

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on May 16, 2013. The meeting was convened at 1:30 p.m. by Chairman Ertman. The following members were present constituting a quorum:

Ted Ertman, Chairman, Newcastle  
Bruce McCormack, Vice Chairman, Cody  
Milt Coulter, Commissioner, Gillette  
Clair Anderson, Commissioner, Riverton  
K. John Dooley, Commissioner, Laramie (via telephone)  
Bob Ruwart, Commissioner, Wheatland  
Todd Seeton, Commissioner, Jackson  
John F. Cox, Director  
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel John Butler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Mr. Tony Weber, a Wheatland-area landowner, was also present.

1. Pledge of Allegiance: Chairman Latta led the attendees in the Pledge of Allegiance.
2. Changes to the Agenda: Secretary Scott advised Mr. and Mrs. Robert (Cindy) Martin were scheduled as delegations at the meeting to appeal the Access Review Committee's denial for a new access to their business property in Cody. Secretary Scott spoke with Mr. Martin on May 14, 2013, to confirm their appointment. The Martins advised that they were able to resolve the matter by working through WYDOT's district staff in Rock Springs, so they cancelled their appointment with the Commission.

It was moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to remove item 12.b(1), B'zar Chameleon Access Appeal, from the agenda.

2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve the minutes from the April 18, 2013, regular business meeting and executive session.
3. Director Cox presented the Director's report.

Opening of Yellowstone National Park: Director Cox attended the celebration of the opening of Yellowstone National Park on Friday, May 10, 2013, at the Old Faithful Snow Lodge. Governor Matt Mead also attended the event, which was spearheaded by the Wyoming Division of Travel and Tourism and Yellowstone National Park, to recognize WYDOT's maintenance crews for their efforts in plowing snow to open the park. The recent sequestration of federal funds necessitated using an alternate funding stream for snow removal operations this year. Private donations and local government funds were used to pay for WYDOT crews that assisted with the endeavor. Director Cox thanked Vice Chairman McCormack, and Commissioners Anderson and Seeton for taking the time to participate in the event.

2013 American Association of State Highway and Transportation Officials (AASHTO) Spring Meeting: Director Cox briefed the Commission about activities at the AASHTO meeting that was held in Providence, Rhode Island, May 4-7, 2013. AASHTO has a new executive director, Bud Wright, who used to work for the Federal Highway Administration and also as a consultant. Mr. Wright is well respected and shows promise of bringing a new perspective to the position.

Director Cox also chaired a meeting of the Western Association of State Highway and Transportation Officials (WASHTO) while he was in Rhode Island. He appointed a WASHTO Nominating Committee who will nominate the WASHTO president, vice president, and the next vice president of AASHTO, who will come from the WASHTO ranks this year. Their nominations are to be made to the WASHTO chief executive officers at the annual meeting to be held in San Francisco in August.

Joint Transportation, Highways and Military Affairs Interim Committee (JTC) Meeting: The JTC will hold its first interim meeting June 10 and 11, 2013, at the Wyoming State Capitol Building in Cheyenne. WYDOT-related topics will be addressed on June 11. Director Cox invited the Commissioners to attend the meeting.

Employee Service Award: Mr. David Fedrizzi, a WYDOT employee in Rock Springs, will receive his 55-Year service award at the June Commission luncheon. Mr. Fedrizzi holds the record for years of service throughout all of state government.

4. Mr. Hibbard presented the Budget report.

Monthly Budget Report: The Department continues to under-run its Fiscal Year (FY) 2013 snow control budget by about 9 percent, or \$1.5 million. Snow removal in September 2013 is estimated at \$500,000. The remaining \$1 million that is budgeted for FY 2013 will be used to open three major mountain passes this spring, and to address the energy efficiency upgrades for WYDOT Headquarters that were approved by the Commission at its March 21, 2013 meeting.

Proposed State Aircraft Rate Increase: Current aircraft operating costs exceed the hourly rate that is being charged to use the aircraft. Adjustments have been made over the years to ensure that the hourly rate is commensurate with actual expenses. The rate includes only consumable expenses

and does not include pilot salaries. Mr. Hibbard noted that higher fuel cost is the primary reason for the needed rate increase.

It was recommended by Mr. Hibbard, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to increase the State plane usage rate from \$1,250 to \$1,425 per flight hour. The rate covers actual operating expenditures for the planes, and is effective July 1, 2013.

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

Industry Partner of the Year Award: Mr. Cody Beers, District 5 Public Relations Specialist, recently received the Industry Partner of the Year Award. The award was for any state, federal, or tribal agency partner who has demonstrated outstanding support and advocacy for the hospitality and tourism industry. The nomination was made by Paula McCormick of the Wind River Visitors Council, and was for Mr. Beers' public involvement efforts for the seven-year Togwotee Pass construction project. Ms. McCormick stated, "Construction season is hard on travelers and the businesses in and around the construction zone. When a construction season lasts seven years, the impacts can be devastating. Cody was instrumental in the concepts of utilizing the Togwotee Trail ambassadors, building of the web-site, and development related CD's and brochures to promote history and scenery." Since the project now is complete, public relations efforts have been handed off to a consultant to manage.

17-Mile Road Project: The second phase of construction is underway on the 17-Mile Road project on the Wind River Reservation (WRR). The WRR received an \$8.3 million Transportation Investment Generating Economic Recovery (TIGER) grant for the project. Additional funds were derived from state and federal sources, and the Department of Tourism. The project is unique in that WYDOT and the WRR staff is working with the U.S. Department of Transportation, Central Federal Lands Division, to administer the contract. The project was originally scheduled to be complete in three years, but the project is aimed to come in under-budget and will be complete in about two years.

6. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held May 9, 2013, in Cody.

**COMMISSION DISTRICT 1**  
**Bob Ruwart - Commissioner**

Federal projects IM-0252140 and SCP-W319006 combined, involving widening, overlay, and isolated reconstruction, including grading, drainage, placing crushed base and bituminous pavement leveling and surfacing, structure and bridge deck repair, and electrical and miscellaneous work on 3.32 miles of I-25, beginning at reference marker (RM) 97.49 north of Wheatland; and on 3.57 miles of WYO 319, beginning at RM 100.13 north of Wheatland; for a combined project length of 6.89 miles, in Platte County.

Engineer's Estimate	\$10,652,573.40	
<b>Oftedal Construction, Inc., Casper, WY</b>	<b>\$10,838,700.15</b>	<b>+1.7%</b>
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$11,553,556.20	
McMurry Ready-Mix Co., Casper, WY	\$11,981,444.33	

It was recommended by Mr. Fredrick, moved by Commissioner Ruwart, seconded by Commissioner Coulter, and carried that **Oftedal Construction, Inc., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICTS 1, 3, 4, and 6**

**Bob Ruwart - Commissioner**  
**Todd Seeton - Commissioner**  
**Milt Coulter - Commissioner**  
**Ted Ertman - Chairman**

State project ARSCT-ARS3816, involving the installation of watercraft check station signs and miscellaneous work at various locations in Transportation Districts 1, 3, and 4, including Crook, Laramie, Sheridan, and Uinta counties.

Engineer's Estimate	\$ 81,525.00	
<b>S &amp; L Industrial, Cowley, WY</b>	<b>\$ 74,521.50</b>	<b>-8.6%</b>
Wilderness Excavating, LLC, Grand Junction, CO	\$ 99,960.00	
Plus 5% for Comparison	\$104,958.00	
Traffic Safety Service, Inc., Bismarck, ND	\$125,150.00	
Plus 5% for Comparison	\$131,407.50	
M Construction, Springville, UT	\$134,925.00	
Plus 5% for Comparison	\$141,671.25	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Anderson, and carried that **S & L Industrial, Cowley, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 3**

**Todd Seeton - Commissioner**

State project SCP-SL13-2101011, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, structure rehabilitation, guardrail, signing, fencing, and miscellaneous work on 6.64 miles of Robertson Road (WYO 410), beginning at RM 3.86, in Uinta County.

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Engineer's Estimate	\$6,648,325.10	
<b>LeGrand Johnson Construction Co., Logan, UT</b>	<b>\$5,888,404.05</b>	<b>-11.4%</b>
Plus 5% for Comparison	\$6,182,824.25	
HK Contractors, Inc., Idaho Falls, ID	\$7,169,161.88	
Plus 5% for Comparison	\$7,527,619.97	
W.W. Clyde & Co., Springville, UT	\$7,207,478.99	
Plus 5% for Comparison	\$7,567,852.94	
Oftedal Construction, Inc., Casper, WY	\$7,375,735.50	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Vice Chairman McCormack, and carried that **LeGrand Johnson Construction Co., Logan, Utah**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project STP-DR32366, involving erosion repair, including grading, geotextile, placing riprap, and miscellaneous work, at RM 3.26, on Millburne Road (WYO 411), in Uinta County.

Engineer's Estimate	\$ 58,600.00	
<b>SCI, Inc., Lyman, WY</b>	<b>\$ 54,563.00</b>	<b>-6.9%</b>
Hout Fencing of Wyoming, Inc., Worland, WY	\$ 67,075.00	
Kilroy, LLC, Afton, WY	\$ 79,186.00	
Hinckley James, Inc., Cowley, WY	\$106,850.00	

It was recommended by Mr. Fredrick, moved by Commissioner Seeton, seconded by Commissioner Anderson, and carried that **SCI, Inc., Lyman, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

### **COMMISSION DISTRICTS 3 and 7**

**Todd Seeton - Commissioner**

**Clair Anderson - Commissioner**

Federal project NH-N301026, involving wetland construction, including grading and miscellaneous work on 29.69 miles of US26/287, beginning at RM 8.34 just east of Moran Junction, in Fremont and Teton counties.

Engineer's Estimate	\$2,184,473.65	
<b>Gale Lim Holdings, Inc., Blackfoot, ID</b>	<b>\$1,999,995.65</b>	<b>-8.4%</b>
Kilroy, LLC, Afton, WY	\$2,164,101.00	
W.W. Clyde & Co., Springville, UT	\$2,176,804.00	
Oftedal Construction, Inc., Casper, WY	\$2,363,502.00	
Scarsella Bros., Inc. and Affiliate, Seattle, WA	\$2,434,488.50	
LeGrand Johnson Construction Co., Logan, UT	\$2,454,534.65	
Habitat Construction, LLC, Rocky Ford, CO	\$2,456,958.98	
High Country Construction, Inc., Lander, WY	\$2,495,711.00	
Kirkland Construction, L.L.L.P., Rye, CO	\$3,120,862.75	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Seeton, and carried that **Gale Lim Holdings, Inc., Blackfoot, Idaho**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 5**  
**Bruce McCormack - Vice Chairman**

Federal projects NH-N291061, NH-N291054, STP-E-N291062, and ARSCT-N291A02 combined, involving grading, draining, milling plant mix, pit run subbase, placing crushed base and bituminous pavement surfacing, plant mix wearing course, chip seal, removal and replacement of a bridge, concrete pavement, roadway lighting system, electrical conductors, guardrail, signing, fencing, and miscellaneous work on 3.45 miles of US 14A and WYO 114, beginning at RM 2.20, between Cody and Powell, in Park County.

Engineer's Estimate	\$10,874,802.30	
<b>Oftedal Construction, Inc., Casper, WY</b>	<b>\$12,318,622.44</b>	<b>+13.3%</b>
McMurry Ready-Mix, Co., Casper, WY	\$12,920,719.26	
Mountain Construction Company, Lovell, WY	\$13,865,620.98	

Mr. Fredrick noted that Project ARSCT-N291A02 will be removed from the contract, as the City of Cody does not have adequate funding for the work. The city will perform that portion of the work with its own crews, and the work will be removed from the contract through WYDOT's contract amendment process.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried that **Oftedal Construction, Inc., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

Federal project HSIP-SEP-0202052, involving bridge rail and guardrail upgrades and miscellaneous work on Structures CJJ and CJN, on WYO 32, between Lovell and Emblem, in Big Horn County.

Engineer's Estimate	\$194,413.00	
<b>S &amp; L Industrial, Cowley, WY</b>	<b>\$175,281.00</b>	<b>-9.8%</b>
Hout Fencing of Wyoming, Inc., Worland, WY	\$175,530.80	
K's Construction, Inc., Otto, WY	\$180,145.00	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$199,728.00	
M Construction, Springville, UT	\$382,572.00	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried that **S & L Industrial, Cowley, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

**COMMISSION DISTRICT 7**  
**Clair Anderson - Commissioner**

State project SCP-SL13-N202052, involving grading, draining, milling plant mix, pit run subbase, bituminous pavement surfacing, chip seal, bridge deck repair, guardrail, fencing, and miscellaneous work on 4.58 miles of US 287, beginning at RM 55.00, between Muddy Gap and Lander, in Fremont County.

Engineer's Estimate	\$4,452,447.40	
<b>McGarvin-Moberly Construction Company, Worland, WY</b>	<b>\$4,355,687.95</b>	<b>-2.2%</b>
LeGrand Johnson Construction Co., Logan, UT	\$4,549,259.37	
Plus 5% for Comparison	\$4,776,722.34	
Simon Contractors and its Subsidiaries, Cheyenne, WY	\$4,599,838.56	
McMurry Ready-Mix Co., Casper, WY	\$4,755,341.30	
HK Contractors, Inc., Idaho Falls, ID	\$5,158,888.00	
Plus 5% for Comparison	\$5,416,832.40	
Mountain Construction Company, Lovell, WY	\$5,385,238.55	

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

7. It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Coulter, and carried to approve the following project authorizations:

**COMMISSION DISTRICT 2**

Rural Major Collector

STP-SF 1.55 0404012; Carbon County; Hanna to Elk Mountain; RM 1.55 to 12.20; snow fence; request to move to FY 2013 from a future year; request federal construction engineering and construction funds of \$559,416

**COMMISSION DISTRICT 7**

Urban Principal Arterial

STP 12.48 U258010; Natrona County; Casper Streets, Outer Drive; RM 1.55 to 12.20; reconstruction; request move from FY 2016 to FY 2013; request federal construction engineering and construction funds of \$2,587,172

8. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through April 30, 2013, includes 26 fatal crashes involving 32 deaths. The fatalities include 20 rollover crashes, 8 multi-car crashes, 1 fixed object, 2 motorcycles or all-terrain vehicles, and 1 pedestrian. Of the 26 crashes that occurred so far this year, 7 involved commercial vehicles.

There have been 7 crashes to date deemed alcohol related, resulting in 8 deaths. Of those deaths, 6 were attributed to not using occupant restraints.

Of the 32 deaths that have occurred to date this year, 19 can be attributed to the non-use of occupant restraints, with 15 involving rollover crashes, and 4 involving multi-car collisions. Of the 19 deaths that occurred from non-use of occupant restraints, 12 were Wyoming residents, and 7 were non-residents. Eight of those who perished were under 20 years of age, and 5 of those fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through March 30, 2013. The summary depicts 1,558 crashes statewide, of which 1,227 involved non-commercial vehicles, and 331 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of April 30, 2013, have been DUI related. There have been 417 field arrests made so far this year, including:

- DUI arrests from crashes – 27
- DUI arrests from traffic stops – 148
- DUI arrests from the REDDI Program – 43
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 14
- Wyoming warrants hits – 65
- Drug arrests – 71
- Other arrests – 46

Effective May 16, 2013, the Wyoming Highway Patrol will begin sending its monthly Wyoming Highway Patrol Fatal/Crash/Arrest Summary Report to the media to benefit the traveling public.

The Wyoming Highway Patrol has been working with the Wyoming Association of Sheriffs and Chiefs to form a unified law enforcement effort throughout the state. Colonel Butler showed the Commission a magnetic decal that will be displayed on law enforcement vehicles that symbolizes a combined law enforcement effort, including seat belt usage.

Colonel Butler shared an article that was recently published in the *Casper Star Tribune* about an automobile accident that occurred near Casper. In the article, a trooper was quoted saying, "Johnson might have survived if she had been wearing a seatbelt." Ms. Johnson was the mother of a one-year-old who also died in the accident in April 2013. Colonel Butler touted the trooper who took the opportunity to continue to spread the word about the importance of seatbelt usage.

9. Mr. Byrne presented the Aeronautics report, including the April 2013 Aeronautics Flight Operations Passenger Summary Report.

10. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Seeton, and carried to approve purchase for bid number 13-199 to furnish one 40' x 60' salt-sand storage building, for delivery at the WYDOT facility in Lovell. The alternate bid was awarded to A. W. Hunt Construction, Inc., of Greybull, Wyoming, for the sum of \$207,938.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 13-207 to furnish one pre-manufactured 60' x 80' metal cold storage building for delivery at the WYDOT facility in South Pass. The alternate bid was awarded to Jerry Bornhoft Construction, Inc., of Riverton, Wyoming, for the sum of \$252,204.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-208 to furnish one 40' x 60' pre-manufactured metal building on concrete walls, and one 40' x 60' pre-manufactured metal cold storage building, for delivery at the WYDOT facility in Dubois. The alternate bid was awarded to Diamond Point Construction, Inc., Buffalo, Wyoming, for the sum of \$420,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Vice Chairman McCormack, and carried to approve purchase for bid number 13-209 to furnish five each, fabric-covered salt/sand storage buildings, for delivery in Buford, Rock River, Medicine Bow, Hanna, and Wagon Hound. The bid was awarded to Lost Cabin Constructors, Inc., of Rapid City, South Dakota, for the sum of \$374,900.00.

Bid Number 13-210 is to furnish two each, 20' x 60' pre-engineered metal cold storage buildings, for delivery at WYDOT Headquarters in Cheyenne. Two bids were received. The low bidder, Stadel Construction, Inc., of Cheyenne, Wyoming, did not submit its proposal guaranty, so its bid was deemed irregular. The second low bid, from Construction Specialists, Inc., of Cheyenne, Wyoming, met the specification requirements, but its bid was 21 percent over budget and 31 percent more than the architect's estimate. It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried to reject the bids and to re-advertise bid number 13-210 another time.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to approve purchase for bid number 13-213 to furnish 3,806 each, traffic signal lamps, for delivery in Laramie, Casper, Rock Springs, Sheridan, and Basin. The bid was awarded to WESCO Distribution, of Denver, Colorado, for the sum of \$50,300.70.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried to approve purchase for Requisition Number 0000030162 to furnish an iSINC<sup>TM</sup> weigh-in-motion electronics replacement for the Interstate 80 Cheyenne Port-of-entry, for use by the Geographic Information System/Information Technology System Program. The contract was awarded to International Road Dynamics Corporation, of Spring Grove, Illinois, for the sum of \$70,560.00.

It was recommended by Mr. Shultz, moved by Commissioner Ruwart, seconded by Commissioner Coulter, and carried to approve purchase for Requisition Number 0000030194 to furnish office furniture for the new WYDOT facility in Douglas. The contract was awarded to Interiors West, LLC, of Salt Lake City, Utah, for the sum of \$234,972.44.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 0000030328 to furnish SAP Enterprise Maintenance, for use by the WYDOT Information Technology Program. The contract was awarded to SAP Public Services, Inc., of Newtown Square, Pennsylvania, for the sum of \$53,593.79.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Ruwart, and carried to approve purchase for Requisition Number 0000030382 to furnish annual Enterprise Resource Project Core Oracle database license support, for use by the Enterprise Technology Program. The contract was awarded to Oracle America, Inc., of Rocklin, California, for the sum of \$63,580.82.

It was recommended by Mr. Shultz, moved by Commissioner Seeton, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 0000030473 to furnish Silver Peak hardware and maintenance, for use by the Information Technology Program. The contract was awarded to EPC USA, Inc., of Littleton, Colorado, for the sum of \$100,733.00.

11. Chairman Ertman asked Mr. Tony Weber, a Wheatland area landowner who attended the meeting, if he would like to address the Commission. Mr. Weber voiced his concerns about a fiber optic line that is being installed along the right-of-way near his property and the lack of compensation for using the right-of-way for the fiber optic line.

In accordance with the Wyoming State Rules and Regulations, WYDOT issued a permit to CenturyLink to install the fiber optic line, but Mr. Weber questioned why the Department is “taking private land, giving it to a private enterprise, and giving away Wyoming?” Mr. Weber expressed great concern about CenturyLink’s ability to make a profit using the right-of-way that belongs to the state. Mr. Weber believes that the state should charge companies for using the right-of-way, as private entities stand to generate a considerable profit from its use. The Commission took no action on the matter.

Mr. Weber left the meeting.

12. Commissioners’ Meeting with Governor Mead: Pursuant to a conversation at the Commission’s 2013 Planning retreat in March, Chairman Ertman, Vice Chairman McCormack, and Commissioner Ruwart met with Governor Mead on May 16, 2013. The Governor’s Deputy Chief of Staff Tony Young also attended the meeting.

Vice Chairman McCormack explained that the Governor’s office believes that installing the fiber optic lines around the state is a priority.

Mr. Moench met with WYDOT Right-of-Way staff, Enterprise Technology Services, and industry officials several months ago about the subject. An agreement is being drafted, negotiations are ongoing, and progress is being made to allow for these types of installations. The state’s economic development depends on working with private parties to perform this type of work even though some landowners oppose such work. Mr. Moench advised that when easements are granted to the Department, even if it was done many years ago, the easement belongs to the Department, not the landowner, so the regulatory functions of the department become part of that easement. Such actions are administered by WYDOT in accordance with State Rules and Regulations.

Mr. McOmie briefed the Commission about the fiber optics work that is being done statewide. Interstate easements have not been used in the past, and this new agreement will cover such installations. Hundreds of miles of fiber optic lines have been laid along secondary roads throughout Wyoming, and agreements have been written for years to install those lines. The fiber optic lines will be used by local schools, libraries, and other public entities.

The fiber optic project was discussed during the meeting with Governor Mead on the morning of May 16, 2013. Governor Mead expressed some concern about the project’s lack of progress. Messrs. McOmie and Moench indicated that they are doing everything possible to expedite the agreement so that the work can begin.

At the meeting, Chairman Ertman also expressed concern that not very many legislators have attended WYDOT district State Transportation Improvement Program (STIP) meetings in recent years. Chairman Ertman and Vice Chairman McCormack also had an opportunity to stress the Transportation Commission's desire for openness and transparency, and that the Department supports the value engineering studies that are being conducted in various areas within the Department.

Chairman Ertman asked Governor Mead about the possibility of meeting again in a few months to continue open communication with the Governor's office. Governor Mead was agreeable to the idea.

13. It was moved by Commissioner Anderson, seconded by Vice Chairman McCormack, and carried to move into executive session to discuss a legal matter. The Commission went into executive session at 4:15 p.m., on Thursday, May 16, 2013.

14. It was moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to move out of executive session. The Commission came out of executive session at 5:01 p.m., on Thursday, May 16, 2013.

15. It was moved by Commissioner Coulter, seconded by Commissioner Seeton, and carried to adjourn the meeting. Chairman Ertman adjourned the meeting at 5:01 p.m., on Thursday, May 16, 2013.