

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on March 20, 2008. The meeting was convened at 8:30 a.m. by Vice Chairman Hawkins. The following members were present constituting a quorum:

Emerson Scott III, Chairman, Dayton (via the telephone)
Rip Hawkins, Vice Chairman, Devils Tower
Susan Dziardziel, Commissioner, Douglas
Charlie Monk, Commissioner, Lovell
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; Doug Moench, Senior Assistant Attorney General; Phil Miller, Division Administrator, Federal Highway Administration; Kent Lambert, Civil Rights Manager; Gregg Fredrick, State Bridge Engineer; Ken Spear, Contracts & Estimates Engineer; Mark Gillett, District Engineer; Rusty Price, Intermountain Slurry Seal, Salt Lake City, UT; Jim Lundquist and Bryson Gambrel, Intermountain Construction and Materials, Inc., Gillette, WY; Alan Dubberley, Wyoming Business Council; and Junior Elmore, Wyoming Professional Towers Association.

1. Wyoming State Line Welcome Sign Design: Mr. Alan Dubberley presented the new design layout for the Wyoming state line welcome signs. Wyoming Travel & Tourism representatives have worked with the WYDOT Traffic Program and 3M Corporation to meet the necessary design criteria.

It was recommended by Mr. Dubberley, moved by Commissioner Dziardziel, seconded by Commissioner Covello, and carried to approve the state line welcome sign design.

Mr. Dubberley left the meeting.

2. Agenda Changes: Secretary Scott advised of several additions to the agenda, including two late-scheduled delegations. Messrs. Jim Lundquist and Bryson Gambrel of Intermountain Construction and Materials, Gillette, Wyoming, and Mr. Rusty Price of Intermountain Slurry Seal, Salt Lake City, Utah, attended the meeting to defend their bids on Project STP-B084003, District 4 chip sealing. Secretary Scott advised that the delegations would address the Commission under Item 6.a. on the agenda.

Secretary Scott requested that the election of officers be added to the agenda as Item 2.

Secretary Scott also advised of a map use request from Wordworth Publishing that was received on March 17, 2008. Mr. Doug McGee, Public Affairs Manager, will present the request as Item b under the Director's report.

It was recommended by Secretary Scott, moved by Commissioner Covello, seconded by Commissioner McCormick, and carried to approve the additional agenda items.

3. Election of Commission Officers: Secretary Scott advised that Wyoming statutes require that, "They [the Commission] shall biennially elect their chairman on or after the first day of March." Officers were elected in 2007, but the Commission has the option of electing new officers annually.

Vice Chairman Hawkins asked for nominations from the floor for Transportation Commission Chairman. Commissioner Monk nominated Vice Chairman Hawkins for Chairman. There being no further nominations from the floor, it was moved by Commissioner Dziardziel, seconded by Commissioner Covello, and carried to close nominations.

It was moved by Commissioner Monk, seconded by Commissioner Dziardziel, and unanimously carried to elect Vice Chairman Hawkins as Chairman.

Chairman Hawkins asked for nominations from the floor for Transportation Commission Vice Chairman. Commissioner Latta nominated Commissioner Dziardziel for Vice Chairman. There being no further nominations from the floor, it was moved by Commissioner Monk, seconded by Commissioner Latta, and carried to close nominations.

It was moved by Commissioner Latta, seconded by Commissioner Scott, and unanimously carried to elect Commissioner Dziardziel as Vice Chair.

4. It was recommended by Secretary Scott, moved by Commissioner McCormick, seconded by Vice Chair Dziardziel, and carried to approve the minutes from the February 21, 2008, regular business meeting and education session.

5. Director Cox presented the Director's report.

Director Cox presented a handout depicting the 2008 proposed topics for the Joint Interim Transportation, Highways, and Military Affairs Committee. The next JITC meeting will be held in Gillette, May 21-22, 2008.

6. Mr. Kevin Hibbard presented the Budget report.

Mr. Hibbard advised that the Legislature approved \$200 million in the General Appropriations bill for WYDOT use. A measure that would have allowed \$100 million to be appropriated in the fiscal year 2010-12 Department budget was vetoed by Governor Freudenthal after being approved by the Legislature.

Monthly Budget Report: Mr. Hibbard advised that the Department's annual snow removal budget is over-expended. Mr. McOmie will address the overrun during the Chief Engineer's report.

7. Mr. McGee presented a request to use the official Wyoming highway map from Ms. K. T. Roes, of Wordsworth Publishing, in Cody, Wyoming. The map would be used on the cover of *Paintrock Tales and Bonanza Trails*, which details Hyattville's history. The publication will be produced for a non-profit organization, but will ultimately be sold to the public to raise funds for the Hyattville Historical Society.

Mr. Moench advised that authorizing use of the map has potential to dilute the integrity of the official highway map.

It was recommended by Mr. McGee, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to deny the request for the use of the official Wyoming highway map from Wordsworth Publishing. Mr. McGee advised he will offer an alternative map to Ms. Roes for the Hyattville project.

8. Mr. McGee presented the 2008 official Wyoming highway map to the Commission and advised that the map will be distributed soon.

9. Mr. Collins presented the Engineering and Planning report, beginning with the tabulation of bids from the letting held March 6, 2008, in Laramie.

**COMMISSION DISTRICT 1
Cactus Covello - Commissioner**

Federal project STPU-TO-4980002, involving grading, draining, placing crushed base and bituminous pavement surfacing, curb and gutter, and miscellaneous work on 0.18 mile of US 26 (East P Street) in the town of Torrington, in Goshen County. Completion date - October 31, 2008

Engineer's Estimate	\$385,245.75
Simon Contractors, Cheyenne, WY	\$362,498.05 -5.9%

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, 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, contingent upon receiving concurrence from the City of Torrington. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 2
Sandi McCormick - Commissioner

State projects SCP-SL-1900039 and ARSCT-1900A01 combined, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, removal and replacement of curb and gutter, and miscellaneous work on 5.15 miles of WYO 530, beginning at milepost 2.25, between Green River and Manila, in Sweetwater County. Completion date - November 30, 2008

Engineer's Estimate	\$2,343,163.00	
Western Wyoming Construction Co., Lander, WY	\$1,979,785.00	-15.5%
Mountain Construction Company, Lovell, WY	\$2,140,383.90	
McGarvin-Moberly Construction Company, Worland, WY	\$2,209,092.97	
McMurry Ready-Mix Co., Casper, WY	\$2,663,006.50	
LeGrand Johnson Construction Co., Logan, UT	\$2,545,317.80	
Plus 5% for Comparison	\$2,672,583.69	
Lewis & Lewis, Inc., Rock Springs, WY	\$2,784,903.10	

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Scott, and carried that **Western Wyoming Construction Co., Lander, 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-PO-SL-1903024, involving milling plant mix, grading, placing bituminous pavement surfacing, and miscellaneous work on 13.00 miles of WYO 430, beginning at reference marker 34.00 just south of Rock Springs, in Sweetwater County. Completion date - June 30, 2009

Engineer's Estimate	\$2,252,678.00	
McGarvin-Moberly Construction Company, Worland, WY	\$2,043,316.05	-9.3%
Mountain Construction Company, Lovell, WY	\$2,078,626.30	
McMurry Ready-Mix Co., Casper, WY	\$2,233,666.80	
Lewis & Lewis, Inc., Rock Springs, WY	\$2,245,923.20	
LeGrand Johnson Construction Co., Logan, UT	\$2,386,370.00	
Plus 5% for comparison	\$2,505,688.50	

It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Monk, and carried that **McGarvin-Moberly Construction Company, Worland, 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-B073026, involving grading, placing bituminous pavement surfacing, and miscellaneous work on 2.77 miles of the I-80 Rock Springs north service road, and on 2.00 miles of Purple Sage Road, just outside of Rock Springs for a total project length of 4.77 miles, in Sweetwater County. Completion date - September 30, 2009

Engineer's Estimate	\$1,025,420.00	
Lewis & Lewis, Inc., Rock Springs, WY	\$1,076,011.56	+4.9%
McMurry Ready-Mix Co., Casper, WY	\$1,253,372.00	
McGarvin-Moberly Construction Company, Worland, WY	\$1,254,419.34	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that **Lewis & Lewis, Inc., Rock Springs, 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 2 and 3
Sandi McCormick - Commissioner
Jim Latta - Commissioner

State project SCP-SL-1906018, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, concrete, removal and replacement of cattle guards, signing, and fencing, and miscellaneous work 6.00 miles of WYO 372, beginning at milepost 34.27 between Green River and Fontenelle, in Lincoln and Sweetwater counties. Completion date - June 30, 2009

Engineer's Estimate	\$6,392,413.50	
LeGrand Johnson Construction Co., Logan, UT	\$5,482,127.70	-14.2%
Plus 5% for comparison	\$5,756,234.09	
McGarvin-Moberly Construction Company, Worland, WY	\$6,005,058.05	
Oftedal Construction, Inc., Miles City, MT	\$6,262,791.70	
Simon Contractors, Cheyenne, WY	\$6,272,986.47	
Western Wyoming Construction Co., Lander, WY	\$6,497,288.00	
Mountain Construction Company, Lovell, WY	\$6,659,106.85	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$6,742,208.04	
McMurry Ready-Mix Co., Casper, WY	\$7,670,115.50	

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

**COMMISSION DISTRICT 4
Emerson Scott III - Commissioner**

Federal projects STPU-GI-4687001 and ARSCT-4687A01 combined, involving grading, draining, removal and replacement of fencing, curb, gutter and sidewalks, concrete pavement, milling plant mix, placing crushed base, bituminous pavement surfacing, electrical systems, water systems, and miscellaneous work on 0.60 mile of Sinclair Street, beginning at the intersection with WYO 59 in the city of Gillette, in Campbell County. Completion date - November 30, 2008

Engineer's Estimate	\$5,622,017.06
Intermountain Construction and Materials, Inc., Gillette, WY	\$4,015,449.00 -28.6%
DRM, Inc., Gillette, WY	\$4,161,740.69

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

State project SCP-SL-1704012, involving grading, draining, milling plant mix, placing bituminous pavement leveling and surfacing, and miscellaneous work on 9.99 miles of WYO 336, beginning at reference marker 1.59 and ending at reference marker 11.58, in Sheridan County. Completion date - October 31, 2008

Engineer's Estimate	\$1,825,150.00
McMurry Ready-Mix Co., Casper, WY	\$2,039,927.50 +11.8%
Intermountain Construction and Materials, Inc., Gillette, WY	\$2,050,000.00
McGarvin-Moberly Construction Company, Worland, WY	\$2,184,805.45
Mountain Construction Company, Lovell, WY	\$2,203,839.00
Century Companies, Inc., Lewistown, MT	\$2,132,939.50
Plus 5% for comparison	\$2,239,586.48

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Monk, and carried that **McMurry Ready-Mix Co., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project IM-I901112, involving removal and replacement of expansion joints and miscellaneous work on I-90, beginning at reference marker 20.53 and ending at reference marker 20.59, in Sheridan County. Completion date - May 31, 2008

Engineer's Estimate	\$398,885.00	
Reiman Corp., Cheyenne, WY	\$399,006.00	0.0%
J.V. Bailey Co. Inc., Rapid City, SD	\$466,531.00	

It was recommended by Mr. Collins, moved by Commissioner Monk, 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. The Federal Highway Administration concurred with this decision.

Federal project ACIM-I255108, involving microsurfacing and miscellaneous work on 4.27 miles of Interstate 25, beginning at reference marker 289.56 approximately 9.0 miles south of the town of Buffalo, in Johnson County. Completion date - September 30, 2008

Engineer's Estimate	\$355,209.05	
Martin Resource Management Corporation and Subsidiaries, Omaha, NE	\$410,626.20	+15.6%
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$444,044.00	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that **Martin Resource Management Corporation and Subsidiaries, Omaha, Nebraska**, 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.

COMMISSION DISTRICTS 4 and 6
Emerson Scott III - Commissioner
Rip Hawkins - Chairman

Federal project STP-B084003, involving chip sealing and miscellaneous work on various roads in Transportation District 4, in Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston counties. Completion date - September 15, 2008

Engineer's Estimate	\$3,650,000.00	
Intermountain Construction and Materials, Inc., Gillette, WY	\$3,700,000.00	+1.4%
Irregular Proposal/Addenda not noted		
Intermountain Slurry Seal, Inc., Salt Lake City, UT	\$3,914,341.44	
Northern Improvement Company, Fargo, ND	\$3,927,290.00	

Mr. Collins advised that the apparent low bidder, Intermountain Construction and Materials, Inc. (ICM), did not acknowledge receipt of a bid addendum on this project. The addendum modified the chip specifications for the project chip seal. WYDOT has no inviolable rule, regulation, or specification that invokes bid rejection for failure to acknowledge addendums.

Mr. Rusty Price, of Intermountain Slurry Seal, Inc., addressed the Commission. As second low bidder, Mr. Price advised that his firm did check the addendum acknowledgment box and asked the Commission to consider awarding the project to Intermountain Slurry Seal, Inc.

Mr. Tom Murphy, Vice President of ICM, addressed the Commission. Mr. Murphy stated that he helped prepare his company's bid, but also had estimators assisting with bid preparation who were unfamiliar with WYDOT's bid protocol, leading to the addendum acknowledgment oversight.

Mr. Moench advised that receipt of "constructive notice" must be given for the ICM bid to be binding. ICM provided verbal acknowledgment of the addendum. According to Mr. Moench, constructive notice was provided and, consequently, the bid was legitimate.

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

Messrs. Price, Murphy, Gambrel and Spear left the meeting.

COMMISSION DISTRICT 6
Rip Hawkins - Chairman

State project SCP-SL-2300036, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, concrete, removal and replacement of cattle guards and fencing, and miscellaneous work on 7.84 miles of WYO 450, beginning at milepost 24.24 between Newcastle and Reno Junction Road, in Weston County. Completion date - September 30, 2009

Engineer's Estimate	\$8,445,475.75	
Border States Paving, Inc., Fargo, ND	\$6,889,297.14	-18.4%
Plus 5% for comparison	\$7,233,762.00	

Simon Contractors, Cheyenne, WY	\$7,482,521.16
Northern Improvement Company, Fargo, ND	\$7,139,977.08
Plus 5% for comparison	\$7,496,975.93
McGarvin-Moberly Construction Company, Worland, WY	\$7,530,655.15

Oftedal Construction, Inc., Miles City, MT	\$7,597,508.50
McMurry Ready-Mix Co., Casper, WY	\$7,732,879.25
Intermountain Construction and Materials, Inc., Gillette, WY	\$7,833,550.00
Mountain Construction Company, Lovell, WY	\$8,356,041.22

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Latta, and carried that **Border States Paving, Inc., Fargo, North Dakota**, 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-2300039, involving grading, draining, milling plant mix, placing bituminous pavement leveling and surfacing, and miscellaneous work on 8.08 miles of WYO 450, beginning at reference marker 0.00 and ending at reference marker 8.08, in Weston County. Completion date - November 30, 2008

Engineer's Estimate	\$2,162,986.10
Roberts Construction Company, Sheridan, WY	\$1,691,602.64 -21.8%
Century Companies, Inc., Lewistown, MT	\$2,008,823.20
Plus 5% for comparison	\$2,109,264.36
Mountain Construction Company, Lovell, WY	\$2,109,835.13
Simon Contractors, Cheyenne, WY	\$2,197,744.10
McGarvin-Moberly Construction Company, Worland, WY	\$2,208,615.16
McMurry Ready-Mix Co., Casper, WY	\$2,447,211.10

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Vice Chair Dziardziel, 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.

COMMISSION DISTRICT 7
Susan Dziardziel - Vice Chair

Federal projects ACIM-0254146 and ACSTP-U253005 combined, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, removal and replacement of concrete pavement, removal and replacement of guardrail,

bridge deck repair, roadway lighting, electrical systems, dynamic message signs, signing, and miscellaneous work on 10.95 miles of I-25 and WYO 253, beginning at milepost 184.75 between Casper and Glenrock (Hat Six Road), in Converse and Natrona counties. Completion date - October 31, 2009

Engineer's Estimate	\$25,925,292.60	
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$24,603,409.00	-5.1%
Ames Construction, Inc., Burnsville, MN	\$24,995,250.00	
Simon Contractors, Cheyenne, WY	\$25,672,265.22	
Oftedal Construction, Inc., Miles City, MT	\$26,372,015.65	

It was recommended by Mr. Collins, moved by Vice Chair Dziardziel, seconded by Commissioner McCormick, and carried that **Fisher Sand & Gravel Co. and Subsidiary, Dickinson, North Dakota**, 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 ACBROS-0C13058 and ARSCT-0C13A01 combined, involving grading, draining, removal and replacement of bridge, bridge conduit system, fencing, guardrail, and miscellaneous work on the bridge over the North Platte River on Tank Farm Road (County Road 27), in Converse County. Completion date - May 31, 2009

Engineer's Estimate	\$2,508,419.10	
Reiman Corp., Cheyenne, WY	\$2,238,246.90	-10.8%
Heavy Constructors, Inc., Rapid City, SD	\$2,457,716.42	
Flatiron Constructors, Inc. and Subsidiaries, Longmont, CO	\$2,588,831.50	
Irregular Check Digit		

It was recommended by Mr. Collins, moved by Vice Chair Dziardziel, seconded by Commissioner Latta, 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. The Federal Highway Administration concurred with this decision.

Federal project NH-GM-N203053, involving grading, draining, placing crushed base and bituminous pavement surfacing, fencing, and miscellaneous work on 0.03 mile of WYO 789 at two locations between Muddy Gap and Riverton, in Fremont County. Completion date - October 31, 2008

Engineer's Estimate	\$664,415.10
Western Wyoming Construction Co., Lander, WY	\$534,629.00 -19.5%
Rice-Kilroy Construction Company Inc., Dubois, WY	\$666,666.00
Patrick Construction, Inc., Lander, WY	\$699,790.00
Reiman Corp., Cheyenne, WY	\$713,852.00
Oftedal Construction, Inc., Miles City, MT	\$755,744.70
Wilson Bros. Construction, Inc., Cowley, WY	\$794,751.00

It was recommended by Mr. Collins, moved by Commissioner Monk, seconded by Commissioner McCormick, and carried that **Western Wyoming Construction Co., Lander, Wyoming**, 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.

10. 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

Urban Local

RHC 0.00 CN02085; Laramie County; Cheyenne Streets, 5th Street, Union Pacific Railroad; new concrete surfacing; fiscal year 2008; request federal preliminary engineering funds of \$1,000, and federal construction engineering and construction funds of \$225,908

COMMISSION DISTRICT 5

Rural Major Collector

SBWY 0.00 WY07002; Park County; Chief Joseph Highway Scenic Byway; completion of interpretive master plan; request federal preliminary engineering funds of \$18,000

COMMISSION DISTRICT M (Miscellaneous)

Rural Principal Arterial

SBWY 0.00 WY07003; Fremont, Sublette, Teton counties; Centennial Scenic Byway, Pinedale to Dubois; portal site development and turnout site improvements; fiscal year 2008; request federal construction funds of \$895,000

Rural Major Collector

RHC 0.00 B089062; statewide; railroad pavement markings on state system; fiscal year 2008; request federal preliminary engineering funds of \$25,000, federal construction engineering and construction funds of \$275,000

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

RESOLUTION FOR ABANDONMENT

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 strip of land being a portion of Wyoming State Highway 450, located in Government Lots 1 and 8 in Section 12, T.43N., R.71W. of the 6th P.M., Campbell County, Wyoming, in Government Lots 8, 9, 14,13,12,18 and 19 in Section 7, T.43N., R.70W. of the 6th P.M., Campbell County Wyoming and in Government Lot 13 Section 8, T.43N., R.70W. of the 6th P.M., Campbell County, Wyoming. Said strip of land being more particularly described by metes and bounds as follows:

Beginning at a point which bears S.74°21'28"E. a distance of 4,154.08 feet from the Northwest Corner of Section 12, T.43N., R.71 West of the 6th P.M., Campbell County, Wyoming. Said point being on the presently existing northeasterly right-of-way boundary of Wyoming State Highway 450 and is monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308" and said point also being **THE TRUE POINT OF BEGINNING;**

thence S.64°51'54"E. a distance of 1,599.21 feet along the presently existing northeasterly right-of-way boundary of Wyoming State Highway 450 to a point monumented with a State Highway Dept. Reference Marker Stamped "ROW POT 406+00 115 LT";

thence S.64°51'54"E. a distance of 1,743.84 feet along the presently existing northeasterly right-of-way boundary of Wyoming State Highway 450 to a point monumented with a State Highway Dept. Reference Marker Stamped "ROW PC 423+43.7 115 LT," said point also being the point of beginning of a non-tangential curve concave to the southwest;

thence continuing on the presently existing northeasterly right-of-way boundary of State Highway 450 in a southeasterly direction a distance of 1,069.41 feet along said non-tangential curve concave southwest having a radius of 5,844.58 feet, a central angle of 10°29'01" and a chord that bears S.59°37'46"E. a distance of 1,067.92 feet to a point, said point also being the point of ending of said non-tangential curve concave southwest;

thence S.54°22'46"E. a distance of 3,529.51 feet along the presently existing northeasterly right-of-way boundary of Wyoming State Highway 450 to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308";

thence leaving said presently existing northeasterly right-of-way boundary of State Highway 450, S.35°37'10"W. a distance of 30.00 feet to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308";

thence N.54°22'46"W. a distance of 216.32 feet to a point that intersects the boundary line between Sections 7 and 8, T.43N., R.70W. and which bears N.0°44'19"W. a distance of 356.41 feet from the southeast corner of Section 7, T.43N., R.70W.;

thence N.54°22'46"W. a distance of 3,313.19 feet to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS PT DATE 3/2007 PLS 8308", said point being the point of beginning of a non-tangential curve concave southwest;

thence continuing in a northwesterly direction a distance of 683.67 feet along said non-tangential curve concave southwest having a radius of 5,814.58 feet, a central angle of 06°44'12" and a chord that bears N.57°45'22"W. a distance of 683.28 feet to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308," said point also being the point of ending of said non-tangential curve concave southwest;

thence N.28°52'32"E. a distance of 15.00 feet to a point on the boundary line between Government Lots 9 and 14, Section 7, T.43N., R.70W. and which bears N.89°49'12"E. a distance of 2,138.36 feet from the East Quarter Corner of Section 7, T.43N., R.70W., said point being monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308," said point also being the point of beginning of a non-tangential curve concave southwest;

thence continuing in a northwesterly direction a distance of 381.23 feet along said non-tangential curve concave southwest having a radius of 5,829.58 feet, a central angle of 03°44' 49" and a chord that bears N.62°59'53"W. a distance of 381.16 feet to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308," said point also being the point of ending of said non-tangential curve concave southwest;

thence N.64°51'54" W. a distance of 1,967.81 feet to a point that intersects the boundary line between Section 12, T.43N., R.71W. and Section 7, T.43N.,R.70W. and which bears N.0°58'23.6"E. a distance of 1,015.76 feet from the West Quarter Corner of Section 7, T.43N., R.70W.;

thence N.64°51'54"W. a distance of 1,375.24 feet to a point monumented with a 3 1/4 inch aluminum cap pipe monument stamped "X03647XARS JOG DATE 3/2007 PLS 8308";

thence N.25°08'06"E. a distance of 15.00 feet to **The True Point of Beginning**.

The above described parcel of land contains 4.186 acres, more or less.

The basis of bearing is the Wyoming State plane coordinate system, NAD 83/CORS 96, Wyoming East Zone.

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

12. It was recommended by Mr. Collins, moved by Vice Chair 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 State Highway 255 in the City of Casper and located in Section 4, T.33N., R.79W., of the 6th P.M., Natrona County, Wyoming being more particularly described by metes and bounds as follows:

Beginning at a point where the north right-of-way boundary of First Street intersects the presently existing easterly right-of-way boundary of Center Street;

thence north along said presently existing easterly right-of-way boundary of Center Street to a point where said presently existing easterly right-of-way boundary of Center Street intersects the presently existing southerly right-of-way boundary of West E Street;

thence west to a point where said presently existing southerly right-of-way boundary of West E Street intersects the presently existing westerly right-of-way boundary of Center Street;

thence south along said presently existing westerly right-of-way boundary of Center Street to a point where said presently existing westerly right-of-way boundary of Center Street intersects said northerly right-of-way boundary of First Street;

thence east to a point where said northerly right-of-way boundary of First Street intersects said presently existing easterly right-of-way boundary of Center Street and the point of beginning.

The above described parcel of land contains 4.16 acres, more or less.

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

13. Moran Junction to Dubois Project Update: Mr. Collins briefed the Commission about the status of the Moran Junction to Dubois corridor reconstruction project. The Brooks Lake Section was let to contract in January 2006, is substantially complete, and will open to traffic this summer. The second section at the Buffalo Fork River was let in August 2006 and is also substantially complete. Many compliments have been received from the public and other involved entities, including the U.S. Forest Service, about the project. The third section, which will combine the Togwotee Pass and Four Mile Meadows sections, is in its final design stages and is scheduled to be let in May 2008. The cost of the third section will be the most expensive in WYDOT's letting history and will probably be a three-season project. The final section is at Rosie's Ridge, is about 6.5 miles long, and is scheduled for a 2010 letting.

14. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through February 29, 2008, includes 17 fatal crashes involving 24 deaths. The fatalities include 5 involving rollover crashes, 16 involving multi-car crashes, 4 involving commercial vehicles, 2 involving pedestrians, and 1 involving a fixed object. Colonel Powell advised that the 2007 end-of-year fatality statistics are consistent with past years, although there were more alcohol-related fatalities.

There have been 9 crashes to date deemed alcohol related, resulting in 10 deaths. Of those deaths, 7 were attributed to not using restraints.

Of the 24 deaths that have occurred to date in 2008, 15 can be attributed to the non-use of occupant restraints, with 5 involving rollover crashes, and 10 involving multi-car collisions. Of the 15 deaths that occurred from non-use of occupant restraints, 11 were Wyoming residents, and 4 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through January 31, 2008. The summary depicts 969 crashes statewide, of which 754 involved non-commercial vehicles, and 215 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of February 29, 2008, have been DUI related. Field arrests total 263 to date, including:

- DUI arrests from crashes – 30
- DUI arrests from traffic stops – 113
- DUI arrests from the REDDI reports – 23
- DUI arrests from ports-of-entry contacts – 0
- NCIC hits (person) – 9
- Wyoming warrants – 31
- Drug arrests – 20
- Miscellaneous arrests – 37

Colonel Powell reported that drug and Wyoming warrants arrests were higher than usual in 2007.

15. Legislative Update: House Bill (HB) 0021, which increases overweight and oversize load vehicle fees, passed. Fees had not been increased for about 15 years, and Wyoming's fees were much lower than surrounding states. Funds from overweight and oversize load permits revert back to the Highway fund.

HB0136, which gives law enforcement entities the authority to randomly test for the presence of dyed fuels, also passed. The Department will enter into a memorandum of understanding with the Internal Revenue Service (IRS) to perform fuel chemical analysis. The bill will give the Department more latitude for collecting federal diesel fuel taxes.

Mr. Junior Elmore asked Colonel Powell how the origin of diesel fuel samples will be identified by law enforcement. Colonel Powell advised that two samples will be suctioned from the fuel tank, which will be labeled on site. One sample will be kept as evidence by the law enforcement agency, and the other will be sent to the IRS for testing.

16. New Transportation Management Center: Colonel Powell reported that the new Highway Patrol Dispatch Center is now fully operational. The Transportation Management Center is located in the old Quest Building on Yellowstone Road in Cheyenne. The Dispatch Center incorporates new state-of-the-art dispatch equipment.

17. Sheridan County Transient: Colonel Powell indicated that a transient has taken up residence along the I-25 Dietz Interchange near Sheridan. The man first took up residence in Natrona County, but the Natrona County District Attorney evicted him.

Mr. Moench advised that Wyoming has a statute about keeping rights-of-way free of obstructions. It's up to the Sheridan County Attorney to enforce the law. The Department may pursue an injunction against the transient, but an injunction typically does not result in jail time.

Commissioner Scott voiced his concern about the transient's safety while camping in the right-of-way.

18. Mr. Byrne presented the Aeronautics report, including the Aircraft Passenger Summary Report through February 29, 2008.

Wyoming Commercial Air Service Report: Mr. Byrne asked the Commission if there was a benefit in receiving the Wyoming Commercial Air Enplanement Report. Data are collected from individual airports to generate the report and are sometimes difficult to acquire. After considerable discussion, the Commission decided that there was little benefit in the Commercial Air Service Report. The Commissioners would still like to receive the State Aeronautics enplanement report.

Commissioner Covello asked Mr. Byrne to provide a report to the Commission depicting the operating cost per hour for the State jets. Mr. Byrne advised that, since assuming the position of acting Aeronautics Administrator, he has determined that the actual operating cost for the State jets is about \$2,500 per hour.

Messrs. Cox and Byrne left the meeting.

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

Mr. O'Connor introduced Mr. Kent Lambert, the Department's new Civil Rights Manager. Mr. Lambert assumed his role on January 22, 2008. WYDOT policies are being reviewed for compliance with the federally mandated affirmative action plan and Title 6 specifications. Affirmative action and Title 6 were handled by the WYDOT Human Resources Program before the Civil Rights Manager position was created.

REAL ID Update: Mr. O'Connor will attend a meeting about Driver License Compact and legal issues with REAL ID on April 18, 2008. The Department recently received an extension for implementing the REAL ID Program and must be compliant with the REAL ID Act by January 1, 2010.

Verisol™ Update: A meeting will be held in Cheyenne April 24-25, 2008, about the Verisol™ Program. Insurance representatives from throughout the United States will attend this meeting. Representatives of state governments that are implementing or planning to implement Web based insurance verification will also attend. Mr. O'Connor reported that Wyoming's insurance verification program will be implemented by July 1, 2008, which meets the intent of the law, but further verifications are being done to ensure accuracy before going live. Regular conference calls with vendors continue. Insurance companies are being asked to amend information provided on the insurance cards to indicate which are commercial by July 1, 2009. The reason for having this information on the insurance cards is so that when law enforcement sees that the card is commercial, they will not use the Web based insurance verification. The law as presently written requires Web based insurance verification on private vehicles only.

Legislative Update: Mr. O'Connor reported that many Support Services-related topics will be addressed by legislative committees this year.

Zoo Productions Request: Zoo Productions, of Hollywood, California, has requested permission to film drivers license applicants at Wyoming Driver Services facilities. The film company intends to capture reactions and emotions of applicants and recipients when testing and acquiring their drivers licenses. The footage will be used for a new reality show. Mr. O'Connor advised that a memorandum of understanding and stringent rules would be necessary if the request was approved.

It was recommended by Mr. O'Connor, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to deny the request from Zoo Productions.

20. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Bid No. 08-0025 to furnish a right-of-way management system, including six years of maintenance. The bid was awarded to Balanced Environmental Management (BEM) Systems, of Chatham, New Jersey, for the sum of \$621,121.20.

It was recommended by Mr. Hibbard, moved by Vice Chair Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for Bid No. 08-0128 to furnish 80,000 pounds of aluminum for license plates, for delivery in Cheyenne. The bid was awarded to Nichols Aluminum of Davenport, Iowa, for the sum of \$148,720.

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It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for Requisition No. 7679 to furnish Intergraph Hardware and software maintenance in accordance with Contract No. IN-0005797 dated August 31, 2007. The bid was awarded to Intergraph Corporation of Madison, Alabama, for the sum of \$78,288.

Mr. Byrne re-entered the meeting.

It was recommended by Mr. Hibbard, moved by Vice Chair Dziardziel, seconded by Commissioner McCormick, and carried to approve purchase for Requisition No. 8491 to furnish 1,500 tons of hot mix material, to be delivered to Douglas. The bid was awarded to 71 Construction Company of Casper, Wyoming, for the sum of \$72,000.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Monk, and carried to approve purchase for Requisition No. 9677 to furnish 1,216 gallons of long pot life epoxy for use by various striping crews in Casper, Rock Springs, Sheridan, and Basin. The bid was awarded to Industrial Coating Specialties Corporation of Houston, Texas, for the sum of \$50,754.

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

Maintenance Budget Update: Mr. McOmie reported that of the Department's 2008 snow maintenance budget, about 95 percent has been expended as of February. Normal expenditures through the end of February would typically be about 62.5 percent. Of the \$20 million budget, less than \$1 million remains.

March/April State Legislative Funding Update: Mr. McOmie advised that nine of the projects let in March, totaling some \$42 million, were funded by the 2008 Legislature. The Department plans to let another seven projects worth about \$17 million in April, and hopes to let the remaining \$40 million of this year's legislatively funded projects by June 2008.

Director Cox re-entered the meeting.

22. It was moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to move into executive session. The Commission went into executive session at 11:30 a.m.

23. It was moved by Commissioner Covello, seconded by Vice Chair Dziardziel, and carried to move out of executive session. The Commission moved out of executive session at 11:50 a.m.

24. It was moved by Commissioner Covello, seconded by Commissioner Monk, and carried to adjourn the meeting. Chairman Hawkins adjourned the meeting at 11:50 a.m., Thursday, March 20, 2008.