

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met via Zoom and in person on January 18, 2024. 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 Micheal Baker, Thermopolis  
Commissioner Patrick Crank, Cheyenne  
Commissioner Mark Hughes, Sundance  
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; Mark Gillett, Chief Engineer; 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; Rodney Freier, Budget Program Manager; Doug McGee, Public Affairs; Hank Rettinger, FHWA; Captain David Wagener, WHP; 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.
2. Changes/Additions to Agenda: Chair Holmes advised that item 8Aiii, Approval of First Quarter Modifications would be added. Chair Holmes also advised that items 8Ai and 8Aii would be discussed in reverse order.
- 3A. December 21, 2023 Business Meeting Minutes: It was recommended by Secretary Casner, moved by Commissioner Dolezal and seconded by Commissioner Lyman to approve the December 21, 2023 Business Meeting minutes, with corrections regarding break times made on pages 6 and 12. The motion carried unanimously.
- 5A. Policy 24-1(c) Contract Amendments Discussion: Director Westby presented a summary of the proposed updates to Policy 24-1(c) as well as what information regarding change orders needs to be presented to the Commission and levels of approval within the Department.

Chair Holmes clarified with Director Westby that with the proposed changes, all change orders will be treated equally and discretionary grants would not be treated differently than another standard change order.

Commissioner Crank clarified the process for approval at different monetary levels with Director Westby, who explained what staff would be involved for change order approvals. Commissioner Crank also asked if a legal settlement would fit within this policy, or if the Commission would automatically be consulted on any legal settlements. Director Westby advised that anything over \$500,000.00 would come to the Commission for approval.

Commissioner Lyman reminded the Commission that at the December meeting, Maria LaBorde had discussed potential issues with the 15% cap on change orders for Commission notification. Mr. Lyman stated that the proposed policy did not address a percentage cap, and he believes it is important that a percentage cap be utilized to bring issues to the attention of the Commission. Director Westby advised that this was discussed, and available data reflects that there usually when a project neared that 15% cap, it was utilizing discretionary grants. However, with the proposed changes to treat all projects equally, the Commission would be notified at the pre-determined amounts, which would make a 15% cap irrelevant. Commissioner Crank agreed, and added that adding the 15% might cause confusion.

Commissioner Lyman stated that he likes the idea of notifying the Chair, Vice Chair, and Commissioner in the affected area when there is a large change order in their district, and would like this step to be added in to the policy. Mr. Lyman stated that he would like the revised policy to be durable and be able to address any issues that may arise. Commissioner Lyman also referenced Wyoming State Statute regarding authorization of emergency spending, and questioned whether this should be written in to the policy. Mr. Kahler addressed the Commission and advised he would need to do further research and provide guidance at a future meeting. Director Westby advised that staff would review the policy and make sure that it matches statute. Commissioner Crank suggested that staff revise the policy using the discussion today as a guide and bring it back for approval at the February meeting.

Commissioner Willox advised that he agrees with the changes proposed, and is pleased with the direction the discussion and policy making is headed.

Commissioner Crank commended Director Westby and staff for all of their hard work regarding the drafting of this policy.

6A. Signature Authority for Col. Cameron: It was recommended by Secretary Casner to add Colonel Timothy Cameron as an authorized signatory, effective January 18, 2024.

Mr. Byrne explained the contract process and the need for authorized signatories to finalize the process. Commissioner Willox proposed adding “for authorized expenditures” to signatory authority. Mr. Byrne advised that all contracts are reviewed at multiple levels, and the formal signature on the contract is only completed by those designated by the Commission. Commissioner Crank suggested limiting signatory authority to divisions, and Mr. Byrne advised that there are times that other division leaders will sign contracts that might not be for their departments in order to expedite the process.

It was moved by Vice Chair Dolezal and seconded by Commissioner Lyman to add Colonel Timothy Cameron as an authorized signatory, effective January 18, 2024. The motion carried unanimously.

Commissioners Willox and Crank suggested adding the granting of authority by position title to policy 24-19 to avoid any future gaps in signing authority.

7. Director's Report: Director Westby attended the most recent WHP Commissioning ceremony at the Supreme Court and encouraged Commissioners to attend a future ceremony if possible.

Westby also recently attended a Rotary Club meeting and will be attending other club meetings and event to discuss the mission of WYDOT and the impact of infrastructure, including roads.

Director Westby and Executive Staff recently presented to the Joint Appropriations Committee regarding the standard budget and exception requests. During this presentation, Westby also discussed his concerns regarding the National Highway Trust as well as the national general fund and formula funding levels. Westby also addressed the sustainability of stateside funding and the need for planning and action so that WYDOT can be prepared for a decrease in federal funding. Inflation rates and decreased buying power were also addressed. It was recommended by the Chairs of the Joint Appropriations Committee that WYDOT put in an interim topic request with Joint Appropriations, the Revenue Committee, and the Joint Transportation, Highways, and Military Affairs Committee. Commissioner Crank suggested Director Westby possibly focus on road miles, including current and past road conditions, when addressing the Legislature. Westby agreed, and advised that several Legislators had asked for impactful documents to be presented that would add to the discussion and emphasize WYDOT's needs.

The American Rescue Plan (ARPA) has also been discussed, as agencies are returning funds that cannot be obligated. These funds are being pooled and can be re-allocated to different agencies. Some of the requirements for ARPA funding have been relaxed, including regarding surface transportation. WYDOT is working to apply for these funds and is considering many projects that can be awarded by December 2024 and completed by December 2026. There is a \$10 million cap per project, and if a desired project exceeds that amount, staff will come to the Commission for guidance on how to proceed. Director Westby hopes to be notified no later than July 2024 by the Governor's Office and Legislature regarding the ability of WYDOT to utilize ARPA funding.

Director Westby also advised that one-time funding increases have also discussed, which may also require WYDOT to take additional steps, such as conducting an efficiency study.

Westby summarized the recently released Governor's letters, which address several topics pertaining to WYDOT including phase three of the employee compensation plan, energy and infrastructure matching funds, which will be used for the Evanston truck parking and the I-80/I-25 interchange, Wyoming Retirement Systems contribution increases, and enterprise inflation funding.

The Department of Administration and Information and WYDOT recently worked together to allow payout of up to 40 hours of leave for those that had “use it or lose it” time. This is a one time measure, and Westby is hopeful that this situation will not arise in the coming year. Vacancy savings funded this payout.

Westby advised the Commission that the Attorney General’s office has joined Kentucky in the lawsuit against the Federal Government regarding reducing greenhouse gases, however, WYDOT staff is preparing documents to be in compliance in the event an injunction is not issued by the Court. Westby also addressed the impact of not meeting state-chosen reduction targets.

The Request for Information (RFI) for the National Electric Vehicle Infrastructure (NEVI) program is out, and responses will be received by the end of January.

The Front Range Rail project is being worked on by several groups at the state and local level. Dan Kline from WYDOT has been chosen to sit on a committee convened by Mayor Collins regarding project feasibility, and Director Westby will provide updates as they are available.

Director Westby is hopeful that the Employee Satisfaction Survey will be finalized and results provided to the Commission at the March meeting.

Westby will be attending the Association of General Contractors-Wyoming (AGC-WYO) annual meeting soon, and will be attending an AASHTO briefing in Washington, D.C. the week of February 5<sup>th</sup>. The Wyoming Legislative Session will begin February 12<sup>th</sup>, and WYDOT has been asked to put forward an employee to be recognized during the Governor’s State of the State address. Westby and staff will be monitoring the Session as there are several bills that can impact WYDOT including a proposed reduction in fuel tax. Commissioner Crank asked Mr. Westby to consider establishing a Legislative subcommittee made up of Commissioners or making WYDOT documents available to Commissioners and advising them of what bills they may want to weigh in on.

*Commission recessed to break at 9:53 a.m.*

*Commission returned to public session at 10:00 a.m.*

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

8Aii. City/County Funding Discussion: Commissioner Willox addressed the Commission regarding city/county funding matching and adding to funding levels for additional projects. Willox proposed adding funding to the areas of Surface Transportation (Urban Areas), Highway Safety Rail-Highway Crossings, Congestion/Air Quality, Surface Transportation (Local), and the Commission Road Improvement Program (CRIP). At this time, Willox would like to add 10% to each of these areas in the category of Federal Aid Apportionment, which is a total of approximately \$1.48 million. However, in the next year, the CRIP will show \$3,000,000, which was set in 2021 by the Commission. If the Commission chooses to use the \$3,000,000 number, the total addition would be less than \$1 million. Mr. Willox stated that he believes these changes are necessary to

improve the overall road infrastructure of Wyoming, and that he would be willing to allow staff to determine where the funding for the changes would come from. Mr. Byrne encouraged using federal dollars to fund these changes when possible, with the exception of the Highway Safety Rail-Highway Crossings. Commissioner Crank expressed his support for Mr. Willox's proposal and expressed his desire to help out cities and counties on projects they have deemed worthwhile. Commissioner Crank also stated that he believes assisting cities and counties with congestion and air quality can help protect from future repercussions and regulations from the Environmental Protection Agency (EPA) and other federal agencies. Mr. Crank advised using the \$3,000,000 number for the CRIP and adding 10%. Director Westby added that he is also in favor of Commissioner Willox's proposal and sees great value in helping cities and counties with their systems. Commissioner Hughes questioned how much money has been obligated for cities and counties. Mr. Freier stated that at this time only approximately \$25,000.00 has been obligated this year. Commissioner Hughes asked if counties that have a significant amount of savings are reviewed before WYDOT offers money for projects. Mr. Byrne confirmed that the amount of savings a county might have is not considered. Commissioner Lyman stated that he believes the addition of funds is a benefit to his constituents and he doesn't believe that the amount of savings a county might have should be taken into account when considering funding. Commissioner Hughes disagreed, and stated that he believes not considering savings levels may not be fair to all Wyoming citizens. Commissioner Crank stated that he believes the Commission has the ability to allocate federal and state dollars as appropriate to improve the transportation system as a whole and the addition of funds is a valid expense. Commissioner Dolezal advised that he has no problem with the proposal, and clarified the categories funding would be added to.

It was moved by Commissioner Willox and seconded by Commissioner Dolezal to add 10% to Surface Transportation-Urban Areas (\$570,000.00), add 10% to Congestion/Air Quality (\$200,000.00), add 10% to Surface Transportation-Local (\$90,400.00), and add \$300,000.00 to the CRIP recognizing that the future level of this program will be \$3,000,000.00.

Commissioner Crank clarified with Commissioner Willox that these changes would be effective now. Mr. Freier advised that these changes will be made apparent when the second quarter budget modifications are presented to the Commission.

The motion carried unanimously.

8Ai. Carryover Discussion: Mr. Byrne advised the Commission that the final number for carryover from the last fiscal year is \$15,955,730.00. These funds are unprogrammed and available for the Commission to program as they see fit. Mr. Byrne recommended the Commission place the carryover money into three categories, the first of which is \$6,239,000.00 for rolling stock; the second is \$2,000,000.00 for housing in Shirley Rim and Muddy Gap; and the third is \$7,716,730.00 for the Facilities Improvement Plan. Commissioner Lyman advised that he is supportive of the Facilities Improvement Plan carryover amount, and he understands the need for housing in Shirley Rim and Muddy Gap, although he does have concerns about WYDOT acting as a landlord. Mr. Lyman questioned the amount for rolling stock, as there has been problems with orders being fulfilled. Mr. Byrne stated that the reason WYDOT has been putting more money into rolling stock is because in previous years, the budget was balanced often to the detriment of rolling stock and

facilities. As a result, WYDOT is behind significantly in replacing equipment. However, delivery times have been slowly decreasing and assets are becoming more available, and Mr. Byrne advised it is important to upgrade equipment and replace as necessary. Commissioner Baker stated that he is concerned about allocating money to a general Facilities Improvement Plan, and he believes that the current WYDOT facilities are adequate and there are usable locations that are being torn down. Commissioner Baker also stated that he would rather use the proposed \$7,716,730.00 should be used for roads and that the optics of putting aside that amount of money for facilities when roads continue to deteriorate are poor. Commissioner Crank stated that he believes the money for facilities is very important, especially in the Jackson area, where prices are severely inflated. Commissioner Crank stated that the Facilities Improvement Plan is a savings account that will allow WYDOT to meet future needs, and that the Commission still has control over the spending of the money. Director Westby likened the savings process to the one that occurred before the renovation of the Capitol in Cheyenne and said that it is important to put away funds and plan for the future. Commissioner Dolezal stated that he agreed with the Department's recommendations for the carryover funds.

It was moved by Commissioner Dolezal and seconded by Commissioner Lyman to approve the proposed carryover fund allocations.

Commissioner Crank clarified with Mr. Byrne regarding the amount of money for rolling stock and the fact that it would purchase assets that should have already been purchased but could not be due to lack of funding.

Commissioner Baker moved to amend the motion to state that the \$7,716,730.00 be put into savings for Jackson housing instead. This motion failed due to lack of a second.

Mr. DeHoff clarified for the Commission several issues regarding Jackson housing, including costs, the amount of housing needed, stipends for State employees living in Jackson, and recruitment abilities.

Commissioner Dolezal's motion carried unanimously.

*Commission recessed to break at 10:57 a.m.*

*Commission returned to public session at 11:05 a.m.*

8A. First Quarter Budget Modifications: Mr. Freier presented the First Quarter Budget Modifications.

8Aiii. Approval of First Quarter Modifications: It was recommended by Mr. Freier, moved by Commissioner Willox, and seconded by Commissioner Baker to approve the First Quarter Budget Modifications as presented. The motion carried unanimously.

8B. Monthly Budget Report: Mr. Freier presented the monthly budget report. Overall, the budget report revealed that the Commission budget was 27 percent expended, and the legislative budget was 65 percent expended in Fiscal Year 2024.

8C. Award of Procurement Services Bids. It was recommended by Mr. Byrne to move Bid Numbers 24-015NG, 24-026RE, 24-027RE, 24-032RE, 24-035RE, 24-042AC, 24-043HF, and 24-053RE to a consent list. It was moved by Commissioner Lyman and seconded by Commissioner Dolezal to move all bids to a consent list. The motion carried unanimously.

It was recommended by Mr. Byrne, moved by Commissioner Hughes and seconded by Commissioner Willox to approve, by consent, the following bids. The motion carried unanimously.

- Bid Number 24-015NG to furnish 200 ton chiller removal and replacement to the department located in Cheyenne. The bid was awarded to GW Mechanical, Inc., of Mills, Wyoming, for the sum of \$1,525,934.00.
- Bid Number 24-026-RE to furnish 175,900 gallons of fast dry white traffic line paint and 154,250 gallons of fast dry yellow traffic line paint to departments located statewide. The bid was awarded to Diamond Vogel, Inc. of Orange City, Iowa, for the sum of \$3,348,096.00.
- Bid Number 24-027RE to furnish 2,592,000 pounds of reflective glass spheres to departments located statewide. The bid was awarded to Swarco Reflex, LLC, of Mexia, Texas, for the sum of \$1,205,280.00.
- Bid Number 24-032RE to furnish two (2) new and most current model four (4) door DRW cab and chassis with 41 foot reach with 600 pound platform installed to the department located in Rock Springs. The bid was awarded to Ken Garff, of Cheyenne, Wyoming, for the sum of \$337,512.00.
- Bid 24-035RE to furnish two (2) new and most current model All Wheel Drive articulated motor graders with wings and front plows to the departments located in Rock Springs and Casper. The bid was awarded to Wyoming Machinery Co., of Casper, Wyoming, for the sum of \$916,700.00.
- Bid 24-042AC to furnish 2,573 snow plow carbide tipped blades to departments located statewide. The bid was awarded to Nordik Blades, of Val des Sources, Quebec, Canada, for the sum of \$455,012.64.
- Bid 24-043HF to furnish 10,495 Shur-Tite Shur-Flex delineator kits, posts, joints, and snow poles to departments located statewide. The bid was awarded to Geotec Industrial Supply, of Mills, Wyoming, for the sum of \$331,502.25.

- Bid 24-053RE to furnish two (2) new and most current model 2200 TPH loader mounted two-stage snow blowers to the departments located in Casper and Evanston. The bid was awarded to Kois Brother Equipment Co., Inc., of Commerce City, Colorado, for the sum of \$337,450.00.

9. Chief Engineer's Report: Mr. Gillett updated the Commission regarding the Infrastructure Investment and Jobs Act (IIJA), including matching grant funding received from Governor Gordon's office for the I-80 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant that WYDOT applied for. WYDOT also plans to request \$3.3 million in matching funds from the Governor's office for the Evanston truck parking project.

Mr. Gillett presented to the Commission regarding the BUILD-I804271 project awarded contracts and change order summary and estimated final project costs, based on a request at the January 2024 Commission meeting from Chair Holmes. Commissioner Lyman asked for clarification on why certain elements such as slope and parking lot grading were not incorporated in the original design of the project and had to be included as change orders after the fact. Mr. DeHoff explained that the location of the parking lot changed at the last minute and changed the project from being located in one place to being located in two areas across the county road from each other. Commissioner Crank questioned Change Order Nine and when the need to move was discovered. Mr. DeHoff advised that the job was bid and then the location changed, prompting the need for the applicable change orders.

Mr. Gillett updated the Commission regarding the status of recent disputes. A letter from the Chief Engineer was sent to the Joint Venture Partnership for the stabilized earth wall dispute at the end of December. The Joint Venture Partnership responded at the beginning of January with a request for a time extension, and Mr. Gillett sent a response yesterday denying that request. Mr. Gillett will be hearing another dispute on January 19<sup>th</sup> regarding the Ranchester railroad bridge with the same Joint Venture Partnership from the first dispute. An additional dispute will be heard by Mr. Gillett on January 23<sup>rd</sup> regarding the Dry Piney wildlife undercrossing project.

Mr. Gillett reminded the Commission that the current Federal Continuing Resolution runs out on January 19<sup>th</sup>. At this time, the Senate has passed a "stop-gap" measure to allow governmental operations to continue into March 2024, but the House has not passed this measure.

Mr. Gillett recognized Dan Benford and Kelli Little from the AGC-WYO and thanked them for participating in today's meeting.

9Ai. Mr. Fulton presented the Engineering and Planning Report, beginning with the bid tabulations from the January 11, 2024 letting.

Federal Projects NHPP-N431037 to mill, overlay, chip seal, bridge rehabilitation on two (2) bridges (approach slabs, bridge railing, gabion and erosion repair, expansion joint, deck repair, and deck overlay), and fence replacement on approximately 7.70 miles on WYO 59 beginning at RM 19.30 between Douglas and Gillette in Converse County. Completion Date: August 31, 2025.



<i>Engineer's Estimate</i>	\$8,203,966.00	
Croell, Inc., Sundance, WY	\$8,623,908.55	5.1%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$8,825,115.00	
Simon Contractors, Cheyenne, WY	\$9,094,435.70	
McGarvin-Moberly Construction Co., Worland, WY	\$9,684,450.45	
Avail Valley Construction-WY, LLC, Afton, WY	\$10,264,274.00	

It was recommended by Mr. Fulton, moved by Commissioner Crank and seconded by Commissioner Baker 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 the responsive low bidder. The motion carried unanimously. FHWA concurred with this decision.

Federal Projects STP-BR-B244007 and HIP-B244033 for bridge rehabilitation on eight (8) bridges (approach slabs, bridge railing modification, expansion joint, bridge deck replacement, repair and overlay, slope stabilization, and retaining walls) at various locations in Transportation District Four. Completion Date: November 30, 2024.

<i>Engineer's Estimate</i>	\$6,317,137.00	
S&S Builders, LLC, Gillette, WY	\$4,988,808.00	-21.0%
Reiman Corp., Cheyenne, WY	\$6,260,259.60	

It was recommended by Mr. Fulton, moved by Commissioner Hughes and seconded by Commissioner Lyman that S&S Builders, LLC, of 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 motion carried unanimously. FHWA concurred with this decision.

Federal Projects HSIP-B213048 and HSIP-B243036 to remove 95 high mast light towers and install 67 high mast light towers and new road way lighting at various locations in Transportation District Three. Completion Date: October 31, 2025.

<i>Engineer's Estimate</i>	\$5,479,205.00	
Advanced Electrical Contracting, Inc., Sheridan, WY	\$5,684,074.00	3.7%
Modern Electric Co., Casper, WY	\$6,224,541.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that Advanced Electrical Contracting, Inc., of Sheridan, 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 Projects NHPPI-I254164 and NHPPI-I253118 to microsurface overlay and lane striping on approximately 18.00 miles at various locations on I-25 between Casper and the Johnson County line, and between Douglas and Glenrock. Completion Date: September 30, 2024.

<i>Engineer's Estimate</i>	\$3,890,960.00	
Intermountain Slurry Seal, Inc., Watsonville, CA	\$3,310,245.00	-14.9%
Geneva Rock Products, Inc., Salt Lake City, UT	\$3,342,413.50	
Asphalt Surface Technologies Corp., St. Joseph, MN	\$3,863,545.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Hughes that Intermountain Slurry Seal, Inc., of Watsonville, California, 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-1004010 to mill, overlay, haul road construction and fence replacement on approximately 5.20 miles on US 16 beginning at RM 2.12 between Buffalo and Ucross. Completion Date: November 30, 2024.

<i>Engineer's Estimate</i>	\$3,250,131.00	
Simon Contractors, Cheyenne, WY	\$2,816,905.45	-13.3%
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$3,018,000.60	
McGarvin-Moberly Construction Co., Worland, WY	\$3,379,081.85	
Mountain Construction Co., Lovell, WY	\$3,885,377.79	

It was recommended by Mr. Fulton, moved by Commissioner Crank 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.

Federal Project STPU-EV-B233004 for asphalt road reconstruction with curb and gutter and isolated sidewalk replacement on approximately 0.60 miles in the City of Evanston on City View Drive. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$3,139,704.00	
Kilgore Companies, LLC dba Lewis & Lewis, Inc., Rock Springs, WY	\$2,494,101.91	-20.6%
Staker & Parson Companies, Ogden, UT	\$2,779,473.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Dolezal that Kilgore Companies, LLC dba Lewis & Lewis, Inc., of Rock Springs, 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, with Commissioners Crank and Lyman declaring conflicts and abstaining from voting. FHWA concurred with this decision.

Federal Project HIP-B2333006 and ARSCT-B2332A01 for bridge rehabilitation on two (2) bridges (bridge deck replacement, bridge railing, deck repair and overlay, expansion joint, concrete

repair, retaining wall, approach slabs and erosion repair) and conduit installation on one (1) bridge at various locations in Transportation District Three. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$2,844,444.00	
Debernardi Construction Co., Inc., Rock Springs, WY	\$1,740,000.00	-38.8%
Reiman Corp., Cheyenne, WY	\$2,750,769.04	

It was recommended by Mr. Fulton, moved by Commissioner Baker and seconded by Commissioner Hughes that Debernardi Construction Co., Inc., of Rock Springs, 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 HSIP-B241008 to add a high friction surface treatment on approximately 1.00 mile on I-80 at various locations in Transportation District One. Completion Date: September 30, 2024.

<i>Engineer's Estimate</i>	\$1,263,700.00	
Reiman Corp., Cheyenne, WY	\$861,811.00	-31.8%
S&L Industrial, Cowley, WY	\$923,262.10	

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

Federal Project STP-PM-B241012 for concrete slab and curb and gutter replacement on approximately 0.30 miles on I-25 Business Route (Central Avenue) in the City of Cheyenne. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$922,937.00	
Simon Contractors, Cheyenne, WY	\$749,559.00	-18.8%
S&S Builders, LLC, Gillette, WY	\$949,499.00	
Reiman Corp., Cheyenne, WY	\$976,502.00	
JTL Group, Inc. DBA Knife River, Cheyenne, WY	\$1,004,691.00	

It was recommended by Mr. Fulton, moved by Commissioner Dolezal and seconded by Commissioner Baker 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.

Federal Project HSIP-I251172 for acceleration lane construction (lengthening) and roadway lighting installation on approximately 0.14 miles on I-25 southbound at the I-25 and Central Interchange in the City of Cheyenne. Completion Date: September 15, 2024.

<i>Engineer's Estimate</i>	\$530,018.00	
Reiman Corp., Cheyenne, WY	\$624,870.50	17.9%
Simon Contractors, Cheyenne, WY	\$647,217.00	
S&S Builders, LLC, Gillette, WY	\$686,999.50	

It was recommended by Mr. Fulton, moved by Commissioner Lyman and seconded by Commissioner Hughes 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. The motion carried unanimously. FHWA concurred with this decision.

Federal Project HSIP-I806217 for an overheight detection and warning system in advance of the BNSF Railroad bridge over I-80 at I-80 westbound before and at the on-ramp from the I-80 and I-180 Interchange in the City of Cheyenne. Completion Date: October 31, 2024.

<i>Engineer's Estimate</i>	\$503,806.00	
Advanced Electrical Contracting, Inc., Sheridan, WY	\$465,240.25	-7.7%
Casper Electric, Inc., Casper, WY	\$479,825.50	
DELTA WYE, Inc., Gillette, WY	\$498,505.25	
Modern Electric Co., Casper, WY	\$556,789.00	

It was recommended by Mr. Fulton, moved by Commissioner Willox and seconded by Commissioner Baker that Advanced Electrical Contracting, Inc., of Sheridan, 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.

*Commissioner Willox left the meeting at 12:11 p.m.*

*Commission recessed to lunch at 12:11 p.m.*

*Commission returned to public session at 2:00 p.m.*

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

It was recommended by Mr. Fulton, moved by Commissioner Baker and seconded by Commissioner Dolezal to approve the January FY 2024 STIP addendum. The motion carried unanimously.

9Aiii. Easement Abandonment: It was recommended by Mr. Fulton, moved by Commissioner Lyman, and seconded by Commissioner Baker to approve the following Resolution for Abandonment. The motion carried unanimously.

## RESOLUTION FOR ABANDONMENT

**WHEREAS**, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of state highways upon reconstruction or relocation of an existing state highway; and

**WHEREAS**, a portion of Wyoming Department of Transportation's right-of-way for Childs Draw Detention Pond, Laramie County, Wyoming, established under Project Number PREB-4000(9) is no longer needed for state highway or public use purposes. Said portion being described as follows:

NE1/4NW1/4 of Section 22, T. 14 N., R. 66 W.  
Book 1247 at Page 985, Document No. 029903  
As illustrated on Exhibit "A" attached hereto and by this reference specifically incorporated herein

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

9B. Mr. DeHoff presented the Operations Report.

Operations: Maintenance teams have begun to perform snow removal operations. There have been some road closures due to weather conditions and vehicle crashes. Mr. DeHoff thanked all staff members working on the holiday for their work.

There are currently 41 vacancies in maintenance, which is the same as last month and 21 less than the same time last year.

Mr. DeHoff advised that the incentive pay is helping hiring efforts and crews are not having to move around the state as much.

Mr. DeHoff reminded the Commission that before a storm is scheduled to arrive, a conference call is held that includes WHP personnel, District Engineers, District Maintenance Engineers, and a meteorologist from the Transportation Management Center (TMC) to devise a plan to handle the incoming bad weather.

Avalanche crews continue to perform mitigation operations. Mitigation efforts have been made in the Teton Pass and Hoback Junction area.

Four snow plows have been hit since the December 2023 Commission meeting. The total for the season is now seven hits, and out of those seven, two involved vehicles hitting plows from behind. The other hits have been sideswipes or minor "taps" to the plow. At this time last year, the number of plow hits was ten.

Stripers have been put away for the season, and annual maintenance is being conducted. Crews are also helping maintenance plow snow during storms.

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

Equipment: Mechanics are currently repairing plow trucks and other snow removal equipment.

Commissioners are able to see the Cheyenne rotary at today's meeting, and Mr. DeHoff provided safety instructions for Commissioners wanting to view the rotary. The next rotary will be delivered in the coming week, and all eight machines will be ready for use.

Facilities: The Fort Steele rest area opened at the end of December 2023. The Sundance rest area was closed over the past weekend due to a broken water line, but this has been fixed and the rest area has re-opened. All other facilities are open at this time.

Maintenance and Construction Staff Conferences: Mr. DeHoff reminded the Commission of the staff conferences that will be held this year. The Maintenance Staff Conference will be held in Casper. Construction staff is working with the AGC-WYO to have a cooperative meeting, which will be held in Cheyenne. Construction staff will also hold a Project Success conference in Lander, which will focus on networking and discussion of pressing issues.

10. Colonel Cameron introduced Captain David Wagener, Section Captain for WHP Safety and Training. Captain Wagener presented to the Commission regarding the Safety and Training Section, including programs offered to the public, Trooper testing, training, recruiting, and hiring, and the mission of the Safety and Training section. Captain Wagener also presented to the Commission regarding the training process for Troopers, including recruitment, testing, academy training, field training, and solo duties and completion of probationary period. Also addressed were the Wyoming Law Enforcement Academy training versus WHP training, including culture, logistics, costs, and final quality of Trooper.

Colonel Tim Cameron presented the Fatal Crash Summary through December 31, 2023, which includes 121 fatal crashes involving 144 deaths. The fatalities include 48 rollover crashes, 58 multi-car crashes, 5 fixed-object crashes, 15 motorcycle crashes, 3 all-terrain vehicle crashes, 2 snowmobile crashes, 11 pedestrian crashes, and 2 bicyclist crashes. Of the 121 fatal crashes that have occurred in 2023, 34 involved commercial vehicles.

There was 1 fatal crash deemed drug or alcohol related, resulting in 1 death through December 2023.

Of the 144 deaths this year, 64 were attributed to not using occupant restraints, with 37 involving rollover crashes, 23 involving multi-car collisions, and 4 involving fixed objects. Thirty-five of those who died from the non-use of occupant restraints were Wyoming residents. Sixteen perished that were under 21 years old.

Of the 121 fatal crashes so far this year, 124 of those drivers had no distractions. In 64 of the reported crashes, it was unknown whether a distraction caused the incident.

Of the 121 fatal crashes that have occurred this year, 52 occurred on primary/secondary highways, 41 occurred on interstate highways, and 28 occurred on city/county roads.

Of the 121 fatal crashes that have occurred this year, 18 had multiple fatalities.

Inclement weather or road conditions contributed to 20 vehicle crashes in 2023, which resulted in 23 deaths.

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

Sunday	14 crashes
Monday	19 crashes
Tuesday	11 crashes
Wednesday	19 crashes
Thursday	11 crashes
Friday	19 crashes
Saturday	28 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.	25 crashes
12:00 p.m. to 6:00 p.m.	42 crashes
6:00 p.m. to 12:00 a.m.	34 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.
- 80 percent of those who died in fixed-object crashes were unbelted.
- 70 percent of the fatalities in 2023 were drivers.
- 22 percent of the fatalities in 2023 were passengers.
- 25 percent of the resident fatalities were unrestrained.
- 24 percent of non-resident fatalities were unrestrained.
- 26 percent of fatalities involved alcohol and/or drug impairment.

There were 5,915 patrol investigated crashes so far in 2023.

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

Federal Update: Mr. Olsen reminded the Commission that the current Continuing Resolution runs through January 19<sup>th</sup>, which will affect the FAA. The Senate has passed a Continuing Resolution that will last in to May and Mr. Olsen is hopeful that the House will also pass this Resolution.

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, such as retirement ages.

Congress passed the National Defense Authorization Act in late 2023, which funds the military. This Act included a provision that would prevent the Federal government from operating or owning a drone manufactured in a country that may be considered a risk to national security. This provision gives agencies two years to come into compliance, and at this time, WYDOT is compliant.

Division and Airport Updates: Division staff is busy reviewing designs, contract documents, and working with the FAA in preparation for advertising upcoming projects.

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 Mr. Olsen expects a decision to be made any day.

Aeronautics has been working to hire pilots, and one was hired in late 2023. He is just finishing training and will begin flying in the next couple weeks. There is a total of five pilots now. Bruce Witt has been selected to be the permanent Chief Pilot.

Air Service News: Higher load factors were seen in December in Wyoming for holiday travel. Gillette had an 84% load factor, and many other communities had load factors over 70%. January bookings are down, which is typical.

Nationwide, airlines are starting to report fourth quarter and calendar year 2023 earnings. Traditional airlines earnings should see decent numbers, while low cost airlines may see a decline in earnings.

12. Mr. Rossetti presented the Support Services Report.

Employment Summary: WYDOT employed 1,819 personnel as of December 27, 2023, compared to 1,817 a month ago and 1,758 one year ago.

Mr. Rossetti stated that vacancy rates are trending downward after reaching a peak in June of 17%. Empty positions are also being analyzed to see if they can be altered to be of better service to WYDOT. Mr. Rossetti also stated that in 2021, turnover was at 19.6%. In 2022, turnover was at 26.5%, and in 2023, turnover is at 21.9%.



Mr. Rossetti advised that the current housing allowance for employees in Jackson is \$2,244.00. However, this amount adjusts based on rental prices.

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

TMC: The TMC is working on an interoperable connected vehicle project partnership grant in conjunction with Utah and Colorado. WYDOT will be a Subject Matter Expert during this project, with Utah taking lead on the project.

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. Meetings will occur in late January while looking toward data conversion in phase two.

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. Mr. Smolinski also summarized the lookback at the same month in the previous year.

Public Safety Communications Commission: Mr. Smolinski and staff are preparing for the upcoming February 2024 meeting, with a workshop focusing on WyoLink 101.

Audio/Video Upgrade: Mr. Smolinski advised that the audio and visual equipment in the I-80 room will be upgraded in the coming months, with large monitors replacing the overhead projectors. Additional microphones will also be installed, and fixed cameras will be added to all sides of the room.

14. February 2024 Commission Meeting: Secretary Casner advised that the February 2024 meeting will be held in Cheyenne. The education session topic is tentatively scheduled to be the WYDOT Bridge Program.

Chair Holmes suggested to the Commission moving the Highway Patrol, Aeronautics, Support Services, and Chief Technology Officer reports to the Wednesday afternoon before the Thursday business meeting. Reports could begin at 1:00 p.m. with the education session beginning at 2:30 p.m. These changes will be tested during the February and March meetings, and Chair Holmes will ask for Commissioner feedback after that.

15B. Commissioner Comments: Commissioner Dolezal thanked the Commission for their hard work and good results coming out of meetings. Commissioner Lyman reference the Rock Springs Resource Management Plan, and encouraged the Commission to follow this plan and what the USDA and Forest Service are proposing. Commissioner Crank echoed Commissioner Dolezal's comments and believes the Commission and Department are headed in a good direction. Commissioner Baker thanked the Commission for allowing him to participate in meetings remotely, and addressed health issues that he is facing. Commissioner Hughes echoed

Commissioner Crank, and commended Director Westby for his work on WYDOT's relationship with the Legislature.

16. Executive Session: It was recommended by Director Westby, moved by Commissioner Crank and seconded by Commissioner Dolezal to enter in to Executive Session to discuss current and proposed litigation matters, 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 3:43 p.m.*

*Commission returned to public session at 4:21 p.m.*

18. It was moved by Commissioner Lyman and seconded by Commissioner Crank to adjourn the meeting at 4:23 p.m. on Thursday, January 18, 2024. The motion carried unanimously.