

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on January 21, 2010. The meeting was convened at 8:30 a.m. by Vice Chairman Monk. The following members were present constituting a quorum:

Charlie Monk, Vice Chairman, Lovell
Cactus Covello Jr., Commissioner, Torrington
Jim Latta, Commissioner, Pinedale (via telephone)
Jim Hladky, Commissioner, Gillette
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: 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; Mike Kahler and Jackson Engels, Assistant Attorneys General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; Jim Buyske, Chief Pilot and Flight Operations Manager; and Vern Mickelson, Assistant Division Administrator, Federal Highway Administration.

Those absent: Susan Dziardziel, Chair, Douglas; Sandi McCormick, Commissioner, Rock Springs; Ted Ertman, Commissioner, Newcastle; and Delbert McOmie, Chief Engineer.

Messrs. Paul Phillips and Keith Cashman, of Wyoming Machinery Company, were also present.

1. It was recommended by Secretary Scott, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve the minutes from the December 10, 2009, regular business meeting.
2. Secretary Scott presented a letter from Mr. Grigoriy Gasan, of Happy Valley, Oregon, regarding difficulties his father experienced during a recent Wyoming port-of-entry truck inspection and advised that Colonel Powell would address the topic under the Highway Patrol report.
3. Secretary Scott presented a thank you note from former Wyoming Contractors Association (WCA) Board President Ernie Skretteberg. Mr. Skretteberg offered his appreciation for the Commission's presence and interaction with WCA membership during its annual convention in December.
4. Director Cox presented the Director's report.

Driver Services Request for Proposals (RFP): Director Cox advised that the Department has been working on a formal RFP to address the new federal driver's license requirements. The new license format is necessary for two reasons: the current contract runs out in September 2010, and new federal requirements for driver's license security will be satisfied in the new format. Director Cox indicated that Mr. Loftin would provide further details about the RFP under the Support Services report.

Joint Appropriations Committee (JAC): WYDOT executive staff members testified before the JAC on January 4, 2010, to defend the Department's budget request. Governor Freudenthal has recommended that \$50 million be dedicated to surface transportation for the 2010-11 biennium. The WyoLink project was also discussed at length, with time lines, budgeting, and the capabilities of the system under scrutiny by some committee members. The JAC is also investigating eliminating vacant positions from the state agency authorized strength and budgets as a potential cost savings measure. A considerable amount of homework has been done since the January 4 meeting, and it will be presented to the JAC before the Legislature convenes on February 8.

Federal Highway Bill Update: The new Federal Highway Bill authorization was due October 1, 2009, but its approval is unlikely even this year. Director Cox indicated that a proposed second stimulus bill, also known as the "Jobs Work Bill," might significantly benefit the Department but would probably further delay Federal Highway Bill approval.

Director Cox will travel to Minneapolis, Minnesota, on January 25-26, 2010, to attend a U.S. Department of Transportation (DOT) field outreach on the transportation bill. Two of the five states from our five-state rural coalition will be represented at the meeting, and Director Cox hopes to have an opportunity to address highway funding concerns on behalf of the coalition.

Variable Speed Limit (VSL) System Vandalism: Several variable message signs were damaged by gunshots on the evening of January 6, 2010. So far, the damage is estimated at \$23,000, including personnel expenses. Damage to the system inflicted a safety hazard to traveling public and to Department employees who had to work on repairing the system, particularly during sub-zero temperatures. Some physical evidence has been gathered, but witnesses are needed to help capture the vandals.

Director Cox proposed that a reward be offered to inspire informants to come forward if the Commission deemed it a worthy cause. The Transportation Commission first authorized rewards for information leading to the conviction of criminals in 1961, and numerous rewards have been issued since then.

It was moved by Commissioner Covello to offer a \$500 reward to an individual with information leading to the conviction of the vandal(s), and also proposed that a resolution be written to cover future rewards. Mr. Tim Hibbard advised that the VSL infrastructure is very expensive and encouraged a higher reward to thwart future vandalism incidents.

It was moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to amend Commissioner Covello's motion and offer a \$2,500 reward for the January VSL vandalism incident and for future rewards to be considered on a case-by-case basis. The motion unanimously carried.

5. Mr. Kevin Hibbard presented the Budget report.

First-Quarter Budget Modification: Mr. Hibbard presented the first-quarter budget revision. The quarterly revision included purchase order rollovers from fiscal year 2009, fuel and diesel cost adjustments, and snow removal cost adjustments. Mr. Hibbard noted that snow removal expenses have been higher than expected this year, and the Department may have to move funding from the State Construction Program to the snow removal budget if snow removal trends continue.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve the FY 2010 First-Quarter Budget Revision.

Monthly Budget Report: Mr. Hibbard presented the monthly budget report. In January, the Department received \$53 million in federal mineral royalties, which was reflected in the report.

American Reinvestment and Recovery Act (ARRA) Report: The monthly ARRA1512 reports were submitted on time and were accepted by the Office of Management & Budget (OMB). Mr. Hibbard noted that the OMB's method of calculating ARRA-related job growth is tied only to direct jobs, and indirect and induced jobs are not included in the report.

6. Mr. Collins presented the Engineering and Planning report beginning with the bid tabulations from the letting held January 14, 2010, in Laramie.

**COMMISSION DISTRICT 1
Cactus Covello – Commissioner**

Federal project HSIP-B101021, involving removal and replacement of signs and miscellaneous work at various locations on I-25 and I-80 in Laramie County. Completion date – August 31, 2010

Engineer's Estimate	\$695,880.00	
Rocky Mountain Enterprises, Inc., Grand Junction, CO	\$414,480.00	-40.4%
Crooked Fork Fencing, Inc., Lolo, MT	\$476,377.52	
S & L Industrial, Cowley, WY	\$632,950.00	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried that **Rocky Mountain Enterprises, Inc., Grand Junction, 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 HSIP-SEP-I806195, involving grading, milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix wearing course, concrete pavement, and miscellaneous work on 1.02 miles along I-80, beginning at reference marker 361.49 at the I-80 and I-180 interchange in Laramie County. Completion date - September 30, 2010

Engineer's Estimate	\$272,620.75	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$178,601.42	-34.5%
S & S Builders, LLC., Gillette, WY	\$202,170.55	
Knife River, Cheyenne, WY	\$225,015.25	
Reiman Corp., Cheyenne, WY	\$246,981.75	
Connell Resources, Inc., Fort Collins, CO	\$269,890.00	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried that **Simon Contractors and Subsidiaries, 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 DISTRICTS 2 and 3
Sandi McCormick – Commissioner
Jim Latta – Commissioner

Federal project HSIP-SEP-B103013, involving removal and upgrade of guardrail and miscellaneous work on 19.92 miles along US 191 and WYO 233 at various locations in Transportation District 3 in Lincoln and Sweetwater counties. Completion date – August 31, 2010

Engineer's Estimate	\$1,156,750.00	
Cruz Construction, Inc., Colorado Springs, CO	\$1,264,161.00	+9.3%
Kilroy, LLC., Afton, WY	\$1,398,217.00	

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried that **Cruz Construction, Inc., Colorado Springs, 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 4
Jim Hladky – Commissioner

Federal project BROS-0C17045, involving bridge rehabilitation, including grading, draining, placing crushed base and bituminous pavement surfacing, structure, and miscellaneous work at reference marker 1.90 on County Road 53 (Hoadley Road) outside of Gillette in Campbell County. Completion date - August 31, 2010

Engineer's Estimate	\$327,339.10	
S & S Builders, LLC., Gillette, WY	\$351,525.67	+7.4%
Reiman Corp., Cheyenne, WY	\$494,423.80	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$498,651.10	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried 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.

COMMISSION DISTRICT 7
Susan Dziardziel – Chair

Federal project NH-I253111, involving grading, milling plant mix, placing recycled crushed base, bituminous pavement surfacing, plant mix wearing course and miscellaneous work at three locations on I-25 between Casper and Douglas in Converse County. Completion date – September 30, 2010

Engineer’s Estimate	\$2,218,080.00	
Kilroy, LLC., Afton, WY	\$1,778,549.03	-19.8%
Knife River, Cheyenne, WY	\$1,993,752.50	
Hedquist Construction, Inc., Mills, WY	\$1,994,995.00	
71 Construction, Casper, WY	\$2,127,568.73	
McMurry Ready-Mix Co., Casper, WY	\$2,169,714.00	
High Country Construction, Inc., Lander, WY	\$2,253,672.30	
Patrick Construction, Inc., Lander, WY	\$2,325,736.00	
Oftedal Construction, Inc., Miles City, MT	\$2,458,148.68	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$2,467,485.00	
Winslow Construction Company, Englewood, CO	\$2,651,011.72	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried that **Kilroy, LLC., Afton, 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 STP-W258019 and ARSCT-W258A01 combined, involving grading, milling plant mix, removal of concrete pavement, placing crushed base and bituminous pavement surfacing, concrete pavement, sidewalk, curb and gutter, traffic signal system, water system, and miscellaneous work on 0.36 mile of WYO 258 at the intersection of Wyoming Boulevard and Poplar Street in Casper, in Natrona County. Completion date – August 31, 2010

Engineer's Estimate	\$1,767,177.15	
Magnum Construction, LLC., Casper, WY	\$1,374,979.60	-22.2%
S & S Builders, LLC., Gillette, WY	\$1,433,646.16	
Hedquist Construction, Inc., Mills, WY	\$1,435,570.50	
Knife River, Cheyenne, WY	\$1,524,474.00	
Grizzly Excavation & Construction, LLC., Casper, WY	\$1,598,856.98	
Upper Plains Contracting, Inc., Aberdeen, SD	\$1,695,706.05	
Reiman Corp., Cheyenne, WY	\$1,823,836.25	
J Wright Development, LLC., Riverton, UT	\$1,838,999.99	
Noraa Concrete Construction Corporation, Brighton, CO	\$1,917,675.10	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried that **Magnum Construction, LLC., 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 STP-B105007, American Disability Act (ADA) upgrades involving grading, placing crushed base, bituminous pavement surfacing, concrete pavement, and miscellaneous work beginning at reference marker 38.85 on US 26 (Second Street) in Shoshoni, in Fremont County. Completion date – August 31, 2010

Engineer's Estimate	\$210,452.50	
Schneider Construction Inc., Worland, WY	\$152,527.23	-27.5%
Archer Construction, Inc., Riverton, WY	\$183,446.50	
Reiman Corp., Cheyenne, WY	\$192,411.75	
Patrick Construction, Inc., Lander, WY	\$217,288.00	
Western Wyoming Construction Co., Lander, WY	\$218,000.00	
71 Construction, Gillette, WY	\$223,836.00	
Grizzly Excavation & Construction, LLC., Casper, WY	\$225,956.99	
Knife River, Cheyenne, WY	\$244,275.00	
J Wright Development, LLC., Riverton, UT	\$248,980.00	
EHC, LLC., Deaver, WY	\$249,200.00	
ERI Engineering, Inc., Riverton, WY	\$249,669.00	
Rice-Kilroy Construction Company Inc., Dubois, WY	\$278,680.00	

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried that **Schneider Construction Inc., 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.

7. Mr. Collins presented the following bid tabulation from a letting held by the City of Powell on December 22, 2009.

Federal project STIM-E-PO 0.00 TL09010, including labor, materials, services and equipment required to accomplish site demolition, embankment and compaction, paving, lighting, signage, sewer system, well and water system, building and structure demolition and earthwork, site irrigation and landscaping, and concrete form work, placement and flatwork finishing for the Homesteader Park Rest Area renovation project, located at milepost 24.99 on US 14A, in the city of Powell, in Park County.

Engineer's Estimate	\$2,144,242.00	
CK Construction, LLC, Rock Springs, WY	\$1,958,500.00	-8.7%
Headwaters Construction Company, Victor, ID	\$1,970,200.00	
MBA Construction, Billings, MT	\$1,988,400.00	
Sletten Construction, Cody, WY	\$1,996,000.00	
Langles & Associates, Inc., Billings, MT	\$2,064,000.00	
Groathouse Construction, Cody, WY	\$2,064,000.00	
Capstone Construction, Powell, WY	\$2,092,588.00	
EHC, Inc., Deaver, WY	\$2,170,994.00	
Wadman Corporation, Ogden, UT	\$2,218,000.00	
Cowman Construction, Cody, WY	\$2,253,500.00	
Wilson Brothers Construction, Cowley, WY	\$2,430,400.00	

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to concur in the project award to **CK Construction, LLC, Rock Springs, Wyoming**, as low bidder. The Federal Highway Administration concurred with this decision.

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

COMMISSION DISTRICT 1

Urbanized Interstate

STP-E 13.83 I251164; Laramie County; Cheyenne Marginal, Vandehei Interchange Enhancements; reference marker 13.83; tower monuments, landscaping, welcome sign, decorative concrete and lighting; fiscal year 2011 construction; request federal preliminary engineering funding of \$20,789

Urbanized Minor Arterial

SSP-TO 2.94 0107027; Laramie County; Happy Jack Road, WY 210 and Round Top Road, WYO 222; reference marker 2.94; flashing beacon system; fiscal year 2011 construction; request state preliminary engineering funds of \$3,000

COMMISSION DISTRICT 4

Urban Principal Arterial

SSP-TO 109.63 N432054; Campbell County; Gillette South, WYO 59 and Southern Drive/Garner Lake Road; reference marker 109.63; signal poles for left turn arrows; fiscal year 2011 construction; request state preliminary engineering funds of \$6,000

SSP-TO 24.39 P601037; Sheridan County; Sheridan Streets, Coffeen Avenue and Avoca Avenue/Sugarland Drive; reference marker 24.39; left turn arrows; fiscal year 2011 construction; request state preliminary engineering funds of \$3,000

SSP-TO 128.45 0303022; Campbell County; Gillette Streets, Intersection of WYO 51 and Garner Lake Road; reference marker 128.45; replace signal pole, foundation and mast arm; fiscal year 2011 construction; request state preliminary engineering funds of \$5,000

COMMISSION DISTRICT 6

Rural Principal Arterial

SSP-TO 40.79 N402022; Niobrara County; Lusk Port of Entry; reference marker 40.79; electronic open/closed signs at the port of entry and north of Lusk; fiscal year 2011 construction; request state preliminary engineering funds of \$6,000

COMMISSION DISTRICT M (Miscellaneous)

Various (Urban)

HSIP 0.00 B109078; statewide; various urban locations; durable pavement markings, including crosswalks, turn arrows and associated urban markings; fiscal year 2010; request federal preliminary engineering funds of \$10,000; federal construction engineering and construction funds of \$1,010,000

HSIP 0.00 B109079; statewide; various urban locations; signalization, controllers, software, new detection systems, four section head left turn signals; fiscal year 2010; request federal preliminary engineering funds of \$20,000

9. First-Quarter State Transportation Improvement Program (STIP) Addendum: Mr. Collins presented the first-quarter addendum to the 2010 STIP. It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve the first-quarter addendum to STIP.

10. Jobs for Main Street Act: The U.S. Senate will reportedly vote on the Jobs for Main Street Act sometime before February 15, 2010. In its present form, the Act offers the same amount of transportation funding as ARRA but requires that half of the funding be obligated within 90 days of the program's implementation. Mr. Collins admitted that is a lofty goal, but the Department is willing to make every effort to meet the stringent time lines. Transit funding will also be offered under the Jobs for Main Street Act and will likely be equal to that which was offered under ARRA.

If the bill passes, additional lettings will be scheduled and will be brought to the Commission for consideration.

11. It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Hladky, 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 0109021, the Bosler Junction - Wheatland Road (North Sybille Creek Section), in Albany County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

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

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31; the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21; the SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22; NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14; SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 all of T.21N., R.71W., of the 6th P.M., Albany County Wyoming, and constitute approximately 25.63 acres of property for right-of-way and approximately 31.21 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.

12. It was recommended by Mr. Collins, moved by Commissioner Hladky, 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 ROW-1401008, the Manville - Lance Creek, Lance Creek South Section Road, in Niobrara 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 E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, T.34N., R.65W.; W $\frac{1}{2}$ W $\frac{1}{2}$ of Sec. 35, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 27; E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22; W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ of Sec. 15; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10, T.35N., R.65W. of the 6th P.M., Niobrara County, Wyoming, and constitute approximately 4.80 acres of property for right-of-way and approximately 6.58 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 Covello, seconded by Commissioner Hladky, 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 N203045, Riverton - Shoshoni (Bryant Section), in Fremont County, and that the property shown on the right-of-way plans for this project be 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 E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{2}$, and Lot 1 of Section 2, Lot 3 and 4 of Section 1, T.1N., R.4E.; Lots 1 and 12 of Browne Subdivision, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T.2N., R.4E.; Lots 1, 2, 11, 12, and 13 of Smith Estates Subdivision, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 30, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 29, Lot 3 and Lot 4 of Wilson Road Subdivision; S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 20, Lot 1 of Fox Springs Subdivision, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T.2N., R.5E. of the Wind River Meridian, Fremont County, Wyoming and constitute approximately 15.87 acres of property for right-of-way and approximately 22.57 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.

14. It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve the following resolution for relinquishment:

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 Transportation Department Project Number I-180-1 is no longer needed for state highway purposes. Said portion being described as follows:

Said portion of highway right-of-way being more particularly described as follows:

Parcel A

A portion of that certain tract of land as described in Book 1140 at Page 526 and shown on that certain survey plat as recorded in Book 2139 at Page 1240 of the Laramie County records and located within the Original City of Cheyenne, SE $\frac{1}{4}$ of Section 32, T.14N., R.66W., 6th P.M., City of Cheyenne, Laramie County, Wyoming being more particularly described as follows:

Beginning at the point of intersection of the northerly right-of-way line of vacated 12th Street as platted under the Original City of Cheyenne and the northerly right-of-way line of the Chicago, Burlington and Quincy Railroad right-of-way (CB&Q RW) 25 feet radially from the centerline of the main track as re-established;

thence on an Azimuth of 293°41'21" a distance of 179.95 feet to a point;

thence on an Azimuth of 299°12'16" a distance of 81.69 feet to a point;

thence on an Azimuth of 22°51'23" radially from the centerline of said CB&Q RW a distance of 11.94 feet to a point on said northerly right-of-way of the CB&Q RW;

thence on and along said northerly right-of-way of the CB&Q RW on a non-tangent curve having a delta angle of 10°19'20", a radius of 1,457.31 feet, a curve length of 262.54 feet and a long chord on an Azimuth of 118°01'05" a distance of 262.19 feet to the point of beginning.

Said Parcel "A" containing 3,298.5 square feet or 0.08 acre more or less.

The basis of bearing is the Azimuth between the railroad and the yard as shown on the Record of Survey portion of the CB&Q RW right-of-way as conveyed to the Wyoming State Highway Commission Plat, it being AZ270°48'19".

Parcel C

A portion of that certain tract of land as described in Book 1140 at Page 526 and shown on that certain survey plat as recorded in Book 2139 at Page 1240 of the Laramie County records and located within the original City of Cheyenne, SE¼ of Section 32, T.14N., R.66W., 6th P.M., City of Cheyenne, Laramie County, Wyoming being more particularly described as follows:

Beginning at the point of intersection of the northerly right-of-way of vacated 12th Street as platted under the Original City of Cheyenne and the northerly right-of-way line of the Chicago, Burlington and Quincy Railroad right-of-way (CB &Q RW) 25 feet radially from the centerline of the main track as re-established;

thence on and along the northerly right-of-way line of 12th street on an Azimuth of 63°29'35" a distance of 28.88 feet to a point 50 feet radially from the centerline and on the northerly right-of-way line of the CB &Q RW;

thence on and along said northerly right-of-way of the CB&Q RW on a non-tangent curve having a delta angle of 01°42'47" a radius of 1,482.31 feet, a curve length of 44.32 feet and a long chord on an Azimuth of 124°35'55" a distance of 44.32 feet to a point of tangency;

thence continuing along said northerly right-of-way of the CB&Q RW on an Azimuth of 125°27'18" a distance of 200.00 feet to a point;

thence on an Azimuth of 298°32'00" a distance of 158.98 feet to a point;

thence on an Azimuth of 301°27'25" a distance of 100.31 feet to the point of beginning.

Said Parcel "C" containing 3,587.1 square feet or 0.08 acre more or less.

The basis of bearing is the Azimuth between the railroad and the yard as shown on the Record of Survey portion of the CB&Q RW right-of-way as conveyed to the Wyoming State Highway Commission Plat, it being AZ270°48'19".

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

15. Fiscal Year 2009 Congestion Mitigation Air Quality (CMAQ) Projects: In the summer of 2009, the WYDOT Local Government Office was advised of an additional \$2 million for congestion mitigation/air quality projects. An earlier request was received to set aside the \$2 million to address apparent ozone issues in the Green River Basin area. Money was set aside, but, to date, no entity in the area has come forward with a project proposal to specifically address ozone. Other general air quality projects have been proposed since then, and the Local Government Office has deemed it appropriate to address these issues now. This will allow counties to begin working on the projects in the spring when conditions are best for dust suppressant applications. Mr. Collins proposed distributing a portion of the \$2 million to 10 Wyoming counties as follows:

Co. Rds. 52, 28, 51, 23, 9, 75, 71 & 10, Weston Co.	\$ 55,000
Co. Rds. 64 & 42, Sheridan Co.	\$ 150,000
Co. Rd. 701, Carbon Co.	\$ 300,000
Dead Horse Rd., Schoonover Rd., Upper Powder River Rd., Johnson Co.	\$ 150,000
Various County and BLM Rds., Lincoln Co.	\$ 200,000
Wamsutter - Crooks Gap Rd., Sweetwater Co.	\$ 250,000
Co. Rds. 106, 110, 113 & 198, Sublette Co.	\$ 50,000
Bertha Rd. #12, Gov't Valley Rd. 123, Inyan Kara, Cabin Creek & New Haven Rds., Crook Co.	<u>\$ 40,000</u>
Total Recommended Funding	\$1,195,000

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

16. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through December 31, 2009, includes 115 fatal crashes involving 133 deaths. The fatalities include 76 involving rollover crashes, 36 involving multi-car crashes, 13 involving commercial vehicles, 14 involving motorcycles and all-terrain vehicles, 2 involving pedestrians, and 5 involving fixed objects.

There have been 43 crashes to date deemed alcohol related, resulting in 48 deaths. Of those deaths, 37 were attributed to not using restraints.

Of the 133 deaths that have occurred to date in 2009, 83 can be attributed to the non-use of occupant restraints, with 61 involving rollover crashes, 17 involving multi-car collisions, and 5 involving fixed objects. Of the 83 deaths that occurred from non-use of occupant restraints, 63 were Wyoming residents and 20 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through November 30, 2009. The summary depicts 5,923 crashes statewide, of which 5,118 involved non-commercial vehicles and 805 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of December 31, 2009, have been DUI related. Field arrests total 1,865 to date, including the following:

- DUI arrests from crashes – 152
- DUI arrests from traffic stops – 822
- DUI arrests from the REDDI Program – 171
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 48
- Wyoming warrants hits – 177
- Drug arrests – 150
- Other arrests – 342

2009 Fatalities: Colonel Powell reported that 2009 fatalities were at an all-time low, with about 27 percent fewer than last year. Alcohol-related fatalities were also significantly lower, with 15 fewer than last year. The lack of seat belt usage by Wyoming residents continues to be of concern. Several DUI-related bills addressing the issue will be presented before the Legislature during the upcoming session.

Letter from Mr. Grigoriy Gasan: Colonel Powell briefed the Commission about the sequence of events leading to a letter that was recently received from Mr. Grigoriy Gasan. Mr. Gasan's father, Visiliy Gasan, was cited, as a truck driver who is not able to speak and read English, while he was stopped at the I-80 Port of Entry for a commercial vehicle inspection on November 14, 2009. Mr. Gasan filed a complaint against the port-of-entry inspector for the manner in which the inspection was performed and for calling an ambulance after Mr. Gasan began showing symptoms of a potential health issue. Colonel Powell distributed a copy of the reading and comprehension test that was given to Mr. Gasan. The complaint was investigated, and it was deemed that the incident was appropriately handled. A copy of the Highway Patrol's response letter was provided to the Commission for their information.

Federal Motor Carrier Regulations dictate that commercial carrier drivers must “. . . read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.” Colonel Powell advised that it is very common for port-of-entry inspectors to encounter drivers who cannot speak English or pass a reading and comprehension test. As was the case with about 200 other commercial carrier drivers in 2008, Mr. Gason did not meet this requirement and, therefore, was put out of service.

17. Mr. Byrne presented the Aeronautics report, including the monthly State Aircraft Passenger Summary Report.

Caravan 208 Use for Limited Passenger Operations: Mr. Byrne proposed amending the current Basic Operating Policy 17-6, Use of Aircraft, to allow limited contingent passenger air service on the Caravan 208 and to provide photogrammetry services for other state agencies on a cost-reimbursement basis. Photo missions will still take priority over passenger operations, passenger flights will require that two pilots be assigned to the aircraft, and the Caravan would be the last choice option to transport passengers because of short notice scheduling restrictions and its operational limitations. The policy change will better utilize the state’s asset and will increase Aeronautics’ capability to meet the state’s travel needs.

Annual Flight Operations Report: Mr. Buyske provided the annual flight operations report. No accidents or injuries were reported in 2009. Mr. Buyske attributes the favorable results to aggressive safety and training programs used by the Aeronautics Division.

Both Citation aircraft were painted in 2009. Mr. Buyske recognized the Purchasing Program staff for their part in acquiring Duncan Aviation, one of the top firms in the country, for accomplishing the task. The aircraft were stripped to bare metal and were checked for any potential structural failures or corrosion before being repainted. New paint also promotes better aerodynamics. Planes are typically painted every 5 to 6 years, but WYDOT was able to stretch that time line since the aircraft are housed in a hangar setting.

The state pilots received semiannual pilot training. The ground and flight safety program is done through the WYDOT Employee Safety Program and the Safety Management System through the airports.

Flight Operations experienced an 11 percent decrease in flight hours in 2009, primarily because of state budget cuts. State agencies are working hard to coordinate their trips with other agencies to save money.

The Department realized a \$215,876 savings by purchasing its fuel wholesale. An internal fuel storage tank inspection was done, with favorable results. Routine inspections will be done every year, and a complete clean-out will be done every three years. The flight profile changes made last year realized \$21,331 in cost savings in 2009.

18. Mr. Loftin presented the Support Services report, beginning with the following proposed 2010 legislation.

HB0027 - Armed forces license plate fees and distribution, if passed, will divert \$20 of the \$50 from the sale of each plate from the highway fund to the Veteran's Administration. A couple of other license plate-related bills will also be proposed during the upcoming session.

SF0019 – DUI impairment period and period for enhanced penalties will be introduced by Senator Ross. The bill proposes stiffer penalties and enhances penalties for prior violations.

HB0038 – DUI amendments, sponsored by Representative Gingery, expands the definition of controlled substances, amends the time for acceptable results from blood alcohol concentration testing, and makes it a crime for failure to submit or complete a chemical test. The bill would also make it a crime of aggravated driving under the influence, amend the penalties, repeal the provision relating to the reduction or dismissal of charges, repeal evidentiary presumptions relating to blood alcohol concentration, and clarify factors related to penalties for prior convictions. The bill would eliminate WYDOT's role in dealing with thousands of administrative hearings and would require that driver's license suspensions be addressed in appellate court.

19. Driver's License Request for Proposals (RFP): The current contract for driver's license equipment and service, awarded in 2002, will expire September 30, 2010. WYDOT currently owns the equipment used to produce driver's licenses, but most states purchase driver's licenses on a per-card basis. WYDOT owns and pays a monthly maintenance fee for the equipment currently used to produce driver's licenses. The new contract will include new equipment, which will produce a Real ID-compliant driver's license, and includes the cost of scanners to be used for retaining identity verification documents in accordance with new federal requirements.

It was recommended by Mr. Loftin, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to endorse the staff's decision toward the RFP selection.

20. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-033 to furnish remodeling of the Photogrammetry & Surveys Program in Cheyenne. The bid was awarded to Richardson Construction, Inc., of Cheyenne, Wyoming, for the sum of \$221,000.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-042 to furnish 3,905 each carbide-tipped snow plow blades for delivery at various locations statewide. The bid was awarded to Valk Manufacturing Company, of New Kingston, Pennsylvania, for the sum of \$571,969.50.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 10-043 to furnish 915 each plow guards for delivery at various locations statewide. The bid was awarded to Winter Equipment Company, Willoughby, Ohio, for the sum of \$113,052.45.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-066 to furnish 25,700 each steel delineator posts for delivery at various locations. The bid was awarded to Geotec Industrial Supply, of Mills, Wyoming, for the sum of \$178,867.95.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 10-068 to furnish 1,624 each treated sign and fence posts for delivery in Laramie. The bid was awarded to Buckingham Lumber Co., Inc., of Buffalo Wyoming, for \$25,865; Ayers & Baker Pole & Post, Inc., of Mountain View, Wyoming, for \$28,373.80; Tumbleweed Express, of Laramie, Wyoming, for \$17,668; and Hills Products Group, of Spearfish, South Dakota, for \$5,015, for a grand total of \$76,921.80.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-071 to furnish 22 each new, current model, articulated all-wheel-drive loaders and one each new, current model, articulated all-wheel-drive loader with multi-purpose bucket for delivery at various locations statewide. The bid was awarded to Wyoming Machinery Company, of Cheyenne, Wyoming, for the sum of \$2,118,034.

Mr. Phillips, Wyoming Machinery Co., thanked the Commission for the opportunity to furnish the loaders to the Department and to provide their services to the State of Wyoming.

Messrs. Phillips and Cashman left the meeting.

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It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 10-072 to furnish one each new, current model, all-wheel-drive articulated motor grader for delivery in Rock Springs, Wyoming. The bid was awarded to Honnen Equipment Co., of Mills, Wyoming, for the sum of \$220,659.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 10-078 to furnish 20,493 each bridge rail/guardrail components for delivery at various locations statewide. The bid was awarded to Professional Constructors, Inc., of Lovell, Wyoming, for the sum of \$349,623.38.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Latta, and carried to approve purchase for bid number 10-084 to furnish 2,300 each LED lenses for delivery in Cheyenne, Wyoming. The bid was awarded to Western Signal, Inc., of Denver, Colorado, for the sum of \$88,594.44.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for Requisition Number 00000016560 to furnish 33 each WYDOTSY1 lighting systems for snow plow trucks. The bid was awarded to Whelen Engineering Co., Inc., of Chester, Connecticut, for the sum of \$68,970.

21. It was moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to adjourn the meeting. Vice Chairman Monk adjourned the meeting at 11:00 a.m., Thursday, January 21, 2010.