

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on February 19, 2009. 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
Sandi McCormick, Commissioner, Rock Springs
Charlie Monk, Commissioner, Lovell (via telephone)
Cactus Covello Jr., Commissioner, Torrington
Jim Latta, Commissioner, Pinedale
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; Tom Loftin, Support Services Administrator; Colonel Sam Powell, Wyoming Highway Patrol Administrator; Dennis Byrne, 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.

Others present: Former Commissioner Delbert Eitel, Kaycee; Jonathan Downing, Executive Director, Wyoming Contractor's Association; Mark Gillett, District Engineer, Sheridan; Sara Janes, Safe Routes to Schools Coordinator, Cheyenne; and Ken Spear, Contracts & Estimates Engineer, Cheyenne.

1. It was recommended by Secretary Scott, moved by Vice Chair Dziardziel, seconded by Commissioner Covello, and carried to approve the minutes from the January 15, 2009, regular business meeting and education session.
2. Secretary Scott briefed the Commission about a letter received from Mr. Robert L. Gaukel of the American Concrete Paving Association (ACPA), Colorado/Wyoming Chapter, requesting the Commissioners' attendance at the annual ACPA dinner on April 15, 2009. The Commission accepted the invitation.
3. Director Cox presented the Director's report.

White House Transportation Forum, Washington, D.C.: Director Cox met with other department of transportation directors in Washington, D.C., on February 10, 2009. The meeting was called by President Obama's Chief of Staff to discuss the American Recovery and Reinvestment Act (ARRA) of 2009. U.S. Secretary of Transportation Ray LaHood attended the meeting to discuss the stimulus bill and the upcoming federal highway bill authorization. States' performance in their use of the ARRA funding and time lines will be used as a gauge for how the highway bill will proceed.

Director Cox stressed the need to keep rural bridge states like Wyoming fully funded in the next authorization.

Director Cox and Chief Engineer McOmie will attend the American Association of State Highway and Transportation Officials (AASHTO) Washington Briefing meeting in Washington, D.C., on February 23-24, 2009.

Wyoming ARRA Committee: Governor Freudenthal has assembled a committee to sort out Wyoming's portion of the federal stimulus package. Mr. Ron Kisicki, Management Services Manager, represents WYDOT on the committee.

Budget Information Request: Governor Freudenthal has requested that agency directors review their budgets for potential budget reductions. The Governor advised in his February 12, 2009, memorandum that a 5 to 10 percent cut in agency 2009-2010 biennium budgets be submitted to the Budget Division of the Department of Administration and Information by May 5, 2009. Director Cox advised that it is possible that surface transportation and airport funding could be significantly impacted by the cuts.

Legislative Update: Director Cox updated the Commission about the status of the Department's upcoming Supplemental Budget, which has passed the State House and Senate. To date, all surface transportation funds have been stripped from the budget, while airport improvement funds remain in place. HB0038, Fiscal Year for Governmental Entities, in its original form would have required WYDOT to change its fiscal year to July through June. Changing fiscal years would have created a monumental transition for WYDOT operations. The bill was successfully amended, however, and WYDOT will be required to only provide reports to the Department of Audit on a July to June basis, while continuing to operate on the federal fiscal year.

Commissioner Retirements: Director Cox offered his gratitude to Chairman Hawkins and Commissioner Scott for their part in building and continuing a healthy relationship amongst the commissioners and WYDOT staff. Director Cox added that Chairman Hawkins and Commissioner Scott will truly be missed, and he wished them well.

4. Mr. Kevin Hibbard presented the Budget report.

Monthly Budget Report: Mr. Hibbard advised that he is keeping a close eye on highway user fee revenues. Revenue is currently higher than earlier estimates, and the Department has used just 52 percent of its total snow removal budget to date. Any potential surplus will be used for maintenance activities or equipment purchases later this year.

Legislative Update: Mr. Hibbard provided a few more details about HB0038, Fiscal Year for Government Entities. The Department will continue to do business on an October to September fiscal year and will provide July through June annual reports to the Wyoming Department of Audit. An external auditor will continue to audit the Department annually.

Budget Information Request: In accordance with Governor Freudenthal's request of November 12, 2009, WYDOT provided its budget reductions to the Budget Division of the Department of Administration and Information. Employee market pay increases were not targeted, and state matching funds required to receive federal funding was also unaffected. The ARRA funding cannot supplant state funding. Governor Freudenthal has proposed a 50 percent reduction in General Fund appropriations in the overall FY 2009-10 biennium budget.

5. Mr. Collins presented the Engineering and Planning report beginning with the tabulation of bids from the letting of February 12, 2009.

COMMISSION DISTRICTS 1, 2 and 3
Cactus Covello – Commissioner
Sandi McCormick – Commissioner
Jim Latta – Commissioner

Federal project HSIP-B089016, involving removal and replacement of drum signs and RWIS and miscellaneous work on I25/I-80 in Albany, Carbon, Laramie, Platte, Sweetwater and Uinta counties. Completion date – September 30, 2009

Engineer's Estimate	\$6,894,175.50
Modern Electric Co., Casper, WY	\$4,008,000.00 -41.9%
Sturgeon Electric Company, Inc., Henderson, CO	\$4,610,829.00
Irregular Check Digit	
Custom Lighting Services, L.L.C. and Subsidiaries, Sandy, UT	\$5,091,203.75
Tetra Tech Construction Services, Inc., Littleton, CO	\$5,107,199.80

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, and carried that **Modern Electric 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. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 2
Sandi McCormick – Commissioner

Federal project BROS-0C04088, involving removal and replacement of bridges and miscellaneous work at reference markers 6.2 and 7.9 on County Roads CN 4-10E and 4-10G (Means Canal Bridges) in Sweetwater County. Completion date – October 31, 2009

Engineer's Estimate	\$682,721.50	
Cannon Builders, Inc., Blackfoot, ID	\$689,538.50	+1.0%
Reiman Corp., Cheyenne, WY	\$743,124.40	
R.S. Bennett Construction Company, Inc., Big Piney, WY	\$774,009.00	
Flare Construction, Inc. and Subsidiary, Coalville, UT	\$786,685.00	
DeBernardi Construction Company, Inc., Rock Springs, WY	\$876,168.10	
COP Wyoming LLC., Billings, MT	\$899,677.50	
Simon Contractors, Cheyenne, WY	\$919,925.64	

It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Scott, and carried that **Cannon Builders, Inc., Blackfoot, Idaho**, 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 DISTRICT 4
Emerson Scott III – Commissioner

Federal projects STP-1006016 and STP-E-1006017 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, plant mix wearing course, concrete pavement, bridge concrete repair, electrical systems, removal and replacement of curb and gutter, sidewalk, fencing and miscellaneous work on 0.59 mile of Nolan Avenue in the town of Kaycee, in Johnson County. Completion date – October 31, 2009

Engineer's Estimate	\$2,880,622.55	
Heggem Construction, Inc., Torrington, WY	\$2,747,092.09	-4.6%
Knife River, Cheyenne, WY	\$2,837,386.84	
Magnum Construction, LLC, Casper, WY	\$2,857,000.00	
Hedquist Construction, Inc., Mills, WY	\$2,890,629.47	
71 Construction, Casper, WY	\$2,941,527.94	
Reiman Corp., Cheyenne, WY	\$2,984,506.96	
S & S Builders, LLC, Gillette, WY	\$3,582,217.53	
EHC, LLC, Deaver, WY	\$3,814,458.75	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Monk, and carried that **Heggem Construction, Inc., Torrington, 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.

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

Federal project STP-ITS-B084002, involving the installation of a Road Weather information system with web cameras and miscellaneous work at various locations in Transportation District 4 in Campbell, Crook, Johnson and Sheridan counties. Completion date – October 31, 2009

Engineer’s Estimate	\$792,415.00	
Modern Electric Co., Casper, WY	\$531,549.00	-32.9%
TransCore ITS, LLC,. Hummelstown, PA	\$632,952.64	
Sturgeon Electric Company, Inc., Henderson, CO	\$649,340.00	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that **Modern Electric 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. The Federal Highway Administration concurred with this decision.

Federal project NH-N311091 involving damage repair to bridge including work to remove and replace an exterior girder, abutment repair, grading to remove debris, and miscellaneous work at reference marker 0.28 on US 14/16/20 near the east entrance of Yellowstone National Park, in Park County. Completion date – September 30, 2009

Engineer’s Estimate	\$296,905.00	
Reiman Corp., Cheyenne, WY	\$317,999.00	+7.1%
Wilson Bros. Construction, Inc., Cowley, WY	\$332,192.50	
COP Wyoming LLC., Billings, MT	\$390,104.00	
EHC, LLC., Deaver, WY	\$399,715.00	
Cannon Builders, Inc., Blackfoot, ID	\$473,962.00	

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. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 6
Rip Hawkins – Chairman

Federal project NH-PO-N442072 involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, guardrail and miscellaneous work on 5.59 miles of US 16, beginning at reference marker 246.59 between Upton and Newcastle, in Weston County. Completion date – October 31, 2009

Engineer's Estimate	\$1,603,083.00	
McMurry Ready-Mix Co., Casper, WY	\$1,432,084.77	-10.7%
Northern Improvement Company, Fargo, ND	\$1,453,938.00	
Century Companies, Inc., Lewistown, MT	\$1,532,167.30	
McGarvin-Moberly Construction Company, Worland, WY	\$1,579,743.41	
Mountain Construction Company, Lovell, WY	\$1,629,646.26	
Simon Contractors, Cheyenne, WY	\$1,668,509.70	
Border States Paving, Inc., Fargo, ND	\$1,687,632.50	
Intermountain Construction and Materials, Inc., Gillette, WY	\$1,700,000.00	

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

Messrs. Dave Hout, President, Hout Fencing, and Ed Bedell, President, COP Construction; Ms. Shelby Carlson, District Engineer; Messrs. Keith Compton, District Construction Engineer; Ben Steed, Resident Engineer; Dave Haller, District Construction Technician; Doug Jensen, Project Engineer; and Fred Willert, Project Inspector, joined the meeting by phone.

COMMISSION DISTRICT 5
Charlie Monk – Commissioner

Federal projects NH-N345088, STP-E-N345090, STP-E-LC-6598165 and ARSCT-N345A01 combined, involving grading, draining, removal and replacement of surfacing, sidewalk, curb and gutter, guardrail, placing crushed base and bituminous pavement surfacing, plant mix wearing course, concrete pavement, sewer system, landscaping, electrical systems, fencing and miscellaneous work on 1.50 miles of US 310, beginning at reference marker 241.73 in the town of Cowley, in Big Horn County. Completion date – June 30, 2010

Engineer's Estimate	\$6,824,353.50	
Hout Fencing of Wyoming, Inc., Worland, WY	\$6,950,000.00	+1.8%
COP Wyoming LLC., Billings, MT	\$7,788,088.50	
Oftedal Construction, Inc., Miles City, MT	\$7,870,735.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$7,950,040.30	
Mountain Construction Company, Lovell, WY	\$8,492,605.92	

Mr. Spear explained to the Commission that after the project bids were opened, he noted the asphalt unit bid price provided by the apparent low bidder was \$7.50 per ton. A letter was subsequently received from Mr. Hout substantiating his bid and encouraging the Commission to accept his company's bid as submitted.

Mr. Moench explained that the Commission possesses authority to award bids as long as it is done in accordance with promulgated Wyoming Rules and Regulations. Fact gathering and understanding of the situation must be used when accepting or rejecting any bid. The bid that was opened by Contracts and Estimates was corroborated by Hout Fencing and, based on Mr. Hout's letter, Mr. Moench was not against accepting the low bid. Mr. Collins suggested that the Commission focus on whether the project could be done efficiently, safely, and with quality results if the low bid was accepted. All bidders were prequalified using the same guidelines and, therefore, all of the project bidders were deemed capable of performing the work.

Chairman Hawkins asked the Messrs. Hout and Bedell to explain their positions to the Commission.

Mr. Hout stated that his company could do the project safely and efficiently for the quoted bid. Commissioner Scott asked Mr. Spear whether the engineer's estimate was accurate. Mr. Spear felt that a few lump sum items may have been underestimated, such as architectural work, landscaping, and sprinkler system items.

Mr. Hout indicated that he had thoroughly reviewed his bid and believed that the landscaping and sprinkler system lump sum prices would be enough to compensate for his under-bidding of the asphalt binder. Mr. Hout also indicated his subcontractor for the asphalt binder was comfortable with their bid.

Mr. Collins stated that an asphalt escalation clause is included in this project and is an election that the contractor can make. Mr. Collins further stated that this clause, if elected by Mr. Hout, would not result in Hout being paid for asphalt at the actual market price.

Chairman Hawkins asked Mr. Hout whether the unit bid price was a mistake or if it was intentionally bid low. Mr. Hout stated that his bid of \$7.50 per ton was not done to gain reimbursement from an escalation clause, but it was an inadvertent error.

Director Cox specifically asked Mr. Hout if bidding \$7.50 per ton for asphalt binder was a mistake or if it was intentional. Mr. Hout reiterated that it was a mistake, but he could make up his loss through the landscaping and sprinkler system lump sum bid items.

Commissioner Scott asked Ms. Carlson whether the Town of Cowley was comfortable with the apparent low bid. Ms. Carlson indicated that the Town concurs with the award, however, even the lowest bid exceeds available funding. Consequently, some items may need to be removed from the scope.

Mr. Bedell asked if Mr. Hout could explain his comment about the mistake versus the money being in the bid. Mr. Hout said he added money to lump sum items when the total bid wasn't "where they wanted it," but that was before they noticed their mistake at \$7.50 per ton. Ms. Carlson expressed concern about making adjustments from the landscaping bid item since the Town of Cowley may have to reduce the scope of the project because of funding constraints. Commissioner Scott asked Mr. Hout whether he felt there was any reason his bid shouldn't be considered an unbalanced bid. Mr. Hout did not believe his bid was unbalanced.

Mr. Moench noted that there was a great deal of factual evidence, and he had a degree of discomfort about whether Mr. Hout provided a conforming bid. However, Mr. Hout had provided adequate support for completing the job as proposed.

Mr. Collins did not believe that Hout's bid was materially imbalanced but suggested that because there was no clear direction in this particular situation, it may be in the Department's best interest to reject all bids and let the project again later.

Commissioner Scott asked if a re-bidding delay would hurt the Town of Cowley. Mr. Bedell indicated the tight time line on this project would not yield the same bid unit prices and bids could be higher as a result of the delay.

It was recommended by Mr. Collins, moved by Commissioner Monk, seconded by Commissioner Covello, and carried to reject all bids and re-let the project later. Vice Chair Dziardziel and Commissioner Scott voted no.

6. Economic Stimulus Addendum: It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve the project authorizations as listed in the State Transportation Improvement Program (STIP) FY 2009 U.S. Economic Stimulus Addendum dated February 2009. These projects will be moved in or removed from the STIP as necessary once the stimulus funding amount is certain.

7. Safe Routes to School (SRTS) Grants: Mr. Collins introduced Ms. Sara Janes, SRTS Coordinator. Ms. Janes explained the history of the SRTS Program, reviewed the selection process, and described the proposed 2009 projects for Commission consideration. The SRTS Advisory Committee received 13 applications totaling over \$2 million for funding consideration. The following projects were recommended by the Advisory Committee for approval by the Commission:

• Sidewalks and Bikepaths, Chugwater, WY	\$ 88,000
• Safe Routes Phase 1, Torrington, WY	\$ 30,000
• Main Street Safety Improvement Project, Yoder, WY	\$ 10,000
• School Zone Safety Upgrade, Sinclair, WY	\$ 10,000
• Safe Routes Sidewalk Project, Evanston, WY	\$ 20,000
• Safe Routes to School, Brock Street, Buffalo, WY	\$140,120
• Safe Routes to School, Burlington, WY	\$168,900
• Park County School District #6 Sunset School, Cody, WY	\$ 20,000
• Powell Schools SRTS, Powell, WY	\$179,000
• 14 th Street Sidewalk Improvement Project Phase 2, Thermopolis, WY	\$200,000
• West Park Avenue Curb, Gutter and Sidewalk Improvement Project, Riverton, WY	<u>\$ 74,533</u>
TOTAL	\$940,553

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve the proposed SRTS projects.

8. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to appoint Messrs. Joel Meena and Tom Bonds as SRTS Advisory Committee members through June 30, 2014.

9. Legislative Update: Mr. Collins briefed the Commission about the status of some engineering and planning-related bills.

10. Mr. Collins advised that the Department will host two additional lettings, one in April and one in May. The Department will receive bids on stimulus-funded projects and regularly funded projects at the four lettings.

11. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through January 31, 2009, includes four fatal crashes involving four deaths. The fatalities include three involving rollover crashes, one involving a multi-car crash, and one involving a commercial vehicle.

There have been no crashes to date deemed alcohol related.

Of the four deaths that have occurred to date this year, all of them can be attributed to the non-use of occupant restraints, with three involving rollover crashes and one involving a multi-car collision. Of the deaths that occurred from non-use of occupant restraints, three were Wyoming residents and one was a non-resident.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through December 31, 2008. The summary depicts 7,522 crashes statewide, of which 6,295 involved non-commercial vehicles and 1,227 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of January 31, 2009, have been DUI related. Field arrests total 168 to date, including the following:

- DUI arrests from crashes – 18
- DUI arrests from traffic stops – 78
- DUI arrests from the REDDI Reports – 8
- DUI arrests from ports-of-entry contacts – 0
- Arrests from NCIC hits – 8
- Arrests from Wyoming warrants – 13
- Drug arrests – 18
- Miscellaneous arrests – 25

Legislative Update: Colonel Powell provided a brief summary of 43 legislative bills being monitored by the Highway Patrol.

12. Mr. Byrne presented the Aeronautics report.

The Aeronautics enplanement report was provided, sorted by month, airport location, and year. The January 2009 Flight Operations Passenger Summary and the Wyoming Aircraft Accident Report were also provided to the Commission.

Legislative Update: Mr. Byrne advised that \$7 million in airport funding remained intact in the appropriations bill. It is not clear at this time how federal stimulus funding will affect Wyoming's airports. ARRA funding will be distributed by the Federal Aviation Administration, not the state.

SF0143, Marking Structures that Obstruct Flight, was sponsored by Senator Michael Von Flatern this legislative session. The bill originated out of concern about a significant number of meteorological towers being erected in Wyoming. The Game & Fish Department often flies at or below an altitude of 200 feet while tracking wild game, and meteorological towers can literally pop up overnight without warning.

Economic Impact Study: Mr. Byrne reported that the Wyoming Aeronautics Commission is conducting a study to address aeronautic economic impacts in Wyoming.

ARRA 2009 and Aeronautics: Mr. Byrne believes Wyoming will receive a piece of the \$1.3 billion aviation stimulus funding from the ARRA but does not yet know how much. The FAA will prioritize the funding and will focus primarily on safety issues.

13. Mr. Loftin presented the Support Services report.

Mr. Loftin briefed the Commission about Support Services-related bills.

14. 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 number 09-078 to furnish 7,500 tons of performance graded asphalt binder hot plant mix bituminous pavement material for use in Casper. The bid was awarded to Knife River of Cheyenne, Wyoming, for the sum of \$378,750.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-079 to furnish 20,400 tons of performance graded asphalt binder hot plant mix bituminous pavement material for use in Gillette, Buffalo, and Sundance. The bid was awarded to Intermountain Construction & Materials of Gillette, Wyoming, for the sum of \$1,369,730.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve purchase for bid number 09-080 to furnish 15,240 tons of performance graded asphalt binder hot plant mix bituminous pavement material type E and tack oil for delivery in Cheyenne and Laramie. The bid was awarded to Simon Contractors of Cheyenne, Wyoming, for the sum of \$771,850.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-081 to furnish 24,237 tons of performance graded asphalt binder hot plant mix material Type E and tack oil for delivery in Riverton, Cody, and Laramie. The bid was awarded to 71 Construction of Riverton, Wyoming, for the sum of \$429,244.20, and Century Companies, Inc., of Lewistown, Montana, for the sum of \$1,126,763, for a grand total of \$1,556,007.20.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid numbers 09-082, 09-083, 09-084, and 09-085 to furnish annual growth regulator and broadleaf control in District 2, to include Converse, Goshen, Platte, Laramie, Natrona, Niobrara, and other counties. The bids were awarded to RMK Applicators of Torrington, Wyoming, for the sum of \$81,610.93.

15. Variable Speed Limits on I-80: Variable speed limit signs are now being used on sections of I-80 for traffic control during weather events. Traffic appears to be adhering to the speed reductions. Extensive planning was done by the WYDOT Transportation Management Center (TMC) before project implementation, with considerable positive feedback being received from the public.

16. WYOLINK Update: A meeting is scheduled with the U.S. Forest Service in Jackson on March 2, 2009, to discuss and potentially resolve some long-standing concerns with installing a WYOLINK tower on Snow King Mountain in Jackson, as well as other tower sites on U.S. Forest Service land. The State Attorney General has recently become involved with the case and has recommended amendments to the Forest Service agreement in an effort to address liability concerns.

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

ARRA Highway Funding: WYDOT will soon receive \$157.6 million in federal stimulus money for highway projects and about \$7 million for statewide transit. About \$4.7 million of the \$157.6 million must be applied to enhancement projects. WYDOT representatives are working closely with the Federal Highway Administration to advance the scheduled stimulus projects. Mr. McOmie indicated that over \$400 million worth of work could have been done if funding were available.

Mr. McOmie advised that another \$1.5 billion in additional funding may later become available for larger projects. Wyoming will apply for the additional funding to carry out other projects.

The Department will host two additional lettings on April 23 and May 21, 2009, to open stimulus project bids.

Mr. McOmie thanked Mr. Phil Miller and his staff for their efforts toward acquiring the federal stimulus funding.

18. Legislative Update: Mr. McOmie briefed the Commission about nine bills he's following this legislative session.

19. Mr. Downing expressed his appreciation toward WYDOT staff for their efforts in acquiring ARRA funding and for having projects ready for letting, in accordance with the stimulus bill requirements.

20. Mr. Downing invited the Commission to attend a dinner hosted by the Wyoming Contractor's Association on Wednesday, March 18, 2009. The Commission accepted Mr. Downing's invitation.

21. Chairman Hawkins recessed the meeting at 11:50 a.m., on Thursday, February 19, 2009.

22. Chairman Hawkins reconvened the meeting at 2:10 p.m., on Thursday, February 19, 2009.

23. It was moved by Commissioner Scott, seconded by Commissioner Covello, and carried to move into executive session.

24. It was moved by Vice Chair Dziardziel, seconded by Commissioner Latta, and carried to move out of executive session.

25. It was moved by Commissioner Latta, seconded by Commissioner Covello, and carried to adjourn the meeting. Chairman Hawkins adjourned the meeting at 3:00 p.m., on Thursday, February 19, 2009.