscal year 2008; request state construction engineering and construction funds of \$242,019

**COMMISSION DISTRICT 3**

Rural Principal Arterial

SCP-SL10 61.62 N132098; Sublette County; Rock Springs to Pinedale, US 191; reference marker 61.62 to reference marker 72.12; overlay; fiscal year 2010 construction; request federal preliminary engineering funds of \$22,309

**COMMISSION DISTRICT 4**

Urban Principal Arterial

ACSTP 112.26 P432032; Campbell County; Gillette to Douglas, I-90 to US 14/16; reference marker 112.26 to reference marker 113.10; reconstruction; request to move from fiscal year 2009 to fiscal year 2008; request federal and state construction engineering and construction funds of \$12,870,000

**COMMISSION DISTRICT M (Miscellaneous)**

Rural Principal Arterial

SBSY 0.00 WY07001; Fremont and Hot Springs counties; Wind River Canyon Scenic Byway; reference marker 100.04 to 134.00; corridor management plan; fiscal year 2008; request federal preliminary engineering funds of \$71,937

Rural Major Collector

RHC 0.00 B089062; statewide; railroad pavement markings on state system; fiscal year 2008; including future project locations; request federal construction funds of \$600,000

7. Second Quarter 2008 State Transportation Improvement Program (STIP) Addendum: Mr. Collins presented the second quarter 2008 STIP addendum. It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried to approve the second quarter addendum to STIP.

8. Moran Junction - Dubois Project Update: Mr. Collins reported that the Togwotee Pass/Four Mile Meadows Section of the Moran Junction to Dubois project is scheduled to be let May 8, 2008. The U.S. Corps of Engineers has not yet issued an individual permit for the Togwotee Pass/Four Mile Meadows Section. The Corps has requested justification of design elements, which are essentially the same as those approved on the two previous projects, resulting in a delay in permit issuance. WYDOT representatives continue to work diligently with Corps personnel toward an amicable solution. Mr. Collins advised that the project may have to be delayed if the permit is not issued soon. If the project is delayed, it is likely that construction will have to be extended over four seasons, which may substantially increase the project cost.

9. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through March 31, 2008, includes 24 fatal crashes involving 33 deaths. The fatalities include 9 involving rollover crashes, 21 involving multi-car crashes, 4 involving commercial vehicles, 2 involving pedestrians, and 1 involving a fixed object. Colonel Powell advised that fatalities have increased during the first quarter of 2008. Winter conditions have contributed to the increase.

There have been 12 crashes to date deemed alcohol related, resulting in 14 deaths. Of those deaths, 10 were attributed to not using restraints.

Of the 33 deaths that have occurred to date in 2008, 19 can be attributed to the non-use of occupant restraints, with 8 involving rollover crashes and 11 involving multi-car collisions. Of the 19 deaths that occurred from non-use of occupant restraints, 14 were Wyoming residents and 5 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through February 29, 2008. The summary depicts 1,738 crashes statewide, of which 1,374 involved non-commercial vehicles and 364 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of March 31, 2008, have been DUI related. Field arrests total 456 to date, including:

- DUI arrests from crashes – 48
- DUI arrests from traffic stops – 196
- DUI arrests from the REDDI Program – 35
- DUI arrests from ports-of-entry – 1
- NCIC hits (person) – 15
- Wyoming warrants hits – 44
- Drug arrests – 36
- Other arrests – 81

There have been fewer drug arrests so far this year compared to last year. Colonel Powell informed the Commission that, in accordance with Wyoming Statute, troopers have been cracking down on



commercial drivers who can't speak or read English. Violators are subject to commercial drivers' license (CDL) suspension. Mr. Moench advised that commercial drivers are permitted to continue driving until the CDL hearing is settled.

National Public Safety Telecommunication (NPST) Week: The second week in April is recognized by the Association of Public Safety Communications Officials as National Telecommunications Week. The event recognizes the valuable work of law enforcement dispatchers nationwide. Colonel Powell noted that the Wyoming Highway Patrol dispatchers have experienced a particularly harsh winter season. Patrol Dispatch also moved to the new Transportation Management Center a few months ago, which placed an additional burden on employees and staff. Colonel Powell recognized the dispatchers and law enforcement for their exemplary efforts, dedication, and professionalism in an often unappreciated profession.

Commissioner Scott suggested formal recognition of Patrol dispatchers, maintenance personnel, and troopers for their endeavors throughout the stressful winter months. Chairman Hawkins also recommended publishing a letter of thanks to Department employees in *The Interchange*.

It was moved by Commissioner Scott, seconded by Commissioner Latta, and carried to recognize Patrol dispatchers and troopers and WYDOT maintenance personnel during NPST Week for their extraordinary efforts this winter.

10. Mr. Byrne presented the Aeronautics report.

Mr. Byrne provided a copy of the March 2008 WYDOT Aeronautics enplanement report. Mr. Byrne noted that the Department is fortunate to have a dedicated fleet mechanic, Mr. George Jones. Over the last 14 months, Mr. Jones has negotiated with the Cessna Service Center in Wichita, Kansas, to expedite maintenance and repairs. The Department has realized a \$21,000 cost savings because of Mr. Jones' knowledge and attention to detail.

Cessna 206 Sale: Mr. Byrne advised that the Cessna 206 will soon be posted on the aircraft auction website. The aircraft is valued at about \$190,000 because of its routine maintenance record and good condition. Commissioner Covello recommended setting a reserve bid amount for the plane, and the Commissioners agreed.

11. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Monk, and carried to approve purchase for bid number 08-0134 to furnish 6,401 each carbide tipped snow plow blades for delivery to WYDOT sites in Casper, Laramie, Rock Springs, Sheridan, and Basin. The bid was awarded to Valk Manufacturing Co., of New Kingstown, Pennsylvania, for the sum of \$1,143,509.66.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried to approve purchase for bid number 08-0136 to furnish 1,039 each straight

and curb guard for delivery at WYDOT sites in Laramie, Casper, Rock Springs, Sheridan, and Basin. The bid was awarded to Winter Equipment Co., of Willoughby, Ohio, for the sum of \$126,488.96.

12. Mr. McOmie presented the Chief Engineer's report.

May Bid Letting: Mr. McOmie indicated that 10 projects estimated at \$71 million, including the Togwotee Pass/Four Mile Meadows Section of the Moran Junction to Dubois project, will be let in May. Legislative funding enabled the Department to let all of these projects, which otherwise would not have been possible.

Maintenance Budget Update: As of March 30, 2008, the Department's snow budget is 105 percent expended. Increased snowfall will cause budget overruns this fiscal year. Mr. McOmie compared Wyoming's snow maintenance to Colorado's current snow removal budget. Wyoming is doing well to keep up with maintenance needs.

Legislative Services Office (LSO) Audit: WYDOT Executive Staff will meet with the LSO Management Audit Committee on April 20, 2008, to discuss the LSO draft audit report for WYDOT and General Fund Appropriations for Highways. Commissioners were invited to attend. Comments from the meeting will be distributed to the Commission after the meeting. Mr. McOmie congratulated the LSO for its exemplary efforts in fact finding, research, and compiling the report.

A final report will be presented and reviewed by the Legislative Committee in executive session on May 14, 2008. WYDOT executive staff will have an opportunity to address Committee issues after the report is reviewed.

Commissioner Latta commended executive staff and program managers for their exemplary efforts toward assisting the LSO in gathering information for the audit.

Asphalt Availability and Rising Fuel Prices: Department and Wyoming Contractor's Association representatives continue to discuss concerns about asphalt availability and rising fuel costs. Mr. McOmie and Construction Staff are considering updating the fuel cost escalation specification to reflect the times. Asphalt prices are expected to significantly increase in the next year.

13. It was moved by Commissioner Latta, seconded by Commissioner Scott, and carried to move into executive session. The Commission went into executive session at 11:08 a.m.

Messrs. K. Hibbard, McGee, McOmie, Mickelsen, and Colonel Powell left the meeting.

14. It was moved by Commissioner Scott, seconded by Commissioner Latta, and carried to move out of executive session. The Commission went into executive session at 11:32 a.m.

15. It was moved by Commissioner Monk, seconded by Commissioner Scott, and carried to adjourn the meeting. Chairman Hawkins adjourned the meeting at 11:32 a.m., Thursday, April 17, 2008.