

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on October 23, 2008. The meeting was convened at 8:30 a.m. by Vice Chair Dziardziel. The following members were present constituting a quorum:

Rip Hawkins, Chairman, Devils Tower  
Susan Dziardziel, Vice Chair, Douglas  
Emerson Scott III, Commissioner, Dayton  
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; David Stearns, Financial Services Administrator; 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 Charlie Monk, Lovell; and Tim Hibbard, Assistant Chief Engineer of Operations.

1. Vice Chair Dziardziel presided over the meeting, as Chairman Hawkins was not feeling well.
2. Secretary Scott advised that Agenda Item 6.e.2 - Briefing on Recommended Interstate 80 Safety Improvements should be moved under the Chief Engineer's report, and would become Agenda Item 11.b.

It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve the agenda changes.

3. It was recommended by Secretary Scott, moved by Chairman Hawkins, seconded by Commissioner McCormick, and carried to approve the minutes from the September 16, 2008, budget presentation, and the September 18, 2008, regular business meeting.

4. Del introduced Messrs. John Smith, Tribal Transportation Officer, and Howard Brown, Assistant Tribal Transportation Officer; Ms. Keja Whiteman, Fremont County Commissioner; Mr. Dave Pendleton, Fremont County Road and Bridge Superintendent; and Ms. Shelby Carlson, WYDOT District Engineer. Mr. McOmie advised that the 17-Mile Road project began about 20 years ago. Over time, the Department has worked closely with the Wind River Tribal Council, Fremont County representatives, the Federal Highway Administration, and Wyoming's Congressional Delegation to accomplish the project.

Ms. Carlson presented the accident history for the 17-Mile Road, West Section. Ms. Whiteman advised that Comprehensive Road Improvement Plan (CRIP) funding is being sought for the last section of the project. Once completed, 14 miles of roadway will be taken off the state system and 11.4 miles will be taken off the county system. Mr. Smith advised that the Tribal Council has worked with WYDOT for years to improve public safety. According to Mr. Smith, the Wind River Reservation has the highest percentage of deaths per capita in the nation. Increased traffic counts from area casinos and narrow roadway and shoulders must be addressed for safety reasons. The 17-Mile Road is a primary route for commerce and school bus traffic to and from the Reservation, and traffic is bumper-to-bumper during peak hours.

The total project cost is estimated at \$19 million. If approved, funding will come from fiscal year 2009 CRIP funds, discretionary funds, and Federal Highway Administration funds.

It was recommended by Mr. McOmie, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve a minimum of \$5 million in FY 2009 CRIP funding for the 17-Mile Road (West Section) project. The 17-Mile Road will be moved from the state and county highway systems to the Bureau of Indian Affairs road system upon completion of the project.

Messrs. John Smith, Howard Brown, and Dave Pendleton and Meses. Whiteman and Carlson left the meeting.

5. Director Cox presented the Director's report.

2008 AASHTO Conference: Messrs. McOmie and Collins and Ron Kisicki and John Davis of Management Services attended the 2008 American Association of Highway and Transportation Officials (AASHTO) Conference held in Hartford, Connecticut, October 16 - 20, 2008. Director Cox was unable to attend the meeting.

Director Cox indicated that compared to many other states, Wyoming is doing fairly well. Most other states are experiencing significant financial challenges. A potential second federal stimulus package may include highway funding. The five-state coalition (Idaho, Montana, South Dakota, Utah, and Wyoming) represented Wyoming's interest well at the meeting. Director Cox expressed his appreciation for Messrs. McOmie, Collins, Kisicki, and Davis for participation in the meeting.

Legislatively-Classified Positions: Approval was recently received from the Governor's Office to transfer five Commission position vacancies to legislatively-appropriated WYDOT programs. Four of the positions are for Driver Services, and one is for the Highway Patrol Overweight and Oversize Loads Office. A new attorney position was also requested to handle WYDOT contract issues in the Attorney General's Contracts Unit. The position will be housed downtown at the State Attorney General's office. WYDOT will fund the position and will transfer a vacant attorney position from the Department to the State Attorney General's office. One other position transfer was requested for the Human Resources Program, but it was denied with the possibility of a future request during the

regular appropriated budget process. Mr. Hibbard advised that salaries for the approved positions will be included in the quarterly budget modification in January 2009.

6. Mr. Kevin Hibbard presented the budget report.

Mr. Hibbard explained that the November 19, 2008, budget meeting with Governor Freudenthal will address only the Department's supplemental budget requests. Many of the supplemental items stem from inflation costs.

Mr. Hibbard stated that 2008 revenues were slightly higher than expected. The Department received its federal mineral royalty income on October 15, 2008.

Local Government Finance Committee Meeting: The Local Government Finance Committee will meet in Casper on Tuesday, October 28, 2008.

The Wyoming Department of Audit will carry a bill to synchronize cities' and counties' fiscal years, July through June. The bill proposes including WYDOT in the change. The Department currently operates on a federal fiscal year, October through September. Mr. Hibbard advised that changing the Department's fiscal year would be a monumental and extremely cumbersome task and would prove to be quite expensive. A list of federal requirements and consequences of the change are being compiled to present to the Committee and to the Department of Audit.

7. Mr. Collins presented the Engineering and Planning report, beginning with the tabulation of bids from the October 16, 2008, letting held in Riverton.

**COMMISSION DISTRICT 1  
Cactus Covello - Commissioner**

Federal project ACIM-0251146, involving grading, draining, placing crushed base and bituminous pavement surfacing, structure, electrical and miscellaneous work on 1.107 miles of Interstate 25 (Cheyenne Marginal) beginning at reference marker 10.80 just south of the Randall Avenue Interchange in the city of Cheyenne, in Laramie County. Completion date – October 31, 2010

Engineer's Estimate	\$16,036,898.35
<b>SEMA Construction, Inc., Subsidiaries and Affiliate, Centennial, CO</b>	<b>\$13,730,101.32 -14.4%</b>
Reiman Corp., Cheyenne, WY	\$13,804,398.90
Flatiron Constructors, Inc. and Subsidiaries, Longmont, CO	\$14,614,495.57
Upper Plains Contracting, Inc., Aberdeen, SD	\$14,720,185.63
Concrete Works of Colorado, Inc., Lafayette, CO	\$15,303,952.40
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$15,825,107.48

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hawkins, and carried that **SEMA Construction, Inc., Subsidiaries and Affiliate, 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.

Federal project STPU-CH-0007068, involving grading, draining, placing crushed base and bituminous pavement surfacing, curb and gutter, sidewalk, bike path, removal and replacement of fencing and miscellaneous work on 0.63 mile on Summit Drive in the city of Cheyenne, in Laramie County. Completion date – August 31, 2009

Engineer's Estimate	\$1,137,361.30
<b>Simon Contractors, Cheyenne, WY</b>	<b>\$ 985,513.64 -13.4%</b>
Knife River, Cheyenne, WY	\$ 999,290.34
S & S Builders, LLC., Gillette, WY	\$1,237,815.00

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

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

Federal project NH-HP-N232045, involving new construction, including milling plant mix, grading, draining, placing crushed base and bituminous pavement leveling and surfacing, electrical and miscellaneous work on 4.20 miles of US 287 beginning at reference marker 419.72 approximately 15 miles south of Laramie, in Albany County. Completion date – July 31, 2010

Engineer's Estimate	\$ 9,528,093.00
<b>Connell Resources, Inc., Fort Collins, CO</b>	<b>\$ 9,137,228.00 -4.1%</b>
Foothills Contracting, Inc., Webster, SD	\$ 9,317,396.05
McGarvin-Moberly Construction Company, Worland, WY	\$ 9,682,212.63
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$ 9,951,378.00
Simon Contractors, Cheyenne, WY	\$ 9,989,842.45
Oftedal Construction, Inc., Miles City, MT	\$10,098,867.00
Knife River, Cheyenne, WY	\$10,712,221.30

It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Scott, and carried that **Connell Resources, Inc., Fort Collins, 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 DISTRICTS 2 and 3**  
**Sandi McCormick - Commissioner**  
**Jim Latta - Commissioner**

State project SCP-SL-N121099, involving grading, draining, milling plant mix, placing subbase and bituminous pavement surfacing, concrete pavement, removal and replacement of concrete and cattle guards, fencing and miscellaneous work on 6.51 miles on US 30 beginning at milepost 87.23 between Kemmerer and Granger Junction (County Line Section) in Lincoln and Sweetwater Counties. Completion Date – November 30, 2009

Engineer’s Estimate	\$11,343,998.30	
<b>Oftedal Construction, Inc., Miles City, MT</b>	<b>\$10,636,265.00</b>	<b>-6.2%</b>
LeGrand Johnson Construction Co., Logan, UT	\$10,201,000.67	
Plus 5% for comparison	\$10,711,050.00	
McGarvin-Moberly Construction Company, Worland, WY	\$10,892,347.81	
H-K Contractors, Inc. and Evans Construction Company, JV, Idaho Falls, ID	\$10,806,744.00	
Plus 5% for comparison	\$11,347,081.00	
Mountain Construction Company, Lovell, WY	\$11,436,984.81	
McMurry Ready-Mix Co., Casper, WY	\$11,677,660.35	
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, SD	\$11,744,353.00	
Plus 5% for comparison	\$12,331,570.00	

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

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

Federal project ACNH-N372021, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, removal and replacement of fencing, guardrail and cattle guards and miscellaneous work on 5.06 miles on US 14, beginning at milepost 65.01 between Burgess Junction and Dayton, in Sheridan County. Completion date – October 31, 2010

Engineer’s Estimate	\$20,562,288.75	
<b>Ames Construction, Inc., Burnsville, MN</b>	<b>\$15,500,114.77</b>	<b>-24.6%</b>
Oftedal Construction, Inc., Miles City, MT	\$18,712,809.25	

Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$20,020,020.00
High Country Construction, Inc., Lander, WY	\$22,605,906.37

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried that **Ames Construction, Inc., Burnsville, 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. Commissioner Scott abstained.

**COMMISSION DISTRICT 5**  
**Charlie Monk - Commissioner**

State project SCP-SL-0201015, involving grading, placing crushed base and bituminous pavement surfacing and miscellaneous work on 8.70 miles on WYO 31 beginning at reference marker 6.10 between Manderson and Hyattville, in Big Horn County. Completion date – September 30, 2009

Engineer's Estimate	\$3,238,910.50
<b>McGarvin-Moberly Construction Company, Worland, WY</b>	<b>\$2,834,081.20 -12.5%</b>
Mountain Construction Company, Lovell, WY	\$2,965,092.88
Western Wyoming Construction Co., Lander, WY	\$3,350,945.70
McMurry Ready-Mix Co., Casper, WY	\$3,406,495.00
Century Companies, Inc., Lewistown, MT	\$3,454,627.00

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

Federal projects BROS-0C11060 and ARSCT-0C11A01 CB, involving grading, draining, removal and replacement of bridge and miscellaneous work on 0.021 mile of County Road YXD, starting at reference marker 0.00 and ending at reference marker 0.208, over the South Fork Shoshone River in Park County. Completion date – September 30, 2009

Engineer's Estimate	\$1,465,128.00
<b>COP Construction LLC and Subsidiary, Billings, MT</b>	<b>\$1,460,141.40 -0.3%</b>
Heavy Constructors, Inc., Rapid City, SD	\$1,529,331.40
Reiman Corp., Cheyenne, WY	\$1,781,654.10

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried that **COP Construction LLC and Subsidiary, Billings, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of

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

Federal project BROS-0C20063, involving grading, draining, removal and replacement of bridge, and miscellaneous work on 0.085 mile of County Road 80, beginning at reference marker 10.10, in Washakie County. Completion date – September 30, 2009

Engineer's Estimate	\$330,878.00	
<b>D.W. Oxendahl Construction LLC., Worden, MT</b>	<b>\$331,433.00</b>	<b>+0.2%</b>
COP Construction LLC and Subsidiary, Billings, MT	\$390,372.00	
C C & G, Inc., Lander, WY	\$421,892.00	
Reiman Corp., Cheyenne, WY	\$456,091.10	

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Chairman Hawkins, and carried that **D.W. Oxendahl Construction LLC., Worden, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 6**  
**Rip Hawkins - Chairman**

Federal project NH-HP-N254067, involving grading, draining, placing crushed base and bituminous pavement surfacing, profile milling plant mix, concrete, removal and replacement of cattle guards and fencing, and miscellaneous work on 12.72 miles of US 85 between Lusk and Mule Creek Junction, in Niobrara County. Completion date – June 30, 2010

Engineer's Estimate	\$14,174,695.25	
<b>Border States Paving, Inc., Fargo, ND</b>	<b>\$13,142,932.57</b>	<b>-7.3%</b>
Northern Improvement Company, Fargo, ND	\$13,416,288.00	
Simon Contractors, Cheyenne, WY	\$14,493,753.81	
Foothills Contracting, Inc., Webster, SD	\$14,936,714.52	
Oftedal Construction, Inc., Miles City, MT	\$15,088,441.95	
McMurry Ready-Mix Co., Casper, WY	\$15,118,343.00	
A & S Construction Co. and Affiliated Companies, Canon City, CO	\$18,937,159.00	

It was recommended by Mr. Collins, moved by Chairman Hawkins, seconded by Commissioner McCormick, 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. The Federal Highway Administration concurred with this decision.

8. It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Scott, and carried to approve the following Project Authorizations:

**COMMISSION DISTRICT 1**

Rural Interstate

STP-E 4.75 I251162; Laramie County; Colorado to Cheyenne, Speer Interchange; reference marker 4.75; enhancements; fiscal year 2010 construction; request federal preliminary engineering funds of \$31,250

Rural Principal Arterial

NH 402.00 N232063; Albany County; Laramie to Colorado state line; reference markers 402.00 to 425.41; traffic study; fiscal year 2009; request federal preliminary engineering funds of \$15,000

NH 21.80 N852001; Laramie County; Cheyenne to Torrington; reference markers 21.8 to 56.54; passing lanes; fiscal year 2012 construction; request federal preliminary engineering funds of \$400,000

Rural Local

RHC 0.00 CN02089; Laramie County; Shellback Road; concrete crossing surfacing; fiscal year 2009; request federal construction engineering and construction funds of \$152,000

Urban Interstate

NH 362.04 I806196; Laramie County; Cheyenne Marginal, Central Avenue and Morrie Avenue overpasses; fiscal year 2010 construction; request federal preliminary engineering funds of \$13,100

**COMMISSION DISTRICT 2**

Rural Interstate

SCP 219.59 I804244; Carbon County; Sinclair West Interchange; reference marker 219.59; realign interchange; fiscal year 2009; request state construction funds of \$350,000; WYDOT's funding contribution to the project

Rural Major Collector

STP 1.55 0404012; Carbon County; Hanna to Elk Mountain; reference markers 1.55 to 12.20; snow fence; fiscal year 2010 construction; request federal preliminary engineering funds of \$20,634

Rural Local

IRP 0.00 CN06064; Carbon County; West Sinclair Bypass, County Road 6-58; realignment; fiscal year 2009; request preliminary engineering funds of \$130,000; construction engineering and construction funds of \$1,430,000, and Industrial Road Program funds of \$638,000



**COMMISSION DISTRICT 4**

Rural Principal Arterial

ARSCT 0.00 N362A02; Johnson County; Buffalo to Ucross, Clear Creek Bridge; conduit on structure; fiscal year 2009; request preliminary engineering funds of \$400; request construction engineering and construction funds of \$4,900; to be reimbursed by Qwest

Rural Minor Arterial

CMP-SR-60.57 2300040; Campbell County; Reno Junction to Newcastle; reference marker 60.57; expansion joint repair; fiscal year 2009; request state construction engineering and construction funds of \$145,038

Urban Principal Arterial

RHC 21.65 P601036; Sheridan County; Sheridan Streets, Main Street, Burlington Northern and Santa Fe (BNSF) Railroad; reference marker 21.65; fiscal year 2009; concrete crossing surfacing; request federal construction engineering and construction funds of \$152,000

Urban Minor Arterial

RHC 0.14 1704013; Sheridan County; Sheridan Streets, 5<sup>th</sup> Street, BNSF Railroad; reference marker 0.14; concrete crossing surfacing; fiscal year 2009; request federal construction engineering and construction funds of \$131,307

Urban Collector

ARSCT 0.00 4640A01; Campbell County; Gillette Streets, Burma Road; water systems, sanitary sewer and roadway lighting; fiscal year 2009; request preliminary engineering funds of \$60,488; request construction engineering and construction funds of \$3,326,850; to be reimbursed by the City of Gillette

**COMMISSION DISTRICT 5**

Rural Principal Arterial

NH 113.00 N343038; Hot Springs County; Shoshoni to Thermopolis, Wind River Canyon; reference marker 113.00-128.00; rock fall mitigation investigation; fiscal year 2009; request federal preliminary engineering funds of \$30,000

SCP 0.00 B095070; Big Horn, Park, Hot Springs and Washakie Counties; District 5, various locations; geology study; fiscal year 2009; request state preliminary engineering funds of \$10,000

ARSCT 0.00 N291A01; Park County; Cody to Powell, Cody Northeast; reference marker 10.28; conduit on structure; fiscal year 2010 construction; request preliminary engineering funds of \$1,125; to be reimbursed by Qwest

Rural Local

RHC 0.00 CN11066; Park County; Powell Streets, Owl Street; circuitry; fiscal year 2009; request federal construction engineering and construction funds of \$165,539

**COMMISSION DISTRICT 6**

Rural Local

RHC 0.00 CN21010; Weston County; Osage, Skull Creek; concrete crossing surfacing; fiscal year 2009; request federal construction engineering and construction funds of \$102,000

**COMMISSION DISTRICT 7**

Urbanized Principal Arterial

ARSCT 107.90 N212A01; Natrona County; Casper, West Belt Loop, Bridge Over North Platte River; reference marker 107.90; conduit on structure; fiscal year 2009; request preliminary engineering funds of \$700; request construction engineering and construction funds of \$14,300; to be reimbursed by Qwest

**COMMISSION DISTRICT M (Miscellaneous)**

Various

SCP 0.00 B099069; Statewide; Acrow Bridge; purchase of an Acrow Panel Bridge; fiscal year 2009; request state construction funds of \$500,000

Discussion ensued about the validity of purchasing an Acrow panel bridge. Mr. Collins advised that the Department will realize a cost savings by owning another portable bridge as the expense could be recuperated within a couple of uses. This is due in large part to the cost of leasing rather than owning the bridge.

9. Fiscal Year 2009 Transportation Enhancement Activities - Local (TEAL) Grant Projects: Mr. Collins introduced Mr. C.J. Brown to present the proposed TEAL projects. Mr. Brown introduced Messrs. Steve Achter, FHWA representative, and Ralph Glenn, representing the Wyoming Association of Municipalities (WAM), and Ms. Amber Travsky, WYDOT representative on the TEAL Committee.

Mr. Brown advised that 29 applicants requested some \$7,047,547 in 2009 TEAL grants. Six applications requesting full funding and nine applications requesting partial funding were recommended to the Commission for approval. The total TEAL funding available in fiscal year 2009 was \$2,265,578, including \$265,578 that was carried over from 2008. The TEAL Committee met October 7, 2008, to review the grant requests and to prepare recommendations for 2009.

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Scott, and carried to approve the 15 applications presented by the TEAL Executive Advisory Committee.

Messrs. Glenn, Achter, and Brown and Ms. Travsky left the meeting.

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

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

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

**WHEREAS**, the public interest and necessity require the construction of Project ROW-1006016, Kaycee Streets, Nolan Avenue, in Johnson County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Lots 1 and 2, Block 1; Lots 1-10, Block 2; Lots 1-6, Block 3; Lots 1-6, Block 4, all of the original town site of Kaycee; Lots 1-12, Block 1, Buell Addition; NE $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 12, T43N, R82W of the 6<sup>th</sup> P.M., Wyoming, and constitute approximately 0.25 of an acre of property for right-of-way and approximately 0.22 of an acre of property for temporary construction easements.

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

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

**RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

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

**WHEREAS**, the public interest and necessity require the construction of Project 4941001 and N291057, the Powell Streets, Truck Bypass/Garland Canal and US 14A and CR #8 Intersection

Combined Road, in Park County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in Tracts 5 and 6, Lot 68, Tracts 1 and 2, Lot 74 all in T55N, R99W of the 6<sup>th</sup> P.M., Wyoming, and constitute approximately 0.17 of an acre of property for right-of-way and approximately 0.58 of an acre of property for temporary construction easements.

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

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

#### **RESOLUTION FOR EXERCISE OF EMINENT DOMAIN**

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

**WHEREAS**, the public interest and necessity require the construction of Project N345088, the Lovell to Frannie, Cowley Streets, Road in Big Horn County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

**WHEREAS**, the right-of-way and/or temporary construction easements to be acquired are identified as being located in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W1/2NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 32, the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> of Section 31, all of T57N, R96W of the 6<sup>th</sup> P.M., Wyoming and including the following blocks of the original town of Cowley: 36 thru 49, 56, 57 and 66, and constitute approximately 0.88 of an acre of property for right-of-way and approximately 4.58 acres of property for temporary construction easements.

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

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

**RESOLUTION FOR 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 U.S. Highway 14 (Wyoming Department of Transportation Project Number FAP 211-A) is no longer needed for state highway or public use purposes. Said portion being described as follows:

A parcel of land located in Lots 2, 3 and 4 of Block 2 of the Strongs Addition Plat A to the Town of Lovell, and Lot 4 of Block 14 of the Lovell original town, in Big Horn County, Wyoming, being more described as follows:

All that portion of the old U.S. Highway 14 right-of-way as defined by Project FAP 211A, beginning on the northerly right-of-way boundary of Main Street (U.S. Highway 310) and ending on the easterly boundary of said Block 2, also being the town of Lovell easterly corporate limits.

The above described parcel of land contains 1.10 acres, more or less.

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

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

**RESOLUTION FOR 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 US Highway Number 14 (Wyoming Transportation Department Project Number FAP 211-A) is no longer needed for state highway or public use purposes. Said portion being described as follows:

A parcel of land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 14, T56N, R96W, of the 6<sup>th</sup> P.M., Big Horn County, Wyoming being more described as follows:

All that portion of the old U.S. Highway 14 right-of-way as defined by project FAP 211A beginning on the easterly boundary of Block 2 of Strongs Addition Plat A to the Town of Lovell, Wyoming, also being the town of Lovell easterly corporate limits, and ending on the northwesterly right-of-way boundary of U.S. Highway 14A as defined by project DP-RF-035-1(5).

The above described parcel of land contains 3.91 acres, more or less.

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

15. Briefing on Interstate 80 Tolling Feasibility Study: Mr. Collins briefed the Commission about the I-80 Tolling Feasibility Analysis, a study that was requested by the 2008 Wyoming State Legislature to investigate potential funding remedies for I-80 maintenance. Study results were presented to the Wyoming State Legislature Joint Transportation, Highways and Military Affairs Interim Committee on October 15, 2008, in Cheyenne.

In 2007, WYDOT spent \$8 million to maintain I-80. Fifty percent of I-80 traffic is commercial trucks, and 87 percent of those trucks are through trips (i.e., trips that originate outside of Wyoming). The study also revealed that trucks inflict 99 percent of roadway damage.

The feasibility analysis revealed:

- The current four-lane cross section of I-80 has adequate capacity for current and anticipated traffic volumes;
- Roadway expansion to a six-lane cross section would cost about \$3 billion;
- Tolling can provide necessary maintenance and construction funding; and
- WYDOT must qualify for interstate tolling permission under federal provisions.

Mr. Collins advised that presently a rigorous federal application process is required to get authorization from the FHWA for interstate highway tolling. Under the application process, WYDOT would be required to demonstrate how tolling revenues would be used. The next federal highway bill will very likely provide for more flexibility for tolling on federal interstate highways.

Chairman Hawkins suggested that if tolling is implemented, legislation should give the Transportation Commission jurisdiction over setting toll amounts. Mr. McOmie noted that proposed

tolling revenue would meet anticipated construction needs, and revenue exceeding construction costs would be used for much needed maintenance.

Mr. Collins briefed the Commission about historical and projected Interstate 80 traffic. Traffic counts are expected to more than double in the next 30 years.

2008 AASHTO Meeting: Mr. Collins attended the recent AASHTO meeting in Hartford, Connecticut. He participated in reauthorization discussions while in Hartford. Reporting on the western region meeting that was held in conjunction with the AASHTO meeting, Mr. Collins advised that the Western Governors' Association and the WASHTO states will conduct a freight study on "Freight Flows Estimates and Projections" in the WASHTO states. This work will update a study that was done in 1999 and will include the I-80 corridor. Hopefully, the study will place more emphasis on anticipated I-80 freight needs and will aid the western governors as they seek funding for freight infrastructure needs in the western states.

16. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through September 30, 2008, includes 98 fatal crashes involving 115 deaths. The fatalities include 45 involving rollover crashes, 43 involving multi-car crashes, 22 involving commercial vehicles, 19 involving motorcycles and all-terrain vehicles, 3 involving pedestrians, and 5 involving fixed objects.

There have been 36 crashes to date deemed alcohol related, resulting in 47 deaths. Of those deaths, 37 were attributed to not using restraints.

Of the 115 deaths that have occurred to date in 2008, 65 can be attributed to the non-use of occupant restraints, with 42 involving rollover crashes, 20 involving multi-car collisions, and 3 involving fixed objects. Of the 65 deaths that occurred from non-use of occupant restraints, 46 were Wyoming residents and 19 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through August 31, 2008. The summary depicts 4,946 crashes statewide, of which 4,101 involved non-commercial vehicles and 845 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of September 30, 2008, have been DUI related. Field arrests total 1,730 to date, including:

- DUI arrests from crashes – 144
- DUI arrests from traffic stops – 811
- DUI arrests from the REDDI Program – 148
- DUI arrests from ports-of-entry – 7
- NCIC hits (person) – 42
- Wyoming warrants hits – 135
- Drug arrests – 118
- Other arrests – 325

Colonel Powell noted that multi-fatality crashes increased significantly in September.

Interstate 80 Seasonal Speed Reduction: A seasonal speed reduction plan was implemented in the Elk Mountain (milepost 238) to Arlington (milepost 290) section of Interstate 80 on October 15, 2008. Troopers have been diligently enforcing speed limits in the area. Variable message signs are being used to alert the traveling public of modified speed limits, and Patrol is focusing primarily on educating drivers about the change for now. The Transportation Management Center will gather traffic data over the next month for presentation at a future Commission meeting.

Overweight/Oversize Load Fees: Colonel Powell explained the overweight/oversize load fee comparisons for Wyoming and the surrounding states. According to the fee comparisons, Wyoming's current fees are justified.

17. Mr. Byrne presented the Aeronautics report.

Aeronautics Commission: Mr. Jerry Delano recently resigned his position as Aeronautics Commission Chairman. Mr. Vince Tomassi has assumed the role as chairman, and Mr. Roger Sedum, mayor of Cody, Wyoming, will join the Aeronautics Commission in November.

Aircraft Expenditure Reporting: Mr. Byrne advised a reporting model has been developed for tracking aircraft costs. It will take some time to populate the system with data, but future reports will be developed as the analysis is developed. The system has the capability of reporting all-inclusive costs for owning the State aircraft.

2008 AASHTO Meeting: The AASHTO Subcommittee on Aviation met October 16-17, 2008. The subcommittee is trying to increase its visibility within the AASHTO organization. Aviation, like highways, is seeking a multi-year spending bill for planning purposes.

Select Committee on Air Service Meeting: Mr. Byrne attended a Wyoming State Legislature Select Committee on Air Service meeting in August. A primary discussion topic was the manner in which aircraft charges are handled, particularly when the State planes are flown empty.

18. Mr. Loftin presented the Support Services report.



Driver Services Staffing: Four new field supervisory positions were recently approved for the Driver Services Program. Mr. Loftin commended Mr. Jim O'Connor, former Support Services Administrator, for laying the groundwork toward acquiring the new positions. Supervisors will live in the district where they work.

Real ID Update: Draft legislation was proposed at the Joint Transportation, Highway and Military Affairs Committee (JTC) meeting held in Cheyenne October 15, 2008. The draft bill addresses minimum statutory requirements for Real ID implementation. The JTC voted to sponsor the bill, primarily to prepare the Department should Real ID come to fruition.

Real ID will need to be funded by the Legislature if the program is enacted in Wyoming. A \$500,000 grant has been received so far, which will be used for scanners to scan the documents that are required of the public. About \$60 million in federal funds is available nationwide for future funding. Wyoming will apply for part of that funding.

19. Mr. Stearns presented the Operations report in Mr. Tim Hibbard's absence.

It was recommended by Mr. Stearns, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve purchase for bid number 08-0249 to furnish HVAC modifications at the Lusk Rest Area. The bid was awarded to Sheet Metal Specialties, of Casper, Wyoming, for the sum of \$120,700.

It was recommended by Mr. Stearns, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 08-0250 to furnish 375,000 gallons of liquid and solid anti-icers/de-icer, and 7,500 tons of ice slicer for delivery at various statewide locations. The bid was awarded to Desert Mountain Corporation, of Riverton, Wyoming, for the sum of \$1,238,411.

It was recommended by Mr. Stearns, moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to approve purchase for bid number 08-0265 to furnish 2,812,000 pounds of reflective glass spheres (Type 1) in 50 pound sacks for delivery at various statewide locations. The bid was awarded to Swarco Reflex, Inc., of Mexia, Texas, for the sum of \$728,308.

It was recommended by Mr. Stearns, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried to approve purchase for bid number 08-0266 to furnish 352,215 gallons of traffic line paint for delivery at various statewide locations. The bid was awarded to Ennis Paint, Inc., of Ennis, Texas, for the sum of \$2,705,822.40.

It was recommended by Mr. Stearns, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 08-0267 to furnish five new, 2009 Chevrolet Impalas for delivery in Cheyenne. The bid was awarded to Fremont Cadillac Chevrolet, of Lander, Wyoming, for the sum of \$80,440.90.

It was recommended by Mr. Stearns, moved by Commissioner Scott, seconded by Commissioner Covello, and carried to approve purchase for bid number 08-0269 to furnish six new, 2009 Dodge Durango SLT, four-wheel-drive vehicles for delivery in Cheyenne. The bid was awarded to Fremont Motor Company, of Lander, Wyoming, for the sum of \$134,828.

It was recommended by Mr. Stearns, moved by Commissioner Covello, seconded by Commissioner Scott, and carried to approve purchase for bid number 08-0271 to furnish nine new, 2009 Ford Ranger Regular Cab XL pool pickup trucks. The bid was awarded to Greiner Ford, Lincoln Mercury, of Casper, Wyoming, for the sum of \$105,106.

It was recommended by Mr. Stearns, moved by Commissioner Scott, seconded by Commissioner McCormick, and carried to approve purchase for bid number 08-0272 to furnish 13 new, 2009 Ford F150 two-wheel-drive pickup trucks. The bid was awarded to Fremont Motor Company, of Lander, Wyoming, for the sum of \$201,402.20.

It was recommended by Mr. Stearns, moved by Commissioner McCormick, seconded by Commissioner Scott, and carried to approve purchase for bid number 08-0273 to furnish nine new, 2009 Ford F150 Supercab XL pickup trucks. The bid was awarded to Greiner Ford, Lincoln, Mercury, of Casper, Wyoming, for the sum of \$136,186.

It was recommended by Mr. Stearns, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 08-0274 to furnish seven new, 2009 Ford F250 Supercab two-wheel-drive, 158-inch wheel base, pickup trucks. The bid was awarded to Greiner Ford, Lincoln, Mercury, of Casper, Wyoming, for the sum of \$116,197.

It was recommended by Mr. Stearns, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve purchase for bid number 08-0277 to furnish 24 new, 2009 Ford F350 Crew Cab 10,400-pound gross vehicle weight pickup trucks. The bid was awarded to Greiner Ford, Lincoln, Mercury, of Casper, Wyoming, for the sum of \$486,532.

It was recommended by Mr. Stearns, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 08-0278 to furnish five each, new 2009 Ford F150 XL Supercab pickup trucks. The bid was awarded to Greiner Ford, Lincoln, Mercury, of Casper, Wyoming, for the sum of \$96,320.

Adding Compressed Natural Gas (CNG) to WYDOT Fueling Sites: The Governor's Office asked the Department to investigate the feasibility of adding CNG to its state fueling systems. A written report was provided to the Commission. The study revealed that the concept was not feasible because of the complexity of developing a vehicle fleet to cover the cost. In summary, it would take about 50 years for the concept to become economically sound.

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

2008 AASHTO Meeting: The Federal Highway Administration (FHWA) hosted an array of topics at the annual AASHTO meeting, October 16-20, 2008. One topic of significant concern is that the 2009 Highway Trust Fund may fall short of expectations because of the poor economy. Fiscal year 2010 funding will be depleted, which will impact how Congress addresses future highway funding, as continuing resolutions may not be possible. Another economic stimulus package for highways may be proposed by AASHTO and the FHWA in the future.

I-80 Safety Study: An I-80 safety study was presented at the JTC meeting held in Cheyenne, October 15, 2008. The study analyzed the need for additional snow fence, guardrail, passing lanes on I-80, additional intelligent transportation devices, legislative issues, and other items to improve safety. Approximately \$10.4 million is proposed for funding this year, with an additional \$310 proposed in future years.

October 15, 2008, JTC Meeting: The JTC expressed favor toward a draft bill to implement a state chain law. Eminent domain for snow fence installation was also discussed at the meeting. A draft bill was proposed to increase fines for ignoring road closure gates. The Committee will support a bill regarding the highway logo sign program. Mr. McOmie will work with the Legislative Services Office to draft a bill.

21. Vice Chair Dziardziel recessed the meeting at 11:55 a.m., on Thursday, October 23, 2008.

22. Vice Chair Dziardziel reconvened the meeting at 2:05 p.m., on Thursday, October 23, 2008.

23. Ms. Vicki Nunn of Porter, Muirhead, Cornia & Howard was scheduled to present the results of the 2007 A-133 Department-wide audit but was unable to attend the meeting. Mr. Stearns presented the audit in Ms. Nunn's absence.

It was recommended by Mr. Stearns, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve the 2007 audit.

24. It was moved by Commissioner Latta, seconded by Commissioner McCormick, and carried to adjourn the meeting. The meeting was adjourned by Vice Chair Dziardziel at 2:10 p.m., October 23, 2008.