

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on January 15, 2009. The meeting was convened at 8:30 a.m. by Chairman Hawkins. The following members were present constituting a quorum:

Rip Hawkins, Chairman, Devils Tower
Susan Dziardziel, Vice Chair, Douglas
Emerson Scott III, Commissioner, Dayton
Cactus Covello Jr., Commissioner, Torrington
Jim Latta, Commissioner, Pinedale
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Pat Collins, Assistant Chief Engineer of Engineering and Planning; Tim Hibbard, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Sam Powell, Wyoming Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; Doug Moench, Senior Assistant Attorney General; and Phil Miller, Division Administrator, Federal Highway Administration.

Those absent: Commissioners Charlie Monk, Lovell, and Sandi McCormick, Rock Springs.

Others present: Taylor Rossetti, WYDOT Local Government Program; Jim Buyske, WYDOT Chief Pilot; Ken Spear, WYDOT Contracts & Estimates Engineer; and Delbert Eitel, Vice Chairman, Johnson County Commission.

1. It was recommended by Secretary Scott, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve the minutes from the December 11, 2008, regular business meeting.
2. Secretary Scott presented letters from Campbell County Commission Chairman Dan Coolidge, Johnson County Commission Chairman Gerald E. Fink, and Johnson County Road and Bridge Supervisor Scott Pehringer encouraging congestion mitigation-air quality (CMAQ) funding. Johnson and Campbell counties would be considered for CMAQ funding later in the meeting.
3. Director Cox presented the Director's report.

Upcoming Joint Appropriations Committee Meeting: Director Cox advised that executive staff members would testify before the Joint Appropriations Committee (JAC) on January 20, 2009, to discuss the Department's surface transportation funding request. The Department initially requested \$168 million to fund surface transportation, which was reduced to \$50 million by Governor Freudenthal before being passed to the JAC for consideration. The initial \$168 million request would have covered construction inflation costs and allowed the Department to gain ground on past delayed projects. The JAC asked for a report on WYDOT's total available construction funds, contractor

availability should appropriations be made, and details of where the \$50 million in state funding would be used.

Electronic Citations: E-citations will also be discussed at the upcoming JAC meeting. The project will require about \$3.8 million and will benefit all law enforcement agencies statewide. Project funding raises some concern to the Department, as it is currently proposed to come from highway funds.

Colonel Powell indicated that the Highway Patrol has funding available for the mobile data computer, which is a significant portion of the expense. Hand-held devices are available for integration in the program but will be an additional cost. The program will allow all agencies and the courts to access the same information and will make citations a paperless effort.

State Fiscal Year Bill: The Select Committee for Local Government Funding has proposed a bill that, if passed, would force all government entities to operate on the same fiscal year. About 60 percent of WYDOT's construction funding comes from federal sources, making the bill a monumental obstacle that would significantly complicate Department procedures. Reporting on a July 1 to June 30 fiscal year is not difficult, but operating under that fiscal year would be a immense undertaking. The fiscal impact of the change would be rather low, but efficiency would be sacrificed. Director Cox reported that the Department has been granted a two-year deferment to contest its case against the change.

Proposed Federal Stimulus Package: Director Cox briefed the Commission about a proposed federal stimulus package containing some much needed highway funding. The bill is expected to be introduced in Washington in the near future.

4. Mr. Kevin Hibbard presented the Budget report.

First-Quarter Budget Modification: Mr. Hibbard presented the first-quarter budget revision. Most of the changes were a result of carry-over expenditures from the previous fiscal year. Total first-quarter revenue was up \$7 million primarily because of federal highway safety carry-over funds received late in the previous fiscal year. Mr. Hibbard expressed his concern on the downturn in the economy and the associated potential it may have on anticipated highway user fees for the remainder of the year. Mr. Hibbard will continue to monitor revenue stream impacts and advise as the year progresses. A limited amount of state construction funds have been reserved as a precautionary measure should revenues decrease.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Vice Chair Dziardziel, and carried to approve the FY 2009 First-Quarter Budget Revision.

Monthly Budget Report: Mr. Hibbard presented the Monthly Budget Report. Program budgets are on track with anticipated yearly expenditures.

5. Mr. Collins presented the Engineering and Planning report beginning with the bid tabulations from the letting held January 8, 2009, in Laramie.

COMMISSION DISTRICT 1
Cactus Covello – Commissioner

Federal project STP-GM-1103005, involving culvert replacement, and miscellaneous work on 1.68 miles of WYO 214 (Carpenter Road), beginning at reference marker 2.78, in Laramie County. Completion date – June 30, 2009

| | | |
|----------------------------------------------------|---------------------|---------------|
| Engineer’s Estimate | \$407,819.00 | |
| Connell Resources, Inc., Fort Collins, CO | \$279,250.75 | -31.5% |
| Reiman Corp., Cheyenne, WY | \$297,183.00 | |
| Simon Contractors, Cheyenne, WY | \$303,848.64 | |
| T. Lowell Construction, Inc., Colorado Springs, CO | \$341,458.50 | |
| Edward Hawley LLC., Torrington, WY | \$347,034.00 | |
| Hout Fencing of Wyoming, Inc., Worland, WY | \$351,736.25 | |
| S & S Builders, LLC., Gillette, WY | \$357,316.50 | |
| Knife River, Cheyenne, WY | \$414,302.40 | |
| Oftedal Construction, Inc., Miles City, MT | \$449,111.50 | |

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Latta, 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 DISTRICT 2
Sandi McCormick – Commissioner

State project SCP-SL-P231022, involving grading, draining, placing crushed base and bituminous pavement surfacing, removal and replacement of bridge, removal and replacement of cattle guards, guardrail and barrier, electrical, fencing, and miscellaneous work on 11.25 miles of US 30, beginning at milepost 272.14, between Medicine Bow and Rock River, in Albany and Carbon counties. Completion date – September 30, 2010

| | | |
|-----------------------------------------------------------|------------------------|---------------|
| Engineer's Estimate | \$13,271,396.45 | |
| McGarvin-Moberly Construction Company, Worland, WY | \$10,615,206.23 | -20.0% |
| Reiman Corp., Cheyenne, WY | \$11,026,444.29 | |
| McMurry Ready-Mix Co., Casper, WY | \$11,206,221.86 | |
| Simon Contractors, Cheyenne, WY | \$11,899,249.00 | |
| Oftedal Construction, Inc., Miles City, MT | \$11,959,017.25 | |
| Knife River, Cheyenne, WY | \$11,974,058.38 | |
| High Country Construction, Inc., Lander, WY | \$13,357,522.55 | |

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that McGarvin-Moberly Construction Company, Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

State project SCP-SL-P141018, involving grading, draining, placing crushed base and bituminous pavement surfacing, removal and replacement of cattle guards, guardrail and barrier, concrete pavement, electrical systems, bridge deck repair, and miscellaneous work on 10.10 miles of WYO 28, beginning at milepost 4.0 (Eden Canal Section), between Farson and Lander, in Sweetwater County. Completion date – October 31, 2009

| | | |
|----------------------------------------------------|-----------------------|--------------|
| Engineer's Estimate | \$8,102,691.53 | |
| McMurry Ready-Mix Co., Casper, WY | \$7,496,098.50 | -7.5% |
| McGarvin-Moberly Construction Company, Worland, WY | \$7,669,182.36 | |
| LeGrand Johnson Construction Co., Logan, UT | \$7,609,657.01 | |
| Plus 5% for Comparison | \$7,990,139.86 | |
| Mountain Construction Company, Lovell, WY | \$8,670,291.66 | |
| Oftedal Construction, Inc., Miles City, MT | \$8,807,493.87 | |
| W. W. Clyde & Co., Springville, UT | \$8,420,811.97 | |
| Plus 5% for Comparison | \$8,841,852.57 | |
| Simon Contractors, Cheyenne, WY | \$8,859,527.89 | |

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

State project SCP-SL-1912013, involving grading, placing pit run sub-base, bituminous pavement surfacing, and miscellaneous work on 10.0 miles of WYO 28 beginning at reference marker 103.00, southeast of Fontenelle, in Sweetwater County. Completion date – October 31, 2009

| | | |
|------------------------------------------------------------------------------|-----------------------|---------------|
| Engineer's Estimate | \$1,566,290.00 | |
| McMurry Ready-Mix Co., Casper, WY | \$1,405,462.00 | -10.3% |
| McGarvin-Moberly Construction Company, Worland, WY | \$1,477,556.02 | |
| Western Wyoming Construction Co., Lander, WY | \$1,494,981.00 | |
| LeGrand Johnson Construction Co., Logan, UT | \$1,431,891.00 | |
| Plus 5% for Comparison | \$1,503,485.55 | |
| Mountain Construction Company, Lovell, WY | \$1,549,095.95 | |
| H-K Contractors, Inc. and Evans Construction Company, JV, Idaho Falls, ID | \$1,573,756.50 | |
| Plus 5% for Comparison | \$1,652,444.33 | |
| Simon Contractors, Cheyenne, WY | \$1,798,938.00 | |

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

Colonel Powell left the meeting.

Federal project BROS-0C04087, involving bridge replacement including grading, placing crushed base, structure, and miscellaneous work on the Salt Wells Creek Bridge, on County Road CN 4-30 (South Baxter Road), south of Rock Springs, in Sweetwater County. Completion date – October 31, 2009

| | | |
|-----------------------------------------------------------|---------------------|---------------|
| Engineer's Estimate | \$686,677.50 | |
| Ralph L. Wadsworth Construction Company, Inc., Draper, UT | \$605,922.00 | -11.8% |
| Irregular Check Digit | | |
| Cannon Builders, Inc., Blackfoot, ID | \$638,522.50 | -7.01% |
| Reiman Corp., Cheyenne, WY | \$695,642.45 | |
| Hout Fencing of Wyoming, Inc., Worland, WY | \$876,268.50 | |

Messrs. Tod Wadsworth, Vice President for Ralph L. Wadsworth Construction Company, Inc., and Matt Montano, Estimator for Cannon Builders, Inc., joined the meeting by telephone. Mr. Wadsworth defended that his company's bid was valid even though the bid proposal was marked "draft." In accordance with the *Standard Specifications for Road and Bridge Construction*, the "draft" marking deemed the bid irregular.

Mr. Spear explained that, for unknown reasons, Wadsworth received the project plans later than some of the other bidders. WYDOT Contracts & Estimates staff tutored Wadsworth personnel about proper bid preparation on this particular job and the Department's bidding procedures. Wadsworth has not bid on a WYDOT project since 2003, and the Department has implemented new bidding software since that time. Software training was provided to contractors in Casper when the new bidding procedures were implemented.

Mr. Collins explained WYDOT's bidding procedures and how bids are to be printed for submission. There were 68 bidders in the January 8 letting, of which 4 were new to WYDOT's bidding procedures. Wadsworth Construction was the only bid with an irregular check digit in this letting.

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that Cannon Builders, Inc., Blackfoot, Idaho, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 3
Jim Latta – Commissioner

Federal projects NH-N103104, NH-PO-N091001 and ARSCT-N103A01 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, concrete pavement, electrical, weigh scales, and miscellaneous work on 3.04 miles of US 26/89, at Alpine Junction, in Lincoln County. Completion date – November 30, 2009

| | |
|--------------------------------------------------------------------------------------|-----------------------------|
| Engineer's Estimate | \$2,834,338.75 |
| H-K Contractors, Inc. and Evans Construction Company, JV, Idaho Falls, ID | \$2,869,227.50 +1.2% |

It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Commissioner Covello, and carried that H-K Contractors, Inc. and Evans Construction Company, JV, Idaho Falls, Idaho, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State projects SCP-SL-N132098 and ARSCT-N132A02 combined, involving grading, milling, bituminous pavement surfacing, and miscellaneous work on 10.31 miles of US 191, beginning at reference marker 61.62, in Sublette County. Completion date – September 30, 2009

| | |
|----------------------------------------------------|------------------------------|
| Engineer's Estimate | \$1,638,199.75 |
| McMurry Ready-Mix Co., Casper, WY | \$1,417,041.25 -13.5% |
| LeGrand Johnson Construction Co., Logan, UT | \$1,557,748.00 |
| Plus 5% for Comparison | \$1,635,635.40 |
| McGarvin-Moberly Construction Company, Worland, WY | \$1,675,646.99 |

| | |
|------------------------------------------------------------------------------|----------------|
| Mountain Construction Company, Lovell, WY | \$1,698,605.18 |
| H-K Contractors, Inc. and Evans Construction Company, JV, Idaho Falls, ID | \$1,655,859.00 |
| Plus 5% for Comparison | \$1,738,651.95 |

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

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

Federal project STP-B094001, involving chip sealing and miscellaneous work at various locations in Transportation District 4, in Campbell, Crook, Sheridan, and Weston counties. Completion date – August 31, 2009

| | |
|--------------------------------------------------------------|------------------------------|
| Engineer's Estimate | \$2,622,770.00 |
| Hardrives Construction, Inc., Billings, MT | \$2,938,059.41 +12.0% |
| Northern Improvement Company, Fargo, ND | \$2,955,885.00 |
| Intermountain Slurry Seal, Inc., Salt Lake City, UT | \$3,106,840.25 |
| Intermountain Construction and Materials, Inc., Gillette, WY | \$3,374,980.00 |

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Latta, and carried that Hardrives Construction, Inc., 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.

COMMISSION DISTRICT 5
Charlie Monk – Commissioner

Federal projects STPU-PO-4941001, HSIP-N291057 and ARSCT-4941001 combined, involving milling, grading, draining, placing crushed base and bituminous pavement surfacing, electrical system, structure, and miscellaneous work for 0.452 mile on various roads in the town of Powell, in Park County. Completion date – September 30, 2009

| | |
|---------------------------------------------------------|------------------------------|
| Engineer's Estimate | \$1,827,755.60 |
| Grace Inc. dba Capstone Construction, Powell, WY | \$1,499,767.56 -17.9% |
| Reiman Corp., Cheyenne, WY | \$1,559,987.10 |
| Wilson Bros. Construction, Inc., Cowley, WY | \$1,863,912.00 |
| Century Companies, Inc., Lewistown, MT | \$1,869,155.00 |

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and carried that Grace Inc. dba Capstone Construction, Powell, 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 – Vice Chair

Federal project STPU-LN-4682001, involving grading, draining, placing crushed base and bituminous pavement surfacing, plant mix wearing course, removal and replacement of sidewalk, curb and gutter, fencing, and miscellaneous work on 0.65 mile on Goodrich Drive in the city of Lander, in Fremont County. Completion date – September 15, 2009

| | | |
|---------------------------------------------------------|-----------------------|--------------|
| Engineer's Estimate | \$1,498,231.80 | |
| Patrick Construction, Inc., Lander, WY | \$1,495,807.00 | -0.2% |
| Reiman Corp., Cheyenne, WY | \$1,625,672.15 | |
| Western Wyoming Construction Co., Lander, WY | \$1,711,554.40 | |
| Wilson Bros. Construction, Inc., Cowley, WY | \$1,965,228.00 | |
| Noraa Concrete Construction Corporation, Keenesburg, CO | \$2,157,539.55 | |

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

State project SCP-SL-B125002, involving ADA upgrades and miscellaneous work at various locations on US 26 (Second Street) in the city of Shoshoni, in Fremont County. Completion date – August 31, 2009

| | | |
|---------------------------------------------------------|---------------------|---------------|
| Engineer's Estimate | \$350,510.00 | |
| Hout Fencing of Wyoming, Inc., Worland, WY | \$294,871.00 | -15.9% |
| Archer Construction, Inc., Riverton, WY | \$347,957.05 | |
| 71 Construction, Casper, WY | \$375,471.00 | |
| J Wright Development, LLC., Riverton, UT | \$363,000.01 | |
| Plus 5% for Comparison | \$381,150.01 | |
| Western Wyoming Construction Co., Lander, WY | \$390,418.00 | |
| Noraa Concrete Construction Corporation, Keenesburg, CO | \$420,754.44 | |
| Plus 5% for Comparison | \$441,792.16 | |
| Reiman Corp., Cheyenne, WY | \$509,145.44 | |

It was recommended by Mr. Collins, moved by Vice Chair Dziardziel, seconded by Commissioner Covello, and carried that Hout Fencing of Wyoming, 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.

Federal project NH-N151021, involving grading, draining, placing crushed base and bituminous pavement surfacing, removal and replacement of pipe, and miscellaneous work on US 287, beginning at reference marker 1.94 and ending at reference marker 4.00, for a total of 2.06 miles, in Fremont County. Completion date - August 15, 2009

| | | |
|----------------------------------------------------|---------------------|---------------|
| Engineer's Estimate | \$252,320.00 | |
| High Country Construction, Inc., Lander, WY | \$184,456.79 | -26.9% |
| Western Wyoming Construction Co., Lander, WY | \$209,245.00 | |
| Patrick Construction, Inc., Lander, WY | \$215,978.00 | |
| Archer Construction, Inc., Riverton, WY | \$237,059.70 | |
| J Wright Development, LLC., Riverton, UT | \$240,000.00 | |
| 71 Construction, Casper, WY | \$259,971.00 | |
| Hout Fencing of Wyoming, Inc., Worland, WY | \$278,210.00 | |
| Wilson Bros. Construction, Inc., Cowley, WY | \$296,480.00 | |

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

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

COMMISSION DISTRICT 6

Rural Principal Arterial

ARSCT 0.00 N442A01; Upton Streets, Main Street; water and sanitary sewer crossings; fiscal year 2009; request construction funds of \$179,350; to be reimbursed by the Town of Upton

COMMISSION DISTRICT 7

Rural Principal Arterial

RHC 99.40 N342043; Fremont County; Casper to Shoshoni, Shoshoni East; reference marker 99.40; installation of high cantilevers at grade crossing; FY-2009; request federal preliminary funds of \$1,000, and federal construction engineering and construction funds of \$101,000

COMMISSION DISTRICT M (Miscellaneous)

Various

SSP-TO 0.00 B099066; Carbon, Johnson, Sweetwater counties; various locations on I-25, I-90, US 191, US 287 and WYO 789; high mast lighting towers, Holophane; tower maintenance; fiscal year 2009; request state construction engineering and construction funds of \$96,500

SSP-TO 0.00 B099067; Carbon, Converse, Johnson, Laramie, Lincoln, Sheridan, Sweetwater and Uinta counties; various locations on I-25, I-80, I-90, US 30; high mast lighting towers, CHM; tower maintenance; fiscal year 2009; request state construction engineering and construction funds of \$46,700

7. Mr. Collins presented the first quarter addendum to the 2009 State Transportation Improvement Program (STIP). It was recommended by Mr. Collins, moved by Commissioner Latta, seconded by Vice Chair Dziardziel, and carried to approve the first quarter addendum to STIP.

Mr. John Sherman, WYDOT Right-of-Way Administrator, entered the meeting.

8. Disposal and Sale of Excess Land: Mr. Collins presented information about the disposal and sale of excess land on the Powell to Deaver Road in Park County.

Mr. Sherman advised that a Department-owned property located in Park County, Wyoming, had been offered for sale by sealed bid in accordance with Operating Policy 19-2, Surplus Real Property—Sale, Disposal, Relinquishment, dated June 26, 2006.

The property was purchased by the Department with existing structural water damage, and the house was ultimately torn down. The remaining land was appraised and advertised for sale, with the high bid coming in at less than 75 percent of the appraised market value. Mr. Sherman explained that in today's real estate market he did not expect the land to bring a higher yield at this time. Additionally, area road improvements may have contributed to property devaluation.

Commissioner Latta asked if the property must be sold right now. Mr. Sherman advised that the Department has owned the property for about one year and Wyoming statutes require that properties must be sold within two years of purchase. Although bids have been received, the Commission has the option of re-advertising the property later on.

It was recommended by Mr. Collins, moved by Commissioner Scott, seconded by Commissioner Covello, and unanimously carried to reject all bids and re-advertise the land sale later.

9. Fiscal Year 2009 Congestion Mitigation Air Quality (CMAQ) Projects: The CMAQ Advisory Committee met December 9, 2008, to review the fiscal year 2009 CMAQ applications totaling \$4,172,347.

Mr. Collins introduced Mr. Taylor Rossetti of the WYDOT Local Government Coordination Section to present the proposed CMAQ projects. Ten counties were selected to receive \$2 million in available funding as follows:

| | |
|-------------------------------------------------------------------------------|----------------|
| Coal Bed Methane Coordination Coalition | \$ 38,000 |
| Kingsbury, Montgomery, and Fortification Roads, Campbell Co. | 200,000 |
| County Road 701, aka Dad/Wamsutter Road, Carbon Co. | 162,000 |
| CH#34, aka Jenne Trail, Converse Co. | 180,000 |
| County Roads 49, 108, 120, 123, 240, 247, 266, & 268, Crook Co. | 40,000 |
| County Roads 32, 30, 54, 135, 154, 195, 204, 204B, & 259, Johnson Co. | 300,000 |
| County Roads 209, 305, 306, 313, 316, 327, 328, 338, 345, & 346S, Lincoln Co. | 90,000 |
| Upper Cat Creek Road, aka CR-64, Sheridan Co. | 300,000 |
| County Roads 23-106, 23-110, 23-113, & 23-198, Sublette Co. | 220,000 |
| 44 County Roads throughout Sweetwater Co. | 250,000 |
| Grieves, Upton, Fairview, Lynch, and Roxson Roads, Weston Co. | <u>220,000</u> |
| Total Available Funding | \$2,000,000 |

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

10. CMAQ Advisory Committee: Mr. Collins advised the Commission of a proposed new CMAQ Advisory Committee member, Mr. Tanner Shatto of Douglas, Wyoming. Mr. Shatto would replace Mr. Mike Warren as the Wyoming Department of Environmental Quality representative. It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Scott, and carried to approve Mr. Tanner Shatto as a CMAQ Advisory Committee Member to represent the Department of Environmental Quality.

11. CMAQ Correspondence: Mr. Collins briefed the Commission about letters received from Campbell County, Johnson County, and the Johnson County Road & Bridge Department regarding the proposed CMAQ projects. Each party requested that the program be expanded because of increased mineral and energy development and related activities. Mr. Collins reported that the CMAQ funds are a take-down from federal Surface Transportation Program (STP) funds, which is the most flexible category of federal-aid funds for highway project use. Thus, there never has been an additional amount of funds created for use on CMAQ projects. The Department has used these funds to correct or prevent air quality problems, and the remaining funds have been used on highway projects. Director Cox and executive staff members will take this request under advisement, in consultation with the State Executive Branch.

Mr. Rossetti left the meeting. Colonel Powell re-entered the meeting.

12. Mr. Byrne presented the Aeronautics report, beginning with the Aeronautics Passenger Enplanement report.

Flight Operations 2008 - A Year in Review: Mr. Jim Buyske reported on the 2008 Aeronautics flight operations. As always, safety was first priority for Aeronautics, and no air accidents or employee injuries were reported this year. One ground incident involving a third party did occur at the Jackson Hole Airport. The jet was repaired, and lost time expenses were covered by the third party's insurance. The Aeronautics Division experienced some personnel changes this year with two new pilots, a new safety officer, and the integration of the Aeronautics Safety Program.

Service was the Aeronautics Division's second priority in 2008. Passenger loading increased by 12 percent and flight hours increased 17.2 percent. Only one flight was cancelled by Flight Operations, and that was because of the incident that occurred at the Jackson Hole Airport. Routine maintenance was done on the jets with no unexpected maintenance or repairs.

The jet fuel farm produced a savings of \$247,341 to the Department. Flight profiles were also adjusted, which resulted in a fuel savings of \$66,000.

Vice Chair Dziardziel asked Mr. Buyske to convey her appreciation of the flight scheduler's efforts in consolidating flight schedules. Commissioner Covello thanked Messrs. Byrne and Buyske for their exemplary management and efficiency in flight operations. Mr. Byrne thanked Mr. Buyske for his significant role in meeting the Department's goals.

Mr. Buyske left the meeting.

13. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through December 31, 2008, includes 140 fatal crashes involving 159 deaths. The fatalities include 67 involving rollover crashes, 56 involving multi-car crashes, 26 involving commercial vehicles, 23 involving motorcycles and all-terrain vehicles, 7 involving pedestrians, and 6 involving fixed objects.

There have been 53 crashes to date deemed alcohol related, resulting in 66 deaths. Of those deaths, 47 were attributed to not using restraints.

Of the 159 deaths that have occurred to date in 2008, 84 can be attributed to the non-use of occupant restraints, with 58 involving rollover crashes, 22 involving multi-car collisions, and 4 involving fixed objects. Of the 84 deaths that occurred from non-use of occupant restraints, 64 were Wyoming residents and 20 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through November 30, 2008. The summary depicts 6,691 crashes statewide, of which 5,618 involved non-commercial vehicles and 1,073 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of December 31, 2008, have been DUI related. Field arrests total 2,262 to date, including the following:

- DUI arrests from crashes – 194
- DUI arrests from traffic stops – 1,040
- DUI arrests from the REDDI Program – 199
- DUI arrests from ports-of-entry – 11
- NCIC hits (person) – 57
- Wyoming warrants hits – 185
- Drug arrests – 162
- Other arrests – 414

There were 10 more fatalities in 2008 than last year.

Legislative Update: Colonel Powell briefed the Commission about pending Patrol-related legislation.

14. Mr. Loftin presented the Support Services report.

Mr. Loftin briefed the Commission about proposed changes to the Rules for Motor Vehicles and Licensing Section, Chapter 1. It was recommended by Mr. Loftin, moved by Commissioner Scott, seconded by Commissioner Covello, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, and W.S. 31-7-401, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Motor Vehicles and Licensing Section, Chapter 1, Driver's Licenses, to administer various matters relating to driver's licenses and commercial driver's licenses; and

WHEREAS, a 45-day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments requesting changes to the proposed rules were received during the comment period for consideration by the Transportation Commission of Wyoming at its scheduled meeting on January 15, 2009;

NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Chapter 1, Driver's Licenses.

15. Mr. Loftin briefed the Commission about proposed changes to the Rules for Motor Vehicles and Licensing Section, Chapter 4. It was recommended by Mr. Loftin, moved by Vice Chair Dziardziel, seconded by Commissioner Covello, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 31-1-201(a), is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Motor Vehicles and Licensing Section, Chapter 4, Personalized Prestige License Plates, to provide a uniform and understandable interpretation of the undefined portion of W.S. 31-2-208 and to administer matters relating to personalized prestige plates; and

WHEREAS, a 45-day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments requesting changes to the proposed rules were received during the comment period for consideration by the Transportation Commission of Wyoming at its scheduled meeting on January 15, 2009;

NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Chapter 4, Personalized Prestige License Plates.

16. Legislative Update: Mr. Loftin briefed the Commission about various pending bills pertaining to the Support Services Division.

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

Mr. McOmie briefed the Commission about proposed changes to the Wyoming Department of Transportation Rules and Regulations for Bidder Prequalification Procedures for Transportation Projects, Chapter 6. It was recommended by Mr. McOmie, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-108, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt General Section, Chapter 6, Bidder Prequalification Procedures for Transportation Projects, to determine the qualifications and responsibilities of bidders; and

WHEREAS, a 45-day public comment period was held to solicit written comments concerning the revisions to these rules; and

WHEREAS, the written public comments received during the comment period were considered by the Transportation Commission of Wyoming and the rules subsequently revised by the Wyoming Department of Transportation;

NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Chapter 6, Bidder Prequalification Procedures for Transportation Projects.

18. Legislative Update: Mr. McOmie briefed the Commission about various pending bills pertaining to the Chief Engineer's Division.

Messrs. McOmie and Kevin Hibbard left the meeting.

19. Mr. Tim Hibbard presented the Operations report.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-026 to furnish the photo lab renovation in WYDOT Building No. 6100 in Cheyenne. The bid was awarded to Pioneer Construction Co., Inc., of Cheyenne, Wyoming, for the sum of \$200,464.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-038 to furnish 23 each, Motorola canopy products for use by the WYDOT Telecommunications Program. The bid was awarded to ezWireless, LLC, of Portland, Oregon, for the sum of \$55,264.97.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-039 to furnish 28 each, Motorola Canopy radios and licenses for use by the Telecommunications Program. The bid was awarded to Krueger Technical Services of Burr Ridge, Illinois, for the sum of \$62,445.02.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-044 to furnish 601 rolls of galvanized fencing wire for delivery at WYDOT in Laramie, Casper, Granger, Basin, and Sheridan. The bid was awarded to Spiegelberg Lumber of Laramie, Wyoming, for the sum of \$51,615.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-052 to furnish a heating/ventilation/air conditioning system replacement, including Alternates 1, 2, and 3, in WYDOT Building No. 6485 in Gillette, Wyoming. The bid was awarded to Powder River Heating & Air Conditioning, Inc., of Gillette, Wyoming, for the sum of \$180,958.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-054 to furnish 29,669 each, steel delineator posts for delivery at WYDOT in Laramie, Casper, Granger, Moorcroft, Basin, and Pinedale. The bid was awarded to Geotec Industrial Supply of Mills, Wyoming, for the sum of \$245,785.77.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-055 to furnish 16,886 each, rough lumber for snow fence repair and construction for delivery at WYDOT in Laramie, Casper, Gillette, Newcastle, Lander, Granger, and Moorcroft. The bid was awarded to Bloedorn Lumber of Cheyenne, Wyoming, for the sum of \$53,411.58.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Scott, and carried to approve purchase for bid number 09-057 to furnish 12,615 each, treated sign and fence posts for delivery at WYDOT in Laramie, Casper, Granger, Sheridan, Basin, Moorcroft, and Buffalo. The bid was awarded to Buckingham Lumber Co., Inc., of Buffalo, Wyoming, for the sum of \$100,693.01; Hills Products Group of Spearfish, South Dakota, for the sum of \$11,750; and Marks-Miller Post & Pole, Inc., of Clancy, Montana, for the sum of \$24,493.90; for a total sum of \$136,936.91.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Scott, and carried to approve purchase for bid number 09-062 to furnish 5,371 each, bridge rail/guard rail components for delivery at WYDOT in Laramie, Casper, Jackson, Granger, Basin, Sheridan, and Moorcroft. The bid was awarded to Professional Contractors, Inc., of Lovell, Wyoming, for the sum of \$220,035.20.

It was recommended by Mr. Hibbard, moved by Commissioner Covello, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-063 to furnish five each, new, current model articulated front end loaders for delivery at WYDOT in Rock Springs, Cokeville, Jackson, Evanston, and Wamsutter. The bid was awarded to Wyoming Machinery Company of Cheyenne, Wyoming, for the sum of \$550,000.

It was recommended by Mr. Hibbard, moved by Commissioner Latta, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-065 to furnish 12 each, new, current model power reverse snow plows for delivery at WYDOT in Cheyenne. The bid was awarded to Jack's Truck & Equipment of Gillette, Wyoming, for the sum of \$59,349.96.

It was recommended by Mr. Hibbard, moved by Commissioner Scott, seconded by Commissioner Latta, and carried to approve purchase for bid number 09-068 to furnish five each, new, current model self-unloading abrasive spreaders for delivery at WYDOT in Cheyenne. The bid was awarded to Casper Manufacturing, Inc., dba CMI-TECO, of Casper, Wyoming, for the sum of \$60,217.50.

20. WYOLink Update: District 1 WYOLink towers are functional, and the system is being used. Laramie County School District Number 1 has also been linked to the system. A meeting is planned with the U.S. Forest Service in the near future to discuss ongoing permitting issues. A conditional permit has been issued for the tower at Snow King Mountain, but some visual issues still need to be resolved. Coverage is progressing statewide except for areas involving the U.S. Forest Service.

Mr. Moench advised that issues with the U.S. Forest Service have been brought to the attention of the State Attorney General for consideration.

Colonel Powell advised that the Public Service Commission has also been informed of the inability to provide law enforcement coverage in U.S. Forest Service areas.

21. Mr. Moench updated the Commission about his staff's current workload. Messrs. Moench and Kohler, assistant attorney general, are currently addressing 19 active condemnation cases statewide. Another attorney will soon be hired to assist with the WYDOT contracts, drivers license suspensions, and other WYDOT-related work. Ms. Shaun Wilkerson is handling Aeronautics Division matters, including attendance at Aeronautics Commission meetings and other WYDOT matters. Mr. Moench's staff also handles 20 to 30 drivers license suspensions each month, and they have four to six pending district appeals at any given time that generally involve drivers license suspensions related to drunk driving. Other WYDOT-related contested case matters are also active in administrative and district court cases.

22. The Commission will hold its annual planning retreat in Torrington on Wednesday, February 18, 2009.

23. It was moved by Commissioner Latta, seconded by Commissioner Covello, and carried to adjourn the meeting. Chairman Hawkins adjourned the meeting at 11:55 a.m., Thursday, January 15, 2009.