

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on February 21, 2008. The meeting was convened at 8:35 a.m. by Chairman Scott. The following members were present constituting a quorum:

Emerson Scott III, Chairman, Dayton  
Susan Dziardziel, Commissioner, Douglas  
Cactus Covello Jr., Commissioner, Torrington  
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; Jim O'Connor, Support Services Administrator; Colonel Sam Powell, Wyoming Highway Patrol Administrator; Dennis Byrne, Acting Aeronautics Administrator; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; Ken Spear, Contracts & Estimates Engineer; John Sherman, Right-of-Way Administrator; Taylor Rossetti, Transit Program Analyst; Mark Gillett, District Engineer, Sheridan; and Phil Miller, Division Administrator, Federal Highway Administration.

Vice Chairman Rip Hawkins, Devils Tower; Commissioner Charlie Monk, Lovell; and Doug Moench, Senior Assistant Attorney General, were absent.

1. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve the correction of the minutes from the December 6, 2007, regular business meeting. *Please see December 6, 2007, minutes regarding this correction.*
2. It was recommended by Secretary Scott, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve the minutes from the January 17, 2008, teleconference meeting, and the January 24, 2008, regular business meeting and executive session and planning retreat meetings.
3. Colonel Powell presented the Highway Patrol report.

Trooper Recruits: Colonel Powell introduced 16 newly recruited troopers to the Commission. The recruits will be commissioned on February 22, 2008. Chairman Scott thanked them for their willingness to serve and wished them well in their work.

The Fatal Crash Summary through January 31, 2008, includes 11 fatal crashes involving 15 deaths. The fatalities include 4 involving rollover crashes, 9 involving multi-car crashes, 2 involving commercial vehicles, and 2 involving pedestrians. Patrol was still working on compiling alcohol related crash data for 2007.

Of the 15 deaths that have occurred to date in 2008, 10 can be attributed to the non-use of occupant restraints, with 4 involving rollover crashes, and 6 involving multi-car collisions. Of the 10 deaths that occurred from non-use of occupant restraints, 7 were Wyoming residents, and 3 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through December 31, 2007. The summary depicts 7,418 crashes statewide, of which 6,012 involved non-commercial vehicles, and 1,406 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of January 31, 2008, have been DUI related. Field arrests total 121 to date, including:

- DUI arrests from crashes - 15
- DUI arrests from traffic stops - 44
- DUI arrests from the REDDI Program - 11
- DUI arrests from ports-of-entry - 0
- NCIC hits (person) - 6
- Wyoming warrants hits - 13
- Drug arrests - 15
- Other arrests - 17

Legislative Update: Colonel Powell briefed the Commission on Highway Patrol-related legislative bills.

4. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0047 to furnish janitorial maintenance for the Casper office complex. The bid was awarded to C & C Janitorial, of Casper, Wyoming, for the sum of \$50,400.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for Bid No. 08-0078 to furnish annual sterilization of guard rail and delineators for use in Sheridan, Johnson, Campbell, Crook, and Weston counties. The bid was awarded to Welford Industries, of Cheyenne, Wyoming, for the sum of \$51,175.41.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for Bid No. 08-0085 to furnish 300 each, isolated carbide edge snowplow blades. The bid was awarded to Kennametal, Inc., of Latrobe, Pennsylvania, for the sum of \$56,400.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for Bid No. 08-0090 to furnish 7,500 each aluminum backing angles. The bid was awarded to Zumar Industries, Inc., of Tacoma, Washington, for the sum of \$80,275.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0092 to furnish 1,283 tons of asphalt emulsions to Highway Districts 1, 2, 3, and 4. The bid was awarded to Darkwater/Asphalt, of Casper, Wyoming, for the sum of \$195,620, and Peak Asphalt, LLC, of Rawlins, Wyoming, for the sum of 170,126.28, for a total sum of \$365,746.28.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Dziardziel, and carried to approve purchase for Bid No. 08-0093 to furnish 1,250 tons of performance graded asphalt binder and/or liquid cut-back asphalts. The bid was awarded to Sinclair Oil Corp., of Salt Lake City, Utah, for the sum of \$1,026,645.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for Bid No. 08-0096 to furnish 23,250 tons of performance-graded oil hot plant mix bituminous pavement material, Type E and tack oil. The bid was awarded to JTL Group, Inc., dba Knife River, of Cheyenne, Wyoming, for the sum of \$459,320 for delivery in Cheyenne, and Simon Contractors, of Cheyenne, Wyoming, for delivery in Laramie, for the sum of \$460,285, for a total sum of \$916,605.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0097 to furnish 17,600 tons of performance-graded asphalt hot plant mix bituminous pavement material to Casper. The bid was awarded to JTL Group, Inc., of Casper, Wyoming, for the sum of \$726,880.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for Bid No. 08-0098 to furnish 25,000 tons of performance-graded asphalt binder hot plant mix bituminous pavement material to Gillette, Sheridan/Bufalo, and Sundance. The bid was awarded to Intermountain Construction & Materials, of Gillette, Wyoming, for the sum of \$1,339,650.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Dziardziel, and carried to approve purchase for Bid No. 08-0099 to furnish 28,689 tons of performance asphalt binder plant mix bituminous pavement material to Riverton, Cody, and Worland. The bid was awarded to Century Companies, Inc., of Lewistown, Montana, for the sum of \$1,048,769.15, and Dave's Asphalt Company of Riverton, Wyoming, for the sum of \$474,151.30, for a total sum of \$1,522,920.45.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0100 to install interpretive signs and associated work. The bid was awarded to Generation X, Inc., of Sheridan, Wyoming for the sum of \$57,100.

It was recommended by Mr. Hibbard, moved by Commissioner McCormick, seconded by Commissioner Latta, and carried to approve purchase for Bid No. 08-0101 to furnish one each, new, current model diesel wheel tractor with backhoe and loader for delivery in Cheyenne. The bid was awarded to C & K Equipment, Inc., of Sheridan, Wyoming, for the sum of \$55,975.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0102 to furnish five each, new, current model wheel all-wheel-drive tractors for delivery in Chugwater, Farson, Rock Springs, Newcastle, and Casper. The bid was awarded to Heartland Kubota, LLC, of Sheridan, Wyoming, for the sum of \$166,750.

It was recommended by Mr. Hibbard, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for Bid No. 08-0106 to furnish eight each, new, current model 20-ton tilting platform trailers for delivery in Burgess Junction, Arlington, Thermopolis, Farson, Pole Creek, Casper, LaBarge, and Ten Sleep. The bid was awarded to Peterbuilt of Wyoming of Cheyenne, Wyoming, for the sum of \$156,949.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Requisition No. 7884 to furnish Novell Network Software. The bid was awarded to Insight Technologies, Inc., of Wauconda, Illinois, for the sum of \$141,523.42.

5. Director Cox presented the Director's report.

Legislative Update: Director Cox briefed the Commission about the status of pending legislation.

Senate File 0001, General Government Appropriations, has passed in the Senate. The bill, in its current form, requires that WYDOT district staff consult with city and county governments about

funding. Director Cox advised that the Department will make a concerted effort to advise local government entities of future State Transportation Improvement Program (STIP) meetings. WYDOT's *Local Government Directory* will also be updated and distributed to provide better information to local government entities. An amendment was proposed for House Bill 0001, which would have lowered the proposed \$200 million for general highway funding, but it did not pass. Director Cox advised that both budget bills were scheduled for final reading on February 29, 2008.

Director Cox advised that a favorable amendment was also presented to fund equal retirement benefits for all Highway Patrol dispatchers, as requested in the Department's original 2009-2010 biennium budget request. Governor Freudenthal removed this item from the Department's budget before sending it to the legislature, but the item has been reintroduced. About \$1.6 million is necessary to fund the retirement benefits.

Senate File 0077, Severance Tax Distribution, would raise the caps and change the distribution of severance taxes. The Department would benefit from this bill by potentially receiving additional highway funding, if the bill passes.

Mr. Tim Hibbard left the meeting.

6. Mr. Kevin Hibbard presented the Budget report.

Mr. Hibbard provided a handout depicting the distribution of the 2008 general fund appropriations and explained how they relate to WYDOT's Commission budget. The appropriation provides authority for the state treasurer to lend the Department up to \$100 million from the state pooled fund investments for the Department's cash flow needs, if necessary. Money borrowed must be repaid, with interest, until sufficient revenue becomes available for repayment of the loans.

Monthly Budget Report: Mr. Hibbard advised that about \$45 million in federal mineral royalties was received in January 2008.

Mr. Hibbard also reported that several programs have already spent a significant percentage of their budgets because of budgeted high-dollar purchases.

Colonel Powell left the meeting.

7. Mr. Collins presented the Engineering & Planning report, beginning with the tabulation of bids from the February 14, 2008, letting held in Cheyenne.

**COMMISSION DISTRICT 1  
Cactus Covello - Commissioner**

Federal project IM-0251158, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, removal and replacement of concrete pavement, removal and replacement of guardrail and fencing, bridge deck repair, various electrical systems, signing, and miscellaneous work on 7.64 miles of I-25, beginning at milepost 7.64 between Cheyenne and the Colorado State Line, in Laramie County. Completion date - October 31, 2008

Engineer's Estimate	\$17,983,607.00
<b>Interstate Highway Construction, Inc., Englewood, CO</b>	<b>\$14,654,122.68 -18.5%</b>
Lawson Construction Company, Longmont, CO	\$15,228,064.15
JTL, Group, Inc. dba Knife River, Cheyenne, WY	\$16,536,236.28
Concrete Works of Colorado, Inc., Lafayette, CO	\$16,772,140.10

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried that **Interstate Highway Construction, Inc., Englewood, Colorado**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State project SPR-B062094, involving construction of a new main entrance to include four entrance lanes and one exit lane, fee booth, grading, draining, placing crushed base, and miscellaneous work at the main entrance to Glendo State Park, in Platte County. Completion date - October 31, 2008

Engineer's Estimate	\$195,360.00
<b>Alexander Construction Co. and Affiliated Companies, Wheatland, WY</b>	<b>\$104,849.73 -46.3%</b>
JTL Group, Inc. dba Knife River, Cheyenne, WY	\$108,640.00
A & A Earthworks, Wheatland, WY	\$128,802.50
Irregular Check Digit	
EHC, LLC., Deaver, WY	\$139,690.00
Simon Contractors, Cheyenne, WY	\$140,300.00
Oftedal Construction, Inc., Miles City, MT	\$153,056.00
71 Construction, Casper, WY	\$172,173.00
Hedquist Construction, Inc., Mills, WY	\$187,035.00

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Dziardziel, and carried that **Alexander Construction Co. and Affiliated Companies, Wheatland, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICTS 1 and 2**  
**Cactus Covello - Commissioner**  
**Sandi McCormick - Commissioner**

Federal project HSIP-B081058, involving sign upgrades and miscellaneous work at various locations along Interstates 25 and 80 in Transportation District 1, in Albany, Carbon, Laramie, and Sweetwater counties. Completion date - October 31, 2008

Engineer's Estimate	\$355,880.00
<b>Highway Technologies, Inc., Oak Brook, IL</b>	<b>\$117,805.00 -66.9%</b>
Irregular Check Digit	
Omo Construction, Inc., Billings, MT	\$156,633.00
Rocky Mountain Enterprises, Inc., Grand Junction, CO	\$204,255.00
Synergy Construction, LLC., Lovell, WY	\$289,056.00
Anderson Highway Signs & Supply, Inc., Mills, WY	\$289,288.00

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner McCormick, and carried that **Highway Technologies, Inc., Oak Brook, Illinois**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project HSIP-B081014, involving upgrading of overhead signs and miscellaneous work at various locations on I-25, I-80, and US 30 in Transportation District 1, in Albany and Laramie counties. Completion date - October 31, 2008

Engineer's Estimate	\$249,800.00
Highway Technologies, Inc., Oak Brook, IL	\$ 98,556.63 -60.5%
Irregular Check Digit\Irregular Bid Bond	
<b>Omo Construction, Inc., Billings, MT</b>	<b>\$116,998.39</b>
Rocky Mountain Enterprises, Inc., Grand Junction, CO	\$160,311.85
Anderson Highway Signs & Supply, Inc., Mills, WY	\$165,133.00
Synergy Construction, LLC., Lovell, WY	\$202,464.00

Mr. Collins advised that the apparent low bidder on the project, Highway Technologies, Inc., provided an improper bid bond with their proposal. The required bid bond document contained no project-related information to link it to their bid proposal.

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Dziardziel, and carried that **Omo Construction, Inc., Billings, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be

awarded the contract as low, responsible bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICTS 1, 2, 3, 4 and 7**

**Cactus Covello - Commissioner**  
**Sandi McCormick - Commissioner**  
**Jim Latta - Commissioner**  
**Emerson Scott III - Chairman**  
**Susan Dziardziel - Commissioner**

Federal project HSIP-B089018, involving epoxy painting at various locations in Transportation Districts 1, 2, 3, and 4, in Albany, Campbell, Carbon, Laramie, Lincoln, Natrona, Sheridan, Sublette, Sweetwater, Teton, and Uinta counties. Completion date - June 30, 2008

Engineer's Estimate	\$1,004,045.25
<b>Streamline Markings, Inc., Billings, MT</b>	<b>\$ 846,823.25 -15.7%</b>
Highway Technologies, Inc., Oak Brook, IL	
Irregular Check Digit	\$ 862,232.50
High Mark Traffic Services, Inc., Billings, MT	\$ 883,312.50
Texas Highway Markings, LLC., Cedar Hill, TX	\$ 959,401.00
Colorado Stripe Wright, Ltd., Denver, CO	\$1,153,917.50

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried that **Streamline Markings, Inc., Billings, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder and to reject the second low bid from Highway Technologies, Inc., on the project. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 2**  
**Sandi McCormick - Commissioner**

Federal project STP-FLH-0402006, involving grading, draining, placing crushed base and bituminous pavement surfacing, chip seal, removal and replacement of fence and guardrail, and miscellaneous work on 9.53 miles on WYO 71, beginning at milepost 0.94 just south of Rawlins (Sage Creek Road), in Carbon County. Completion date - June 30, 2009

Engineer's Estimate	\$7,900,371.00
<b>Oftedal Construction, Inc., Miles City, MT</b>	<b>\$7,782,224.75 -1.5%</b>
McMurry Ready-Mix Co., Casper, WY	\$7,806,380.45
Simon Contractors, Cheyenne, WY	\$7,814,814.64
JTL Group, Inc. dba Knife River, Cheyenne, WY	\$7,948,936.23
LeGrand Johnson Construction Co., Logan, UT	\$8,382,599.60
Mountain Construction Company, Lovell, WY	\$8,699,336.95

Rice-Kilroy Construction Company Inc., Dubois, WY

\$8,872,212.00

It was recommended by Mr. Collins, moved by Commissioner Dziardziel, seconded by Commissioner McCormick, and carried that **Oftedal Construction, Inc., Miles City, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

8. It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve the following project authorizations:

### **COMMISSION DISTRICT 1**

#### Urbanized Interstate

ARSCT 7.85 I251161; Laramie County; Frank Norris Travel Center, reference marker 7.85; sign placement and electrical work; fiscal year 2008; request construction funds of \$30,000; to be reimbursed by Wyoming State Travel and Tourism

#### Urbanized Principal Arterial

ARSCT 0.00 P561A01; Laramie County; Cheyenne: Lincolnway; reference marker 0.00; waterline; fiscal year 2008; request preliminary engineering funds of \$5,000, and construction engineering and construction funds of \$290,000; to be reimbursed by the City of Cheyenne Board of Public Utilities

#### Urbanized Collector

IRP 0.00 CN02084; Laramie County; Cheyenne, Extension College Drive, west of I-25, end of Highway 212; reference marker 0.00; new construction; fiscal year 2008; request preliminary engineering funds of \$218,945, and construction engineering and construction funds of \$2,408,398; IRP funds \$1,000,000

### **COMMISSION DISTRICT 4**

#### Rural Minor Arterial

SCP 60.57 2300040; Campbell County; Reno Junction to Newcastle; reference marker 60.57; expansion joint repair; fiscal year 2008; request state preliminary engineering funds of \$5,000

### **COMMISSION DISTRICT 7**

#### Rural Principal Arterial

NH 97.25 N303051; Fremont County; Dubois to Riverton, Diversion Dam Junction; reference marker 97.25; reconstruction; fiscal year 2012 for construction; request federal preliminary engineering funds of \$456,000

9. It was recommended by Mr. Collins, moved by Commissioner Dziardziel, seconded by Commissioner Covello, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

**WHEREAS**, pursuant to W.S. 1-26-512, 1-26-801, 24-2-102 and 24-6-106, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

**WHEREAS**, the public interest and necessity require the construction of Project 0N25-02(035), Cheyenne - Torrington (Torrington Interchange - Laramie/Goshen County Line) in Laramie County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

**WHEREAS**, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in the W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 1, T15N, R66W; SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 36, T17N, R64W; SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 31, T17N, R63W; all of the 6<sup>th</sup> P.M., Laramie County, Wyoming, and constitute approximately 0.05 acre of property for right-of-way and approximately 1.24 acres of property for temporary construction easements.

**NOW, THEREFORE BE IT RESOLVED**, that the property sought to be acquired is necessary for the proposed project and in the event successful negotiations cannot be effectuated with any owner or owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary right-of-way and/or temporary construction easements.

10. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

**WHEREAS**, pursuant to W.S. 1-26-512, 1-26-801 and 24-2-102, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

**WHEREAS**, the public interest and necessity require the construction of Project ROW-N232045, the Laramie - Colorado State Line, Tie Siding Section Road, in Albany County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

**WHEREAS**, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in:

Gov't. Lot 4 of Section 18,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  and Gov't. Lot 1 of Section 19;  
S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 20,  
S $\frac{1}{2}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ , of Section 28,  
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29,  
all of T13N, R72W;

E $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T13N, R73W;

all of the 6<sup>th</sup> P.M., Albany County, Wyoming, and constitute approximately 32.05 acres of property for right-of-way and approximately 0.42 acre of property for temporary construction easements.

**NOW, THEREFORE BE IT RESOLVED**, that the property sought to be acquired is necessary and appropriate for the proposed project and in the event successful negotiations cannot be effectuated with any owner or owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary right-of-way and/or temporary construction easements.

11. It was recommended by Mr. Collins, moved by Commissioner Dziardziel, seconded by Commissioner Latta, and carried to approve the following resolution:

### **RESOLUTION FOR RELINQUISHMENT**

**WHEREAS**, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of state highways upon reconstruction or relocation of an existing state highway; and

**WHEREAS**, a portion of Wyoming Department of Transportation's right-of-way for State Highway No. 335, Sheridan County, Wyoming, established under Project No. A.F.E. Project 1600 Unit II and Project No. 1703(009), is no longer needed for state highway or public use purposes. Said portion being described as follows:

A tract of land lying between the westerly right-of-way line of the Prior State Highway No. 335 (A.F.E. Project 1600 Unit II), and the westerly right-of-way line of the Present State Highway No. 335 (Project No. 1703(009)), situated in the SW¼NW¼ of Section 4, Township 54 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, said tract of land being more particularly described as follows:

Commencing at the west quarter corner of said Section 4 (monumented with a 3¼" aluminum cap per PLS 6812); thence N83°38'42"E, 793.27 feet to the **POINT OF BEGINNING** of said tract, said point being the intersection of said prior and present westerly right-of-ways (monumented with a highway right-of-way monument);

thence, along said prior westerly right-of-way line through a non-tangent curve to the left, having a radius of 81.59 feet, a central angle of 09°50'15", an arc length of 14.01 feet, a chord bearing of N19°32'17"E, and a chord length of 13.99 feet to a point;

thence N14°37'29"E, 20.28 feet along said prior westerly right-of-way line to a point;

thence, along said prior westerly right-of-way line through a non-tangent curve to the right, having a radius of 293.44 feet, a central angle of 38°59'19", an arc length of 199.68 feet, a chord bearing of N34°07'14"E, and a chord length of 195.85 feet to a point; thence, along said prior westerly right-of-way line through a non-tangent curve to the right, having a radius of 442.26 feet, a central angle of 17°53'31", an arc length of 138.10 feet, a chord bearing of N62°34'05"E, and a chord length of 137.54 feet to a point, said point lying on the westerly right-of-way line of said present westerly State Highway No. 335; thence S35°25'00"W, 178.15 feet along said present westerly right-of-way line to a point (monumented with a highway right-of-way monument);

thence, along said present westerly right-of-way line through a curve to the right, having a radius of 337.93 feet, a central angle of 30°41'02", an arc length of 180.97 feet, a chord bearing of S50°45'31"W, and a chord length of 178.82 feet to the **POINT OF BEGINNING** of said tract.

Said tract contains 17,459 square feet of land, more or less.

Basis of Bearings is the Wyoming Coordinate System, NAD 1983, East Central Zone.

**NOW, THEREFORE BE IT RESOLVED**, the Transportation Commission of Wyoming hereby relinquishes the above-described land to the County of Sheridan as provided for under provisions and authority of W.S. 24-3-126.

12. Messrs. Collins and Sherman briefed the Commission about a parcel of State-owned land located at Hynds Boulevard and Walker Road in Cheyenne. The hotel bordering the property leased the land from WYDOT for many years, but the lease expired. The Department kept the land in case it was needed when Central Avenue was reconstructed a few years ago, but the Department now has no use for it. The land was appraised and recently offered to the hotel for purchase, but the hotel declined the offer. Big D Conoco, the adjoining landowner, has offered to purchase the property at 75 percent of appraised market value.

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and unanimously carried to approve the sale of the parcel of land to Big D Conoco Corporation, at 75 percent of the appraised market value.

Mr. Doug Moench entered the meeting.

13. Fiscal Year 2008 Congestion Mitigation Air Quality (CMAQ) Projects:

Mr. Collins introduced Mr. Taylor Rossetti of the WYDOT Local Government office. Mr. Collins presented information about CMAQ and the dissemination of funding for the CMAQ program. The CMAQ Program Advisory Committee recently met and selected 12 counties to receive funding and 2 for air quality monitoring as follows:

CoalBed Methane Coordination Coalition	\$50,000
Big Powder River Road (Campbell County)	\$292,158
County Roads 605N and 608 (Carbon County)	\$381,360
Jenne Trail Road (Converse County)	\$95,340
County Roads 12/24/49/87/120/123/164 (Crook County)	\$44,094
County Roads 8/14/32/40/54/55A/17/135/154/195/ 204/204B/259 (Johnson County)	\$334,882
County Roads 209/305/306/313/316/327/328/338/ 345/346S (Lincoln County)	\$60,255
County Roads 42 and 273 (Sheridan County)	\$140,722
County Roads 23-106/110/123/136/198 (Sublette County)	\$212,370
Wamsutter - Crooks Gap Road (Sweetwater County)	\$165,193
Christensen/Morrissey/Upton Fairview/Elliott/ Mush Creek and Raven Creek Roads (Weston)	\$223,626

It was recommended by Mr. Collins, moved by Commissioner Dziardziel, seconded by Commissioner Latta, and carried to approve the CMAQ projects.

Mr. McOmie advised that the CMAQ program may require increased future funding, which will most likely come from the Highway Fund.

14. Legislative Update: Mr. Collins briefed the Commission about House Bill 0108, Railroad Quiet Zones, which would establish railroad quiet zones near railroad grade crossings in populated areas.

Mr. Spear left the meeting.

15. Mr. Byrne presented the Aeronautics report.

The January 2008 enplanement report will be presented at the March Commission meeting, as it was not available for this meeting.

Mr. Byrne advised that Mr. Pete Agur of The Van Allen Group will present the October 2006 Aeronautics Strategic Planning Study to the Commission in March. Mr. Agur will update the report to include 2007 statistics. The report will address State aircraft usage, efficiencies, and other flight operations questions.

Colonel Powell re-entered the meeting.

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

Legislative Update: Mr. McOmie briefed the Commission about the status of several legislative bills.

House Bills 0029 and 0079, relating to fuel tax, were introduced in the House, but failed to pass.

House Bill 0070, Distracted Drivers, would have prohibited wireless communication device use by certain licensees while driving, but the bill did not pass.

House Bill 0139, Reduction of State Government Through Attrition, was proposed in the House and failed, but may be reintroduced before the session ends. The bill requires that state agencies reduce the number of positions when employees are lost through attrition.

Senate File 0077, Redistribution of Funds, would change the distribution of mineral severance taxes. Mr. McOmie indicated the bill passed the Revenue Committee but died on the floor.

House Bill 0022, Failure to Observe Road Closures, would increase the fine for willfully failing to observe a road closure. The bill passed the House and Senate Transportation committees.

Legislative Management Audit Committee Update: Mr. McOmie reported that the State Legislative Services Office (LSO) is continuing their audit of the Department's use of state legislative funds for the last biennium. The LSO hopes to have a draft report available by April 7, 2008, for WYDOT executive staff review. The Department will have 15 calendar days after receiving the report to provide a formal response to the findings before the report is sent to the legislature. Mr. McOmie is confident that the audit will reflect positively on the Department's business practices.

Maintenance Snow Budget Update: Mr. McOmie indicated that the Department has expended \$15.2 million for snow maintenance so far this fiscal year. The expenditures are about 75 percent of the overall statewide maintenance budget, which is 16 percent higher than past years.

Mr. O'Connor entered the meeting.

Snow Plow Accident Update: Twenty-three WYDOT snow plow trucks have been involved in accidents so far this winter. Nine involved cars, and 14 involved semi-trucks. Ten of the accidents occurred on I-80 and seven on I-90. No significant injuries were reported by WYDOT employees.

I-80 Closures: Mr. McOmie advised that poor weather and accidents have forced many closures of I-80 in recent weeks. Many complaints have been received about the closures. Mr. McOmie indicated that above average snowfall and wind were the primary cause of the closures. From January 1 to February 15, 2008, areas of I-80 in District 1 were closed 270 hours on 15 different days. District 3 reported 233 hours of closure on 12 different days.

Right-of-way Railroad Fireguard Update: Mr. McOmie provided a report on the railroad fireguards in Sheridan and Campbell counties. The report depicted a minimum cost of \$44,243 to fly the State photogrammetry plane to provide aerial photos of railroad rights-of-way to the counties.

Wyoming Contractors Association (WCA) Issues for the 2008 Legislature: A handout was provided from the Wyoming Contractors Association depicting the key issues that the WCA is tracking during the 2008 legislative session. Mr. McOmie stated that WYDOT executive staff continues to communicate with the WCA about potential funding issues.

17. Mr. O'Connor presented the Support Services report.

Meeting with Wyoming County Clerks Association (WCCA): Mr. O'Connor recently met with WCCA. Funding for new computer software to track vehicle identification numbers (VIN) was discussed at the meeting. The software system, called NMVTIS (National Motor Vehicle Title Information System), would meet the requirements of a federal law passed in 1992 to track VIN's and would keep a complete history for the life of every vehicle in the country.

Legislative Update: Mr. O'Connor reported on pending legislation relating to Support Services.

House Bill 0063, Driver Services Fees, would have increased drivers' license fees and other driver services fees. The bill failed, but the request for record review and filing fee increases were stricken from the old bill, and a new bill was reintroduced and passed the House.

House Joint Resolution 0005, REAL ID Act Repeal, was reviewed before the House Judiciary Committee on February 19, 2008. Revisions were made to the resolution, which urges the Wyoming State Legislature and Wyoming's Congressional Delegation to support measures to repeal the REAL ID Act.

18. It was moved by Commissioner Covello, seconded by Commissioner Latta, and carried to adjourn the meeting. Chairman Scott adjourned the meeting at 11:45 a.m.