

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via Zoom on December 21, 2023. Chair Holmes convened the meeting at 8:30 a.m. The following members were present constituting a quorum:

Chair Susan Holmes, Sheridan
Vice Chair Jon Dolezal, Evanston
Commissioner Patrick Crank, Cheyenne
Commissioner Mark Hughes, Sundance *via Zoom*
Commissioner Brandt Lyman, Rock Springs
Commissioner Jim Willox, Douglas
Commission Secretary Caitlin Casner
Director Darin J. Westby

Others present and participating in the meeting: Dennis Byrne, Chief Financial Officer (CFO); Colonel Timothy Cameron, Wyoming Highway Patrol (WHP); Taylor Rossetti, Support Services Administrator; Tom DeHoff, Assistant Chief Engineer, Operations; Keith Fulton, Assistant Chief Engineer, Engineering and Planning; Nathan Smolinski, Chief Technology Officer; Mike Kahler, Senior Assistant Attorney General; MacKenzie Sewell, Assistant Attorney General; Brian Olsen, Aeronautics Administrator; Maria LaBorde, Internal Review Manager; Rodney Freier, Budget Program Manager; Doug McGee, Public Affairs; Jordan Young, Public Affairs; Hank Rettinger, FHWA; Sara DiRienzo, Transportation, Wildlife, and Gaming Policy Advisor to Governor Gordon; Susan Elliott, Executive Assistant; Kimberly Chapman, Public Safety Communications Commission and Aeronautics Commission Secretary.

1. Pledge of Allegiance: Chair Holmes led the attendees in the Pledge of Allegiance.

3A. November 16, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Dolezal and seconded by Commissioner Lyman to approve the November 16, 2023 Business Meeting minutes. The motion carried unanimously.

3B. November 16, 2023 Executive Session Minutes: It was recommended by Secretary Casner, moved by Commissioner Hughes and seconded by Commissioner Dolezal to approve the November 16, 2023 Executive Session minutes. The motion carried unanimously.

4. Correspondence: Secretary Casner summarized information received via mail from the Lander Community and Convention Center.

5A. Policy 24-1(c) Contract Amendments Discussion: Director Westby presented a summary of the change orders that occurred between May 1, 2022 and November 30, 2023.

Mr. Gillett presented a PowerPoint regarding an annual review of Contract Amendments, including approval limits at different staff levels, a comparison of the old and new policy authorization limits, examples of project approvals, contract amendments processed October 1, 2022 through November 30, 2023, and change order bid amounts versus change orders amount.

Commissioner Lyman questioned the amount of change orders per project, specifically what may have happened when some projects had a seemingly large amount of change orders. Mr. Gillett explained that change orders can be for things other than money, like time extensions, change of specifications, and anything new or additional to the original contract documents.

Commissioner Crank asked Mr. Gillett regarding the specifics of the change order that was approximately \$5.7 million. Mr. Crank recalled that the changes for this change order were additional items as there was money left over from the original project and were approved by Mr. Gillett. Mr. Crank questioned the awarding of the bid to the original project contractor versus going out to bid for the additional items. Mr. Gillett explained the letting of the change order projects, including a salt sand building and a wildlife fence, have both been awarded and should begin in 2024. Commissioner Crank asked Mr. Gillett if it was accurate that the project that had approximately \$5.7 million in change orders had awarded \$5 million to the original contractor and the approximately \$700,000.00 was awarded to other contractors. Mr. Gillett clarified that the projects for the salt sand building and wildlife fence were let as separate contracts, apart from the original contract. Mr. Gillett advised that he will report at the January 2024 meeting regarding the itemization of what went to bid and the dollar amount awarded to the original contractor.

Mr. Lyman asked Mr. Gillett if it is standard to add additional, new work to a project via change order, or if this was a special case and change orders are usually only used for unforeseen changes in the contract. Mr. Gillett advised that discretionary grants are handled differently, and in the case of the change order project Commissioner Crank brought up, an agreement was signed and the USDOT provided the funding to WYDOT. State money is used first and the USDOT money is used last, and if there is any money left over, it reverts to the USDOT with a discretionary grant. However, on a standard formula project, any left over money goes back into the WYDOT STIP. The USDOT brought to WYDOT's attention the fact that there was a significant amount of grant funding left over, and a change order was drafted to utilize the remaining funds so they did not revert. After learning that the grant money could be used for things other than the original planned project, WYDOT elected to add the salt sand building and wildlife fence. Director Westby further explained that when discretionary grant funds are used, it is acceptable to add in additional side projects to spend the funds, which has recently been done for wildlife fencing projects.

Commissioner Willox asked Mr. Gillett if all change order amounts are separate in each project and are not added together when considering who needs to approve each change order. Mr. Gillett confirmed this, but added that if the total change order amount is over 15% of the original award amount, the Chief Engineer is required to update the Commission at the next meeting. Commissioner Willox added that he is not concerned about the amount of change orders per project, and he does believe the current policy is appropriate. Commissioner Crank disagreed, and stated that he believes the current policy substantially adds to the discretion of department personnel to approve change orders. Commissioner Crank would like to see change orders reviewed by the Commission before approval, and he believes that the current policy needs to be studied and adjusted, with lower limits for department personnel.

Ms. LaBorde presented to the Commission regarding a summary of the change order analysis completed by Internal Review on contracts over \$100,000.00 for the period between October 1, 2022 and November 30, 2023. LaBorde reported to the Commission regarding the change orders of a project that the Commission was not notified of, and advised that after discussion with Construction staff, there may be an issue with construction software that caused this issue. However, staff is working with the software developer to resolve this problem and has a workaround procedure for the time being. Ms. LaBorde recommended a review of the 15% requirement within the current policy, and if one Commission notification is acceptable or if multiple notifications need to be made in the case of continuing change orders over 15%.

Director Westby stated that projects funded by discretionary grants will need to be further reviewed and discussed, as there are several variables that can change the project. Director Westby also advised that he will be working with staff to make appropriate changes to the policy, especially regarding discretionary grant projects, and will bring it to the Commission for approval in the future.

Chair Holmes proposed letting the current policy stand, with review occurring in a year. Commissioner Crank disagreed, and stated that he believes that it is still a problem for individuals to have the power to approve large contract amounts. Crank stated that he believes the Commission has a responsibility to ensure the Department is spending public funds appropriately, and so should approve large change orders. Crank also requested the policy be discussed again at the January or February 2024 meeting. Chair Holmes stated that one person is not making the decision to approve change orders, as it flows through different levels of staff, and that adjustments made to individual approval levels were based on inflation. Holmes also stated that she believes it is not the job of the Commission to manage day to day operations, and many change orders are a day to day task. Commissioner Crank clarified that he would only like the Commission to approve large change orders, and requested this topic be put on future agendas. Commissioner Lyman agreed with Commissioner Crank, and would also like to see the Commission approve the large charge orders.

Chair Holmes asked Director Westby what he felt would be an appropriate timeline for reviewing the policy and bringing updates to the Commission. Director Westby requested staff be given until the January 2024 meeting for proposed updates, and he will be focusing on discretionary grants during his review.

Commission recessed to break at 9:41 a.m.

Commission returned to public session at 9:46 a.m.

7. Director's Report: Director Westby summarized the AASHTO Annual Meeting he attended in November, and advised he is focusing on emphasizing the impact of an effective WYDOT and infrastructure.

Director Westby reminded the Commission that WYDOT has an approximate shortfall of \$400 million per year, which results in unfunded needs. Westby and staff will be strategically looking at how WYDOT can address this shortfall, including one time funding, while working towards

long term, sustainable funding to close the gap. Director Westby also emphasized the importance of developing partnerships across the state, which can help WYDOT move in to the future.

Westby also advised that legislators are still showing interest in an efficiency study for WYDOT. However, he suggested that it be renamed to be an effectiveness and impact study, which may yield better results.

Commissioner Crank referenced WYDOT's unfunded needs, and suggested finding new and different ways to express those needs so that they make more of an impact when presented to the Legislature. Westby agreed, and advised he will continue to address with the Legislature different ways to increase WYDOT's funding.

Director Westby reminded the Commission that Mr. Rossetti and Mr. DeHoff presented to the Commission at the November 2023 meeting regarding recent hiring efforts, including new incentives. Westby advised that efforts will continue so that the work force be strengthened, but so far increased interest has been seen in WHP dispatcher applications, and there has been an increase in Highway Maintainers and WHP candidates. Additional incentives will be released for WYDOT staff soon.

Westby informed the Commission of recent discretionary grants WYDOT has received, including \$13 million for the design of the I-80/I-25 interchange, \$24.4 million for wildlife crossings, and \$26.6 million for Evanston truck parking. Westby also anticipates additional grants being made available and will be asking the Legislature for assistance in raising matching funds.

WYDOT has been working on the federal greenhouse gases reduction regulations in conjunction with the Attorney General's office and the Governor's office as well as other states. Discussions have occurred regarding a baseline for measurements, possible punitive measures, and annual reduction percentages. However, it has been suggested that states may file a lawsuit to prevent the regulations from taking effect. There has been a deadline set of February 2024 for states to submit their baseline and reduction plans.

Director Westby reminded the Commission that the updated National Electric Vehicle Infrastructure (NEVI) plan for Wyoming has been submitted to the FHWA. A Request for Information (RFI) has also been released to gauge interest in installing charging stations across Wyoming. If no interest is seen, the NEVI plan will be modified and resubmitted to the FHWA. However, if interest is expressed, a Request for Proposal (RFP) will be released by WYDOT.

Safety was a significant topic at the recent AASHTO meeting Westby attended, and he updated the Commission on current initiatives involving safer roads, driver communication, as well as changing driver behavior.

Wyoming recently joined an AASHTO "moonshot" project, which involves connecting I-80 coast to coast. WYDOT staff has been instrumental in leading the project, and Director Westby expects that WYDOT will continue to be a leader during this project.

WYDOT staff under Nathan Smolinski and Vince Garcia have recently been presenting regarding blowover safety and the procedures Wyoming has in place. They will also present to the National Transportation Research Board (NTRB) regarding this highly successful project.

Westby reminded the Commission that an Employee Satisfaction Survey is completed every other year, and results from 2023 have been gathered. Executive Staff is reviewing the results and will release a summary soon. Findings will then be addressed in order to have a more satisfied workforce.

Director Westby and Executive Staff are preparing for the Joint Appropriations Committee hearings, which will take place in January 2024. Staff will also continue to prepare for upcoming legislative bills while emphasizing the importance and impact of infrastructure statewide.

8. Mr. Byrne presented the Chief Financial Officer's Report.

8A. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 17 percent expended, and the legislative budget was 61 percent expended in Fiscal Year 2024.

9C. Award of Procurement Services Bids. It was recommended by Mr. Byrne to move Bid Numbers 24-013RE, 24-014RE, 24-017RC and Requisition Numbers 0000069319, 0000069321, 0000069324, 0000069500, 0000069638, 0000069639, 00000039640, 0000069641, 0000069643, 0000069644, 0000069346, 0000069347, 0000069508, 0000069527, and 0000069622 to a consent list. It was moved by Commissioner Dolezal and seconded by Commissioner Lyman to move all Bids and Requisitions to a consent list. The motion carried. *Commissioner Crank abstained from voting due to a conflict.*

It was moved by Commissioner Lyman and seconded by Commissioner Willox to approve, by consent, the following RFP and bids. The motion carried unanimously.

- Bid Number 24-013RE to furnish three new and most current model class eight tandem axle conventional cab and chassis for high horsepower and manual transmission upfit to the Department located in Cheyenne. The bid was awarded to Floyd's Truck Center, of Gillette, Wyoming, for the sum of \$371,988.00.
- Bid Number 24-014RE to furnish 30 each new and most current model class model eight tandem axle conventional cab and chassis for upfit for the Department located in Cheyenne. The bid was awarded to Floyd's Truck Center, of Gillette, Wyoming, for the sum of \$3,734,790.00.
- Bid Number 24-017RC to furnish cable rail repair and associated work to the Departments located in Districts 1 and 3. The bid was awarded to Generation X, Inc., of Sheridan, Wyoming, for the sum of \$235,045.00.

- Requisition Numbers 0000069319, 69321, 69324, 69500,69638, 69639, 69640, 69641, 69643, and 69644 to furnish mobile, portable, and control station WyoLink radios for use by the Department. The requisition was awarded to Motorola Solutions, Inc., of Chicago, Illinois, for the sum of \$555,104.50.
- Requisition Number 0000069346 to furnish Thales card production for driver licenses for use by the Department. The requisition was awarded to Thales DIS USA Inc., of Chanhassen, Minnesota, for the sum of \$910,000.00.
- Requisition Number 0000069347 to furnish Carahsoft annual license for motor vehicles for use by the Department. The bid was awarded to Carahsoft Technology Corp., of Reston, Virginia, for the sum of \$238,800.00.
- Requisition Number 0000069508 to furnish year two of AgileAssets subscription plus “Mirror” production environment for use by the Department. The requisition was awarded to AgileAssets, Inc., of Austin, Texas, for the sum of \$658,230.00.
- Requisition Number 0000069527 to furnish AgileAssets on-site consulting and support services for use by the Department. The requisition was awarded to AgileAssets, Inc., of Austin, Texas, for the sum of \$207,900.00.
- Requisition Number 0000069622 to furnish project management plan for existing Revenue Information System for use by the Department. The requisition was awarded to Mathtech, Inc., of Falls Church, Virginia, for the sum of \$3,500,000.00.

Commission recessed to break at 10:39 a.m.

Commission returned to public session at 10:45 a.m.

9. Chief Engineer’s Report: Mr. Gillett updated the Commission regarding the Infrastructure Investment and Jobs Act (IIJA), including the \$26.6 million grant recently received for truck parking near Evanston. This parking project would accommodate approximately 370 trucks, and WYDOT’s application to the Governor’s office \$3.3 million for matching funds has been approved. Gillett also reminded the Commission of the \$24.4 million grant received wildlife crossing projects, which will be completed in partnership with the Wyoming Game and Fish and Wyoming Wildlife and Natural Resource Trust (WWNRT).

Mr. Gillett also explained recent grants received by local governments, including Casper, which received a \$1.2 million implementation grant, and Crook County, which received a \$160,000.00 grant for action plans. The town of Alpine also received \$407,000.00 for action plans and demonstration activities.

WYDOT is considering applying for an Aid Demonstration Grant for the radar avalanche detection system near US 190 through the Hoback Canyon. The Aid Demonstration program provides funding to accelerate the implementation and adoption of innovation in highway transportation.

The 2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant has been posted by the USDOT and WYDOT is considering projects to submit for this grant. The application deadline is February 28, 2024.

Mr. Gillett also advised that WYDOT recently applied for a \$91,000.00 Highway Use Tax Evasion Grant in conjunction with Colorado. This grant would be used for training of staff for tax evasion and does not have a matching requirement.

Mr. Gillett updated the Commission regarding a second change order for the I-25 4169 project in Casper in the amount of \$1.656 million that he and Director Westby signed. The contractor was delayed due to a Lumen Technologies owned utility not being moved in a timely manner. WYDOT ceased issuing permits to Lumen until the issue was resolved, and by the time the utility was removed and delay costs were negotiated, the project contractor had already endured approximately \$1 million in costs. Mr. Gillett estimates that there will be an additional \$656,000 in costs associated with this delay. An agreement was reached between Lumen and WYDOT that Lumen would pay WYDOT \$1 million of current costs and would pay the remainder if the contractor actually incurred the anticipated costs. The change order was drafted using this information, and to date Lumen has paid WYDOT a little over \$1 million, which WYDOT will forward to the project contractor. WYDOT has started issuing permits to Lumen again, and the net change order amount to WYDOT is \$0.

Mr. Gillett also advised the Commission that there are approximately 43,000 fatalities on the nation’s roads, and several resolutions were recently passed during the recent AASHTO meeting regarding safety. A net zero fatality rate is the goal, and there is another “moonshot” project regarding this.

9Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the December 14, 2023 letting.

Federal Projects NHPP-N131057 to mill, level, overlay, and chip seal on approximately 6.9 miles at RM 44.74 on US 191 between Farson and Pinedale (County Line South) in Sweetwater County. Completion Date: June 30, 2025.

<i>Engineer’s Estimate</i>	<i>\$4,766.095.00</i>	
McGarvin-Moberly Construction Co., Worland, WY	\$4,846,271.33	1.7%
Avail Valley Construction-WY, LLC, Afton, WY	\$5,662,698.00	
H-K Contractors, Inc., Idaho Falls, ID	\$5,949,669.00	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$6,291,835.30	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Lyman that McGarvin-Moberly Construction Co., of Worland, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as the responsive low bidder. The motion carried unanimously. FHWA concurred with this decision.

State Project SCP-TC-P142052 to mill, overlay, and chip seal on approximately 6.9 miles at RM 51.14 on WYO 28 between Lander and Farson (South Pass to Beaver Creek) in Fremont County. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$4,597,846.00	
McGarvin-Moberly Construction Co., Worland, WY	\$3,905,425.70	-15.1%
Avail Valley Construction-WY, LLC, Afton, WY	\$4,100,648.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Hughes that McGarvin-Moberly Construction Co., of 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 motion carried unanimously. FHWA concurred with this decision.

Federal Project NHPP-N345112 to mill, overlay, chip seal, and replace pipe on 5.8 miles on RM 197.7 on US 16/US 20/WYO 789 between Basin and Greybull in Big Horn County. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$4,133,767.00	
Mountain Construction Company, Lovell, WY	\$3,798,538.11	-8.1%
Avail Valley Construction-WY, LLC, Afton, WY	\$4,260,124.00	
McGarvin-Moberly Construction Co., Worland, WY	\$4,281,041.49	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Lyman that Mountain Construction Company, of Lovell, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project STP-U212022 for concrete slab replacement, wearing course, curb and gutter repair, soft spot repair, and sidewalk repair and to mill and overlay approximately 2.7 miles at RM 0.085 on BUS I-25/WYO 212 in Cheyenne/College Drive (I-25 to US 85) in Laramie County. Completion Date: September 30, 2024.

<i>Engineer's Estimate</i>	\$3,825,646.00	
Simon Contractors, Cheyenne, WY	\$3,100,693.31	-18.9%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$3,839,669.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Willox that Simon Contractors, of Cheyenne, Wyoming, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project STP-BR-B242003 for bridge rehabilitation on four bridges (one over railroad) including concrete repair, approach slabs, reset bridge railing, bearing device modification, expansion joints, deck overlay, deck replacement, and abutment repair at various locations in Converse, Goshen, Johnson, and Platte Counties. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$3,813,784.00	
Reiman Corp., Cheyenne, WY	\$4,606,383.34	20.8%
S&S Builders, LLC, Cheyenne, WY	\$5,077,700.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that Reiman Corp., of Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Commissioner Crank asked Mr. Fulton if a contractor's failure to comply with another bid ever affect WYDOT's acceptance of subsequent bids from the same contractor. Mr. Fulton advised that problems that would affect acceptance would be taken care of during the pre-bidding process, and so when an official bid is submitted, previous projects and/or difficulties with a contractor are not considered.

Commissioner Hughes reiterated the fact that typically on Reiman Corp. and S&S Builders, LLC are the only bidders for bridge projects. Commission Hughes noted that typically for these projects the bids are approximately 20% higher than the Engineer's Estimate. Hughes asked if there had been any thought to recruit additional bidders so as to avoid the higher prices. Mr. Fulton advised that Reiman Corp. and S&S Builders are usually the only ones in the state to complete bridge projects, and several surrounding states are seeing the same problem with obtaining bids. Mr. Crank asked if it is possible that bid rates for bridges could be inflated due to an abundance of bridge work across the nation. Mr. Crank also suggested slowing bridge work in Wyoming to possibly obtain lower prices. Mr. Fulton advised that bridge work will be increasing, especially in 2025 due to funding obligation end dates, but Wyoming is implement electronic bidding, which may bring in additional bidders as well as grouping projects that would interest larger contractors. Commissioner Willox asked if it was possible to slow work on non-IIJA projects to alleviate some bidding price issues. Mr. Fulton advised that efforts are being made by WYDOT to make accurate engineer's estimates and this is work that needs to be done to avoid future replacement. The motion carried, with Commissioner Crank voting no. FHWA concurred with this decision.

Federal Project STP-W091006 to overlay and chip seal approximately 9.9 miles at RM 13.20 on WYO 91/Cold Springs Road (South section) in Converse County. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$3,558,596.00	
Croell, Inc., Sundance, WY	\$3,759,231.30	5.6%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$3,884,511.30	
Avail Valley Construction-WY, LLC, Afton WY	\$3,970,986.00	
71 Construction, Casper, WY	\$5,242,471.00	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Willox that Croell, Inc., of Sundance, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project NHPP-N853098 to mill, overlay, chip seal, and for fencing repair on approximately 6.1 miles at RM 66.30 on US 85 between Cheyenne and Hawk Springs (Hawk Springs South) in Goshen County. Completion Date: June 30, 2025.

<i>Engineer's Estimate</i>	\$3,138,210.00	
McGarvin-Moberly Construction, Co., Worland, WY	\$3,161,077.31	0.7%
Simon Contractors, Cheyenne, WY	\$3,194,488.40	
Avail Valley Construction-WY, LLC, Afton, WY	\$3,498,105.00	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Dolezal that McGarvin-Moberly Construction Co., of 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 motion carried unanimously. FHWA concurred with this decision.

Federal Project STP-PM-B244020 involving chip seal on approximately 47.7 miles at various locations in Campbell, Crook, and Weston Counties. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	\$2,980,252.00	
Bituminous Paving, Inc., Ortonville, MN	\$2,871,666.60	-3.6%
Simon Contractors, Cheyenne, WY	\$3,149,775.50	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$3,870,617.50	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that Bituminous Paving, Inc., of Ortonville, Minnesota, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Project STP-BR-B241001 for bridge rehabilitation on four bridges (one over railroad) including concrete repair, deck repair, bridge railing, bearing device modifications, expansion joints, deck overlay, and paint repair at various locations in Albany and Carbon Counties. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$2,342,338.00	
Reiman Corp., Cheyenne, WY	\$2,902,158.70	23.9%
S&S Builders LLC, Gillette, WY	\$3,526,910.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Willox that Reiman Corp., of Cheyenne, Wyoming, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Commissioner Willox confirmed with Mr. Fulton that the rating of this bridge is driving the timeline of the project. Commissioner Hughes also asked Mr. Fulton if it is correct that this project also includes four bridges, one of which is over a railroad. Mr. Fulton advised that was correct.

The motion carried, with Commissioners Crank and Lyman voting no. FHWA concurred with this decision.

Federal Project STP-PM-B243017 involving chip seal on approximately 24.3 miles at various locations in Lincoln and Sublette Counties. Completion Date: August 31, 2024.

<i>Engineer's Estimate</i>	<i>\$2,183,894.00</i>	
H-K Contractors, Inc., Idaho Falls, ID	\$1,797,107.75	-17.7%
Intermountain Slurry Seal, Inc., Watsonville, CA	\$2,006,047.00	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Lyman that H-K Contractors, Inc., of 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 motion carried unanimously. FHWA concurred with this decision.

Federal Project STP-0300049 involving mill and overlay on approximately 4.8 miles at RM 20.38 on WYO 50 between Gillette and Savageton (Hoe Springs Section) in Campbell County. Completion Date: September 30, 2024.

<i>Engineer's Estimate</i>	<i>\$1,754,134.00</i>	
Simon Contractors, Cheyenne, WY	\$1,644,999.40	-6.2%
Croell, Inc., Sundance, WY	\$1,653,206.10	
McGarvin-Moberly Construction Co., Worland, WY	\$1,832,547.70	
Northern Improvement Company, Fargo, ND	\$2,018,130.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Hughes that Simon Contractors, of 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 motion carried unanimously. FHWA concurred with this decision.

9Aii. November FY 2024 State Transportation Improvement Program (STIP) Addendum: Mr. Fulton presented the December FY 2024 STIP Addendum.

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal to approve the December FY 2024 STIP addendum.

Commissioner Crank asked Mr. Fulton what a term in the STIP referring to rebalancing means. Mr. Fulton advised that District 3 was asked to do a rebalancing of projects when new estimates were received by the District Construction Engineer to ensure adherence to the budget.

Commissioner Hughes asked if Fremont County is contributing to project NHPP-N203078. Mr. Fulton explained that this project is part of an off system bridge program, so it is 100% federally funded. The originally planned project has been dropped from the STIP due to budget concerns.

Commissioner Hughes also asked why the Game and Fish is not funding the Park County at WYO 296 culvert replacement for fish crossing. Mr. Fulton explained that the Game and Fish is assisting with the funding for this project, as they requested modifications to the original project.

The motion carried unanimously.

Mr. Fulton addressed the Commission regarding the two STIP projects chosen by staff for the Commission to follow monthly. Mr. Fulton will draft the progress reports after discussion at the January 2024 Commission education session, when more in depth information will be given about how a project progresses.

9B. Mr. DeHoff presented the Operations Report.

Operations: Maintenance teams have begun to perform minor snow removal operations. Full operations have also been extended, including mowing, minor drainage and fence repair. The forecast going into the Christmas holiday is calling for minor snowfall, and Mr. DeHoff thanked all staff members working on the holiday for their work. Three plow hits have been recorded, with no injuries and minor damage to the trucks. The damaged trucks have been repaired and put back in to service.

The avalanche team recently conducted their first mission of the year along Teton Pass and the Hoback Junction. The mission was successful and a minor amount of snow went on to the road.

US 14A over the Big Horn Mountains closed for the season on December 1st. At this time all seasonal mountain passes are closed.

There are currently 41 vacancies in maintenance, which is 12 less than November 2023 and 24 less than the same time last year.

Construction: The construction season is currently wrapping up. There are currently 17 active construction projects across the state. Construction continued for some projects in to December due to favorable weather. Minor project punch list items are still being completed as weather permits.

In District 3, WYDOT and contractor W.W. Clyde (doing business as Interstate Highway Construction) were recently awarded the American Concrete Paving Association National Excellence in Concrete Paving Silver Award at their annual meeting. The project that won this award included various tasks along 13 miles of I-80 East near Rock Springs. This \$21.8 million project was nominated after winning the regional Excellence in Concrete Paving Award earlier this year.

All district striping crews have completed for the year, and are currently working on vehicles and helping maintenance plow snow during storms.

Electrical crews continue to perform routine maintenance on signals and other devices.

Several special permits have been issued to cities and counties for Christmas parades with participation by WYDOT team members in the area.

On December 19th, a final ruling adopting the 11th edition of the manual on Uniform Traffic Control Devices for streets and highways was published in The Federal Register. The new manual includes several updates meant to increase the safety of pedestrians, bicyclists, and all road users. States must adopt this manual or have a state plan that conforms to the national requirements. The State Traffic Engineer will be coordinating review of this manual and will work with local governments to address comments and concerns. A recommendation regarding adoption of the manual will be brought to the Commission at a later date.

Equipment: Mechanics are currently repairing mowing equipment. Snow removal employees are also conducting their annual equipment inspections. WYDOT has received 12 Mack tandem axle trucks from Fiscal Year 2022 and final wiring is being completed before delivery to the districts. Nine Freightliners have been delivered, and the rigging shop is working overtime to deliver these to the districts as well.

Three new rotaries have been received since the November 2023 meeting, and have been delivered to Casper, Laramie, and Jackson. The last rotary will go to Lander after the beginning of 2024. Commissioners will be able to see the Cheyenne rotary at the January meeting.

Facilities: The Fort Steele rest area is scheduled to open on December 29th. All other facilities are open at this time.

Association of General Contractors-Wyoming (AGC-WYO): AGC-WYO and WYDOT recently held a fall Highway Committee meeting and discussed several topics include Build America, Buy America, Wyoming construction collaboration, traffic control, innovative contracting, material specifications, e-ticketing, as well as several other topics.

Commissioner Willox asked if there was anything added to the innovative contracting discussion, especially in light of the fact that the Commission recently awarded two projects using innovative contracting. Mr. DeHoff advised that contractors would prefer not to use innovative contracting, as it can be restricting. WYDOT is working with the AGC-WYO to be able to fulfill the goals of

AGC-WYO and WYDOT, and construction staff is drafting recommendations for what kind of projects innovative contracting should be applied to.

Commissioner Hughes provided the location of snow fencing in need of repair across his district to Mr. DeHoff.

Commissioner Lyman referenced recent changes in lighting to alleviate plow hits, and asked if striking a snow plow is a ticketable offense or brings other consequences. Mr. DeHoff advised that he does not know if any consequences are added or if it is a ticketable offense when a plow is struck.

Commission recessed to break at 11:48 a.m.

Commission returned to public session at 11:55 a.m.

11. Colonel Tim Cameron presented the Highway Patrol Report.

The Fatal Crash Summary through November 30, 2023, includes 99 fatal crashes involving 119 deaths. The fatalities include 44 rollover crashes, 55 multi-car crashes, 6 fixed-object crashes, 15 motorcycle crashes, 3 all-terrain vehicle crashes, 2 snowmobile crashes, 9 pedestrian crashes, and 1 bicyclist crash. Of the 99 fatal crashes that have occurred in 2023, 32 involved commercial vehicles.

There was 4 fatal crashes deemed drug or alcohol related, resulting in 4 deaths through November 2023.

Of the 119 deaths this year, 60 were attributed to not using occupant restraints, with 34 involving rollover crashes, 22 involving multi-car collisions, and 4 involving fixed objects. Thirty-two of those who died from the non-use of occupant restraints were Wyoming residents. Fifteen perished that were under 21 years old.

Of the 99 fatal crashes so far this year, 108 of those drivers had no distractions. In 59 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 99 fatal crashes that have occurred this year, 48 occurred on primary/secondary highways, 40 occurred on interstate highways, and 25 occurred on city/county roads.

Of the 99 fatal crashes that have occurred this year, 17 had multiple fatalities.

Inclement weather or road conditions contributed to 15 vehicle crashes in 2023, which resulted in 17 deaths.

The days of the week for fatal crashes in 2023 are as follows:

Sunday	13 crashes
Monday	19 crashes
Tuesday	11 crashes
Wednesday	17 crashes
Thursday	10 crashes
Friday	18 crashes
Saturday	25 crashes

The times of day for fatal crashes in 2023 are as follows:

12:00 a.m. to 6:00 a.m.	20 crashes
6:00 a.m. to 12:00 p.m.	22 crashes
12:00 p.m. to 6:00 p.m.	41 crashes
6:00 p.m. to 12:00 a.m.	30 crashes

The Commission also heard the following statistics:

- 77 percent of those who died in rollover crashes were unbelted.
- 40 percent of those who died in multi-vehicle crashes were unbelted.
- 67 percent of those who died in fixed-object crashes were unbelted.
- 71 percent of the fatalities in 2023 were drivers.
- 22 percent of the fatalities in 2023 were passengers.
- 26 percent of the resident fatalities were unrestrained.
- 25 percent of non-resident fatalities were unrestrained.
- 27 percent of fatalities involved alcohol and/or drug impairment.

There were 5,495 patrol investigated crashes so far in 2023.

Commissioner Hughes if location information and mapping is available for crashes involving animals. Colonel Cameron advised that he is working on this, and will update the Commission on his progress at a later date. Ms. DiRienzo advised that the Game and Fish has this information and Colonel Cameron should reach out to them for assistance.

Colonel Cameron reminded the Commission that a new class of Troopers is graduating on December 22nd. Troopers will then disperse across the state and be assigned to a field training Trooper before they are released to be on their own. Trooper Class 106 will begin on January 7 and will have almost twenty candidates attending.

Colonel Cameron also reminded the Commission that continuing in 2024, different departments within WHP will address the Commission and provide more in-depth information.

Cameron also advised the Commission that several signs that may have caused confusion for commercial drivers along Garner Lake Road have been removed.

Lastly, Cameron advised that when a plow truck is hit, this is a fully documented and investigated crash and Troopers will write citations on any applicable citations.

11. Mr. Olsen presented the Aeronautics Report, beginning with the November 2023 Aeronautics Flight Operations Passenger Summary Report.

Federal Update: On November 14th, a Continuing Resolution was passed that extended funding into early 2024. This resolution has a two tier structure, with some agencies funded through January 19th and others funded through February 2nd. This resolution also keeps funding at previously seen levels.

Mr. Olsen and staff continue to monitor the progress of the House and Senate regarding the FAA Reauthorization. An agreement has been reached regarding pilot training rules, but there are other policies that need to be agreed on before the authorization progresses.

Division and Airport Updates: Mr. Olsen advised that Casper is being considered as a host city for air races, and is one of six communities being considered. The event brings approximately \$180 million in economic impact to host cities. The selection committee is narrowing the list of potential host cities, and a decision will most likely be made in the first quarter of 2024.

Bomb threats were recently made against many airports and schools in Wyoming that ended up being deemed false. This event allowed all involved agencies to analyze communication and response efforts.

Air Service News: Higher load factors were seen in November in Wyoming for holiday travel. December appears to be very strong for bookings, especially with holiday travel demand, with business travel decreasing. Holiday travel is expected to be at record levels.

Monday, November 27th recently set a new all-time record for the number of travelers that went through a TSA checkpoint. Approximately 2.9 million people went through a checkpoint on this day.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,817 personnel as of November 24, 2023, compared to 1,778 a month ago and 1,770 one year ago.

Commissioner Crank asked for the status of dispatch staffing levels. Mr. Rossetti advised that there is currently a class of six people going through training right now and an additional job posting has been made. Processes are being revamped to streamline training. Rossetti also stated that he believes recent compensation adjustments have helped alleviate issues with current and potential staff.

Mr. Rossetti updated the Commission on the recent bicycle drive, which is spearheaded by Public Affairs. Thirty bicycles, 24 helmets, and \$450 in cash was given to the Boys and Girls Club of Cheyenne for local children. Driver's Services generated \$785 in donations for this drive.

13. Chief Technology Officer's Report: Mr. Smolinski presented the Chief Technology Officer's Report.

Vehicle Blowover: Verbiage regarding enclosed trailer is being updated based on feedback received from the public to be more descriptive.

RIS/TIS: This project is moving along according to schedule. WYDOT will be engaging in conversations with ETS about resources for developers and support staff.

WyoLink: Mr. Smolinski summarized the WyoLink map provided to the Commission and briefly described current projects. Mr. Smolinski also summarized the Top 20 talk groups, and advised that this information is constantly analyzed and can be dependent on the time of year. Added to the report in January 2024 will be a lookback at the same month in the previous year.

In response to a previous question from Commissioner Lyman, Mr. Smolinski advised the Commission that the Bureau of Land Management (BLM) currently has 1,400 radios on the WyoLink system with 246 radios being considered active users. Over the last two years, dispatch has received an average of 37 calls per month from these radios.

Mr. Smolinski highlighted 22LAW1 on the talk group graph, which refers to Teton County Law Enforcement One. This project is being highlighted due to the fact that Teton County made a decision in 2023 to migrate systems, and as a result this talk group has moved in to the top 20 users.

14. January 2024 Commission Meeting: Secretary Casner advised that the January 2024 meeting will be held in Cheyenne, and a Service Award Luncheon will be held at the Cheyenne Country Club.

15A. Legislator Comments: Senator Pappas stated that he is looking forward to the upcoming Legislative session that has the potential to aid in WYDOT funding levels. Pappas will not attend the January 2024 Commission meeting, and hopes to be able to attend the February 2024 Commission meeting.

15B. Commissioner Comments: Commissioner Crank thanked WYDOT staff for supporting the recent wildlife project near Kemmerer and is pleased that wildlife crossings seem to be working. Crank also wished all a happy holiday season. Commissioner Hughes agreed, and thanked Ms. LaBorde for her report to the Commission today. Hughes also thanked Senator Pappas for his involvement and interest in WYDOT affairs. Commissioner Dolezal reiterated wishing staff a happy holiday season and thanked all that will be out on holidays maintaining roads. Commissioner Lyman advised the Commission that he recently attended the education session and business meeting of the WYDOT Aeronautics Commission, and thanked staff and that

Commission for the invite and hospitality. Commissioner Willox echoed the comments regarding upcoming storms and staff working during holidays. Chair Holmes thanked Director Westby for his vision for WYDOT and appreciates his in-depth analysis of all things WYDOT. Holmes also congratulated WYDOT on recent grant awards, and thanked Public Affairs for getting WYDOT information to the state.

16. Executive Session: It was moved by Commissioner Lyman and seconded by Commissioner Hughes to enter in to Executive Session pursuant to Wyoming State Statute 16-4-405(a)(iii), to discuss litigation matters and to receive legal advice. The motion carried unanimously.

Commission recessed to Executive Session at 12:52 p.m.

Commission returned to public session at 1:22 p.m.

18. It was moved by Commissioner Crank and seconded by Commissioner Lyman to adjourn the meeting at 1:23 p.m. on Thursday, November 16, 2023. The motion carried unanimously.