

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on May 14, 2009. The meeting was convened at 1:30 p.m. by Chair Dziardziel. The following members were present constituting a quorum:

Susan Dziardziel, Chair, Douglas
Charlie Monk, Vice Chairman, Lovell
Sandi McCormick, Commissioner, Rock Springs
Jim Latta, Commissioner, Pinedale
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; 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.

Those absent: Commissioner Cactus Covello, Torrington; Pat Collins, Assistant Chief Engineer of Engineering and Planning

Others present: Senator Michael Von Flatern, Gillette; Doug Hillestad, L. M. Olson Inc., Rawlins; Mike Kottle and Rocky Checketts, C. K. Construction, Ogden, Utah; Paul Carlson, Noel Griffith & Associates, Cheyenne; Ken Spear, Contracts & Estimates Engineer; Tim McDowell, Transportation Programming Engineer; John Sherman, Lands Management Administrator; and Jim Buyske, Chief Pilot and Flight Operations Manager, WYDOT, Cheyenne.

1. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve the minutes from the April 16, 2009, regular business meeting and one-on-one meeting with Mr. Tom Loftin and the April 30, 2009, teleconference meeting.

2. Director Cox presented the Director's report.

2009 WASHTO Chief Executive Officers' (CEO) Meeting: Director Cox attended the annual WASHTO CEO meeting in Sacramento, California, on April 27-28, 2009, and will prepare and distribute meeting notes to the Commission in the near future. AASHTO Executive Director John Horsley spoke at the meeting about the future highway reauthorization bill. Increased competition for federal funds is expected under the new Presidential administration, particularly between heavily populated versus less populated states. WYDOT is engaged in a multi-state coalition of rural states,

which hopes to carry a more significant presence for Wyoming at the federal level. Director Cox expects greater federal oversight under the new administration.

Western Governors' Freight Roundtable Meeting: Director Cox recently met with other state and industry transportation leaders in Denver, Colorado, to discuss transportation issues affecting the western states. The meeting included some discussion about WYDOT's inter-modal consultant study to potentially remove trucks from the highways and place them on the railway. The Union Pacific Railroad was represented at the meeting and reiterated its position of non-involvement in new transportation proposals unless subsidized or made into a profitable business scenario for the railway company. Railroad representatives asked the states to keep them involved in future meetings.

Mr. Ray Kuntz, past president of the American Trucking Association (ATA), expressed various proposals as well as ATA recommendations to invoke a 65 mph national speed limit, loosen constraints on truck size/weight and make a universal set of size and weight standards, and allow triple trailer combinations – intended ostensibly to reduce highway congestion, save fuel, and make freight transport more efficient.

WYDOT Budget Cuts: Director Cox indicated that Governor Freudenthal has asked all state agencies to review and cut their fiscal year 2010-11 biennium budgets and that Mr. Kevin Hibbard would brief the Commission about the subject during the budget report.

3. Mr. Kevin Hibbard presented the Budget report.

American Restoration and Recovery Act (ARRA) Report: In accordance with ARRA guidelines, Mr. Hibbard provided a report to the Commission about monthly WYDOT-related ARRA expenditures. The expenditures are public information and are posted on the state's website. The same information will also be posted on the Reinvestment Accounting Database (RAD) System through the Federal Highway Administration website.

The Department recently received the final interim guidelines for ARRA reporting. Mr. Hibbard expressed some concern about the new requirement that WYDOT report local government ARRA expenditures and will write to the Federal Office of Management and Budget (OMB) for further clarification. Final guidelines allow one-half of one percent to be expended on administering the ARRA program, and the Department's annual A-133 audit will require additional reporting requirements under the program.

WYDOT Budget Cuts: Mr. Hibbard provided a handout depicting WYDOT's proposed budget cuts and summarized the information for the Commission. The Governor's office has advised that WYDOT's obligated fiscal year 2010 general funds for projects will not be affected by budget cuts.

Areas of the budget that are being considered for budget reductions are dues, licenses, and registrations; advertising and promotions; in-state and out-of-state subsistence; materials and

supplies; buildings; equipment; autos and aircraft; and building occupancy. Executive staff is scheduled to meet with the Governor for the budget review on May 22, 2009, at 3:00 p.m.

Monthly Budget Report: Mr. Hibbard presented the monthly budget report and noted that highway user fees meet expectations through April 2009.

4. Messrs. Ken Spear, Tim McDowell, and John Sherman presented the Engineering and Planning report in Mr. Collins' absence.

Mr. Spear presented the bid tabulations from the letting held May 7, 2009, in Lander.

**COMMISSION DISTRICT 1
Cactus Covello – Commissioner**

Federal projects P561028, ARSCT-P561A01 and ARSCT- P561A02 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, electrical and miscellaneous work on 1.59 miles of US 30 (West Lincolnway) beginning at reference marker 359.25 in the city of Cheyenne, in Laramie County. Completion date – October 15, 2010

Engineer's Estimate

ALT. 1	\$10,124,227.00	
ALT. 2	\$ 9,908,851.00	
Sema Construction, Inc., Centennial, CO		
ALT. 1	\$ 9,426,000.00	-6.9%
ALT. 2	\$ 9,223,740.00	-8.9%
Reiman Corp., Cheyenne, WY		
ALT. 1	\$ 9,888,590.00	
ALT. 2	\$ 9,682,975.00	
S & S Builders, LLC., Cheyenne, WY		
ALT. 1	\$10,049,973.00	
ALT. 2	\$ 9,832,064.00	
Interstate Highway Construction, Inc., Englewood, CO		
ALT. 1	\$10,142,315.00	
ALT. 2	\$ 9,933,037.00	
Concrete Works of Colorado, Inc., Lafayette, CO		
ALT. 1	\$10,434,950.00	
ALT. 2	\$10,249,378.00	
Knife River, Cheyenne, WY		
ALT. 1	\$11,621,685.00	
ALT. 2	\$11,375,424.00	

It was recommended by Mr. Spear, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried that **Sema Construction, Inc., Centennial, 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.

COMMISSION DISTRICT 3
Jim Latta – Commissioner

Federal project I801177, involving milling plant mix, concrete slab replacement, slab lifting and undersealing and miscellaneous work on 28.10 miles of I-80, beginning at reference marker 0.00 between Evanston and Bigelow Interchange, in Uinta County. Completion date – September 30, 2010

Engineer's Estimate	\$ 9,422,699.00	
Interstate Improvement, Inc., Fairbault, MN	\$10,627,906.00	+12.8%
Multiple Concrete Enterprise, Inc., Ogden, UT	\$10,654,789.00	
Chester Bross Construction Company & C.B. Equipment, Inc., Hannibal, MO	\$11,762,852.00	
Penhall Company and Subsidiaries, Rogers, MN	\$12,151,551.00	
Iowa Erosion Control, Inc., Victor, IA	\$13,391,874.89	
Diamond Surface, Inc., Maple Grove, MN	\$16,972,892.20	

It was recommended by Mr. Spear, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried that **Interstate Improvement, Inc., Fairbault, Minnesota**, 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.

5. **COMMISSION DISTRICT 4**
Jim Hladky – Commissioner

Federal projects IM-HP-0903093, STPU-GI-HP-4640001 and ARSCT-4640A01 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, concrete pavement, milling plant mix, structure, electrical, sanitary and water systems, fencing and miscellaneous work on 1.76 miles of I-90, beginning at the Gillette Marginal (Burma Road Overpass) in Campbell County. Completion date – September 30, 2010

Engineer's Estimate	\$19,139,427.30	
S & S Builders, LLC., Gillette, WY	\$15,293,738.16	-20.1%
DRM, Inc., Gillette, WY	\$15,529,548.24	
Sema Construction, Inc. and Subsidiaries and Capital Engine Partners, LLC, Centennial, CO	\$16,744,244.50	
Concrete Works of Colorado, Inc., Lafayette, CO	\$17,761,709.35	

It was recommended by Mr. Spear, moved by Commissioner Hladky, seconded by Commissioner Latta, that **S & S Builders, LLC., 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.

Commissioner Hladky asked about the design height of the Burma Road overpass, as area truck traffic is often too large to pass under the current structure and is required to take alternate routes. Mr. Spear was not familiar enough with the project to give an accurate answer.

It was moved by Commissioner Ertman, seconded by Commissioner Monk, and carried to table the motion until more information could be gathered about the bridge height.

6. **COMMISSION DISTRICT 6**
Ted Ertman – Commissioner

Federal project N402016, involving grading, draining, profile milling plant mix, placing pit run subbase and crushed base, bituminous pavement surfacing, chip sealing, removal and replacement of box culverts, cattle guards, guardrail and fencing, electrical systems and miscellaneous work on 9.90 miles of US 18/20, beginning at milepost 30.61 between Orin Junction and Lusk, in Niobrara County. Completion date – October 31, 2010

Engineer’s Estimate	\$13,302,489.05	
McMurry Ready-Mix, Co., Casper, WY	\$11,466,662.15	-13.8%
Oftedal Construction, Inc., Miles City, MT	\$11,825,581.48	
McGarvin-Moberly Construction Company, Worland, WY	\$11,866,516.47	
Bemas Construction, Inc. and Affiliates, Englewood, CO	\$12,337,600.83	
Foothills Contracting, Inc., Webster, SD	\$12,491,905.35	
Northern Improvement Company, Fargo, ND	\$12,495,342.50	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$13,149,485.34	
DRM, Inc., Gillette, WY	\$14,132,053.56	

It was recommended by Mr. Spear, moved by Commissioner Ertman, seconded by Commissioner McCormick, 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.

Federal project I904130, involving microsurfacing and miscellaneous work on 12.69 miles of Interstate 90, beginning at reference marker 155.79 just outside the town of Moorcroft, in Crook County. Completion date – June 30, 2010

Engineer's Estimate	\$2,195,238.50	
Reiman Corp., Cheyenne, WY	\$2,493,981.85	+13.6%
Northern Improvement Company, Fargo, ND	\$2,675,093.00	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$2,783,783.00	
Simon Contractors, Cheyenne, WY	\$2,792,020.10	

It was recommended by Mr. Spear, moved by Commissioner Hladky, 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.

7. Mr. Doug Hillestad joined the meeting by telephone.

Mr. Spear presented the following bid results from an informal bid letting held May 12, 2009, in Cheyenne. This is an architectural project, which is not bid in the same fashion as a typical highway project, as documentation is more extensive. Mr. Spear briefed the Commission about the architectural bidding process.

COMMISSION DISTRICTS 5 and 7

Charlie Monk – Vice Chairman

Susan Dziardziel – Chair

Federal projects P142041, N331025, N202062, N341105, N303049 and N345089 combined, including selective site and building demolition, additions and other upgrades to the existing rest area buildings, including mechanical, electrical and plumbing systems. Site improvements and modifications, including storm sewer, sidewalks, picnic arbor modifications, masonry, landscaping, playgrounds, and related work items at rest areas in Fremont, Hot Springs, Big Horn and Natrona counties. Completion date – August 27, 2010

Architect's Estimate	\$2,803,179.03	
ALT 1	\$ 8,800.00	
L.M. Olson Inc., Rawlins, WY	\$2,210,000.00	-0.2%
Irregular - Incomplete Proposal		
ALT 1	\$ 5,000.00	
CK Construction, Ogden, UT	\$2,332,077.00	
ALT 1	\$ 3,869.00	
Russell Construction Company, Douglas, WY	\$2,428,000.00	
ALT 1	\$ 5,500.00	
Mid-Valley General Contractor's, Riverton, WY	\$2,620,000.00	
ALT 1	\$ 26,000.00	
Archer Construction, Inc., Riverton, WY	\$2,795,000.00	
Irregular - Not Registered with Wyoming Secretary State's Office		
ALT 1	\$2,795,000.00	
Sehnert System, Inc., Riverton, WY	\$3,625,852.00	
ALT 1	\$ 4,282.00	
EHC, LLC., Deaver, WY	\$3,979,272.00	
ALT 1	\$ 19,275.00	

It was recommended by Mr. Spear, moved by Commissioner Latta, seconded by Commissioner McCormick, that **L.M. Olson Inc., Rawlins, 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.

Mr. Paul Carlson of Noel Griffith & Associates, the design consultant, explained that unique bid documents are used when projects are designed and bid by a consultant.

Mr. Spear explained architectural bid document terminology, which supported his recommendation to accept the apparent low bid from L.M. Olson Inc. The apparent low bidder, L.M. Olson Inc., did not provide details of their company's subcontractor quotes and, therefore, the bid was considered irregular. However, the lack of detail was not considered a fatal bid error since the project was bid as a lump sum.

Mr. Mike Kottle of CK Construction stated his concern about awarding the L.M. Olson bid because he believed it was incomplete. Mr. Kottle stated that the bid instructions say that the bid must be filled out completely.

Mr. Hillestad stated that their firm did not include dollar amounts for their subcontractors for reasons of confidentiality. Since the project was bid as a lump sum, they believed they did what was necessary to provide a complete bid, even without subcontractor quotations.

Commissioner McCormick asked if the bid document language could be amended to avoid this sort of situation in the future. Mr. Spear indicated that the Department will review its standard architectural bid documents for potential improvements.

Mr. Moench provided a legal opinion and advised that the power of authority remains with the Commission to either accept or reject Mr. Spear's recommendation. Interested parties spoke their opinion at the meeting. The Commission's authority was documented in the bid documents; therefore, Mr. Moench advised that the decision is left to the Commission.

Commissioner McCormick stated that she thought the FHWA would only concur with the low bid since the project was bid as a lump sum. Mr. Spear substantiated this statement, as did Mr. Miller.

Chair Dziardziel called for the question regarding the motion made by Commissioner Latta to award federal projects P142041, N331025, N202062, N341105, N303049 and N345089 combined, to L.M. Olson Inc., of Rawlins, Wyoming. The motion passed. Commissioners Ertman and Hladky voted no.

Senator Von Flatern and Messrs. Hillestad, Kottle, Checketts, and Spear left the meeting.

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

COMMISSION DISTRICT 2

Rural Major Collector

SBWY 0.00 WY08002; Albany County; Snowy Range Scenic Byway; complete facilities; fiscal year 2009; request federal construction funds of \$500,000

COMMISSION DISTRICT 5

Rural Principal Arterial

SBWY 0.00 WY08001; Big Horn County; Big Horn Scenic Byway, Shell Falls; complete redevelopment; fiscal year 2009; request federal construction funds of \$436,800

COMMISSION DISTRICT 6

Rural Major Collector

SSP-TO 0.00 0602001; Crook County; Devils Tower entrance; traffic study; fiscal year 2009; request state preliminary engineering funds of \$20,000

COMMISSION DISTRICT M (Miscellaneous)

Rural Principal Arterial

SBWY 0.00 WY08003; Wyoming Centennial Scenic Byway; design of Dubois Visitor Center, construct interpretive display signs at Pinedale Visitor Center; fiscal year 2009; request federal preliminary engineering funds of \$770,800 and federal construction funds of \$255,000

Various

RHC 0.00 B099077; statewide; railroad pavement markings; fiscal year 2009; request federal preliminary engineering funds of \$25,000, and federal construction engineering and construction funds of \$175,000

9. It was recommended by Mr. Sherman, moved by Commissioner Latta, seconded by Commissioner Hladky, 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 50, and Force Road, Campbell County, Wyoming, established under Wyoming State Highway Project No. 0300(28) is no longer needed for state highway or public use purposes. Said portion being described as follows:

Commencing at the southeast corner of said SW¹/₄NW¹/₄ from which the west quarter corner of Section 5 bears N. 89°54'43.7" W. a distance of 1,331.01 feet, said southeast corner being monumented by an iron pipe and said west quarter corner being monumented by a brass survey cap;
thence N.0°43'28.9" E. along said easterly boundary of said SW¹/₄NW¹/₄ a distance of 146.29 feet to a point on the centerline of 4-J Road, the TRUE POINT OF BEGINNING;

thence continuing N.0°43'28.9"E. along the easterly boundary of said SW¹/₄NW¹/₄ a distance of 79.48 feet to a point on the southerly right of way boundary of Force Road, said point also being on a circular curve concave northwesterly, the radius of which is 1,029.93 feet and at which point a line tangent to said curve bears S.75°00'17.9"W.;

thence westerly along the southerly right-of-way boundary of said Force Road and along said curve through a central angle of 15°13'07.6" a distance of 273.57 feet to a point on the easterly right-of-way of Grandview Drive as extended by WYDOT Project No. 0300(28);

thence S.1°29'50.6"W. along the easterly right of way boundary of said Grandview Drive a distance of 220.19 feet to the point of beginning of circular curve concave northeasterly, the radius of which is 160.0 feet;

thence southeasterly along the northeasterly right-of-way boundary of said Grandview Drive and along said curve through a central angle of 34°54'27.7" a distance of 97.48 feet to a point on the centerline of said 4-J Road, said point also being on a circular curve concave southeasterly, the radius of which is 4,297.00 feet and at which point a line tangent to said curve bears N. 40°26'33.1"E.;

thence northeasterly along the centerline of said 4-J Road and along said curve through a central angle of 4°52'40.5" a distance of 365.83 feet, more or less, to the point of beginning.

The above described parcel of land contains 1.23 acres, more or less.

NOTE: All bearings and distances in this description are based on the Wyoming State Plane Coordinate System, NAD 83 East Zone, modified to Wyoming Department of Transportation Coordinate System by an adjustment factor of 1.000266625.

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

Messrs. McDowell and Sherman left the meeting.

10. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through April 30, 2009, includes 30 fatal crashes involving 33 deaths. The fatalities include 18 involving rollover crashes, 8 involving multi-car crashes, 3 involving commercial vehicles, 4 involving motorcycles and all-terrain vehicles, 2 involving pedestrians, and 1 involving a fixed object.

There have been 16 crashes to date deemed alcohol related, resulting in 17 deaths. Of those deaths, 10 were attributed to not using restraints.

Of the 33 deaths that have occurred to date in 2009, 20 can be attributed to the non-use of occupant restraints, with 14 involving rollover crashes, 5 involving multi-car collisions, and 1 involving a fixed object. Of the 20 deaths that occurred from non-use of occupant restraints, 15 were Wyoming residents and 5 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through March 31, 2009. The summary depicts 1,866 crashes statewide, of which 1,556 involved non-commercial vehicles and 310 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of April 30, 2009, have been DUI related. Field arrests total 619 to date, including the following:

- DUI arrests from crashes – 51
- DUI arrests from traffic stops – 245
- DUI arrests from the REDDI Program – 43
- DUI arrests from ports-of-entry – 0
- NCIC hits (person) – 27
- Wyoming warrants hits – 63
- Drug arrests – 57
- Miscellaneous arrests – 133

Although there have been four more crashes this year, there have been four fewer fatalities so far this year. Colonel Powell believes that better weather and the reduced speed limit enforcement have saved lives this winter.

Mr. Gregg Fredrick, State Bridge Engineer, entered the meeting. Mr. Spear re-entered the meeting.

11. It was moved by Commissioner Ertman, seconded by Commissioner Hladky, and carried to remove from the table the motion to approve Item 5.

Mr. Spear provided additional information about the Burma Road Overpass bridge height. The Burma Road Overpass project involves a significant amount of enhancement design. The City of Gillette will participate by contributing about \$7 million toward the project.

Mr. Fredrick advised that the minimum required bridge clearance on state highways is 16'-6" and on interstates is 16'-0". The design clearance on the Gillette Burma Overpass is 16'-9". The structure is a haunched girder design that spans as high as 17'-8".

Chair Dziardziel called for the vote on the motion made by Commissioner Hladky to award federal projects IM-HP-0903093, STPU-GI-HP-4640001 and ARSCT-4640A01 combined, to **S & S Builders, LLC., Gillette, Wyoming** (under Item 5). The vote was unanimously carried.

Mr. Fredrick left the meeting.

12. Mr. Byrne presented the Aeronautics report, including the April 2009 Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Hourly State Plane Usage Rate: Mr. Byrne advised that the lower jet fuel costs and flight profile adjustments have warranted lowering the hourly use rate for the state aircraft to \$1,250. It was recommended by Mr. Byrne, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to reduce the State plane usage rate from \$1,500 to \$1,250 per hour. The lower rate covers actual operating expenditures for the planes.

Mr. Byrne advised that there has been a 47 percent decrease in the use of the planes since April, primarily due to budget cuts.

Messrs. Spear and Buyske left the meeting.

13. Mr. Loftin presented the Support Services report.

Real ID Update: WYDOT recently received a \$500,000 federal grant, which will be used to make the Wyoming drivers license Real ID compliant. A new bill has been proposed in Washington, D.C., to amend Real ID requirements. The 2009 Wyoming State Legislature passed a bill that will compliment the amendment. The amendments will not change the total projected implementation costs.

Ignition Interlock Update: WYDOT has identified some concerns with the new interlock bill. Implementation will catapult the interlock program from about 500 to 5,000 device users annually. There is no provision in the new statute to hire additional personnel to accommodate the program. The bill also allows only a nominal amount of money to pay for the devices for indigents who can't afford to purchase the device. The definition of indigent has not been determined, so the Wyoming

Food Stamp Program guidelines may be used for the program. The penalty for driving without a required device will be the same as driving with a suspended drivers license.

Embossed License Plates Update: Embossed license plates will soon be manufactured again, beginning January 1, 2010. An additional \$50 fee will be charged for those who would like to purchase the embossed plates.

14. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-136 to furnish 282,000 pounds of hot-poured, elastic-type crack sealant for delivery in Laramie, Cheyenne, Elk Mountain, and Sheridan. The bid was awarded to McAsphalt Industries Limited, of Toronto, Ontario, Canada, for the sum of \$108,600.

Colonel Powell left the meeting.

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

Joint Transportation Interim Committee (JTC) Meeting: The next JTC meeting will be held in Lander, June 8–9. Meeting topics include public transportation, snow fences and eminent domain, price volatility/hedging, commuter rail, and WYDOT contractor bonus/incentive payments. The Department currently has a long-term contract for snow fence maintenance, which will be a part of the snow fence discussion. The contract involves removing wood from old snow fences, which is recycled by companies for other uses. The contractor replaces the old fence and pays WYDOT for its services. The contractor has requested a longer contract term and will present his reasoning at the JTC meeting.

Select Committee on Tribal Relations Meeting: The Tribal Relations Committee will hold its annual meeting in Lander on May 20. Mr. McOmie invited the Commissioners to join him at the meeting, if possible.

ARRA Project Update: Mr. McOmie advised that, as of May 11, 2009, Wyoming was leading the nation in ARRA project funding obligations with 97.2 percent of its projects under contract. The May 21 bid letting will further the lead in projects underway nationwide.

Contractor bids on ARRA projects have come in well below engineer's estimate, which will allow WYDOT to let about \$13 million more in projects. Mr. McOmie offered sincere kudos to WYDOT's employees for their efforts in bringing the projects to fruition within the required time frame.

Economic Recovery: The Department recently learned of a \$1.5 billion grant program that will soon be made available to help projects not related to highways, mass transit, aviation, and high-speed rail, which received funding under the ARRA. The U.S. Transportation Secretary will have complete

discretion over where to award the funds. Selected projects must have a significant impact on the nation, a metropolitan area, or a region.

I-80 Tolling Public Meetings: Public meetings will be held in Laramie, Cheyenne, Rawlins, Rock Springs, and Evanston on June 15-19 to discuss I-80 tolling. Future meetings may also be held in northern Wyoming. Mr. McOmie encouraged the Commissioners to attend, if possible.

Douglas Bridge Ribbon Cutting: A ribbon cutting is scheduled July 30, 2009, to commemorate the opening of the new bridge over the North Platte River on the Yellowstone Highway in Douglas. Commissioners were invited to attend.

State Hiring Freeze: Mr. McOmie reported that the Department is beginning to feel a significant impact from the state hiring freeze. The majority of the requests to fill positions have been denied so far, including many summertime temporary positions. The inability to fill the temporary positions will have a substantial impact on the summer construction season. Director Cox advised that he will continue to work with the Governor's office to overcome the shortage of employees to fill critical positions. The Department may resort to using consultants in crucial situations, which will ultimately cost more than using WYDOT personnel for the work.

16. Commissioner Ertman thanked the Commissioners for the sympathy card they recently sent to him and his wife in the passing of his brother-in-law.

17. Secretary Scott reminded the Commission about a special Commission meeting to be held May 28, 2009, to consider the award of highway projects that will be let to contract on May 21, 2009.

18. It was moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chair Dziardziel adjourned the meeting at 4:45 p.m., on Thursday, May 14, 2009.