

RDI APPLICATION  
MANGANESE ROAD  
WASHINGTON COUNTY,  
UTAH

ATTACHMENT 29

Biography and  
Foundation  
Scott Nay

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KANE COUNTY, UTAH (2),	)	
a Utah political	)	Deposition of:
subdivision, and STATE	)	
OF UTAH,	)	SCOTT ERIC NAY
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2:10-cv-01073
	)	
UNITED STATES OF	)	
AMERICA,	)	
	)	Hon. Clark Waddoups
Defendant.	)	
	)	
SOUTHERN UTAH	)	
WILDERNESS ALLIANCE,	)	
et al.,	)	
	)	
Permissive	)	
Intervenor-Defendants.	)	

November 1, 2018 \* 1:02 p.m.

Location: Public Lands Coordinating Office  
5110 State Office Building  
Salt Lake City, Utah

Reporter: Susette M. Snider, CSR, CRR, RPR



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1 P R O C E E D I N G S

2

3

SCOTT ERIC NAY,

4

having been first duly sworn,

5

was examined and testified as follows:

6

7

EXAMINATION

8

BY MR. RAMPTON:

9

Q. Mr. Nay, would you please state and spell  
10 your full name for the record?

11

A. Scott Nay, Scott Eric Nay, S-c-o-t-t,  
12 E-r-i-c, N-a-y.

13

Q. And where do you presently reside,  
14 Mr. Nay?

15

A. At 2522 West Bueno Vista Drive, West  
16 Jordan, Utah, 84088

17

Q. Are you presently employed?

18

A. No.

19

Q. What I'd like to do is spend the next hour  
20 or so talking about your work with UDOT. And I'll  
21 get some background information, and then we'll talk  
22 about what you actually did and have you identify  
23 some documents.

24

Is that all right?

25

A. Okay.

1 Q. Okay. Where did you go to high school?

2 A. Forest Park High School in Beaumont,  
3 Texas.

4 Q. What year did you graduate?

5 A. 1968.

6 Q. Did you attend any educational  
7 institutions after your graduation from high school?

8 A. I went to the University of Utah for my  
9 freshman year and Southern Utah State College, at the  
10 time, in Cedar City my sophomore year.

11 Q. Was that the end of your formal education?

12 A. Yes. I hired on with UDOT that following  
13 summer.

14 Q. And what year would that have been?

15 A. 1970.

16 Q. How long did you work for UDOT, the Utah  
17 Department of Transportation?

18 A. My full-time employment was 35 years.

19 Q. And when did you retire from UDOT?

20 A. 2005.

21 Q. Have you had any other employment  
22 subsequent to your retirement from UDOT?

23 A. I worked under contract with UDOT and the  
24 AGRC for a little over three and a half years after  
25 that.

1 Q. What was the name of the second entity?

2 UDOT and --

3 A. AGRC, down the hall.

4 Q. AGRC?

5 A. Um-hum (affirmative).

6 Q. Let's go back to your initial employment  
7 by the Utah Department of Transportation in 1970.

8 What was your position when you first hired on with  
9 UDOT?

10 A. Surveyor, chainman.

11 Q. Had you had prior, to that time, any  
12 surveyor training?

13 A. I took a survey class my sophomore year at  
14 college.

15 Q. When you say "surveying," what type of  
16 surveying work did you do in 1970 or start in 1970?

17 A. It was highway alignment profile,  
18 cross-section, fence line, preconstruction and  
19 post-construction work.

20 Q. Now, were you dealing with just state  
21 highways, or were you dealing with other roads as  
22 well?

23 A. Just state highways.

24 Q. Just state highways?

25 How long did you have that particular

1 position at UDOT?

2 A. Three years.

3 Q. And did you continue being employed by  
4 UDOT?

5 A. Yes.

6 Q. When you ceased being a surveyor, what  
7 position did you occupy at UDOT?

8 A. I transferred up to Salt Lake City from  
9 Richfield and became a data collection -- I'm trying  
10 to think of what my title would have been. Inventory  
11 recorder and a data collection specialist.

12 Q. And tell me what that position entailed in  
13 terms of the nature of the work that you were doing.  
14 Once again, this is back in 1973.

15 A. There were two things I was primarily  
16 involved with. One was coding fieldwork, showing  
17 Class B roads onto updated general highway maps that  
18 UDOT produced for each county and city; and the other  
19 one was assisting my supervisor and going out and  
20 collecting road data for Class B and C roads to  
21 determine road eligibility for Class B and C road  
22 funds.

23 Q. Who was your supervisor at that time?

24 A. Ron Theobald.

25 Q. What did you understand this Class B and C



1 program was about, was your understanding?

2 A. That it was our job, my job, the job of  
3 the unit I was working with, to determine the  
4 eligibility of Class B and C roads and document those  
5 roads onto maps.

6 Q. Now, what's the difference between a  
7 B road and C road?

8 A. B is county, C is city.

9 Q. When you say "eligibility," eligibility  
10 for what?

11 A. For Class B and C road funds that were  
12 distributed by the state.

13 Q. And could you describe how -- first of  
14 all, what was the name of your particular division or  
15 department in UDOT?

16 A. Systems planning division.

17 Q. Did Mr. Theobald head up that division in  
18 1973?

19 A. No.

20 Q. Did he head up a subdivision of that  
21 department?

22 A. He was supervisor of the road inventory  
23 program.

24 Q. Let's look more closely at how this system  
25 worked at the time you joined the systems planning

1 division. You said that you were taking inventory,  
2 road information?

3 A. That's correct.

4 Q. Now, were you involved in doing those  
5 inventories?

6 A. At times I was, yes. I was assisting road  
7 inventory from out of the office. We had a full-time  
8 regular inventory crew that worked in the counties  
9 and moved about from county to county doing the  
10 inventory work, and we would assist them -- Ron and I  
11 would assist them through doing aerial inventory by  
12 airplane while they were doing the ground inventory  
13 by vehicle.

14 Q. How many --

15 A. And, also, I would help conduct special  
16 inventories that were requested by cities and  
17 counties for road updates in between regular  
18 inventory cycles.

19 Q. Now, with respect to B roads, what type of  
20 information was being inventoried? What were you  
21 looking for?

22 A. Road surface types, maintenance, to  
23 ascertain that the roads were being maintained at  
24 least minimally on a -- as a graded road and that it  
25 was open to travel by a four-wheel passenger vehicle.

1 Q. Now, you say "maintained." Who was  
2 maintaining these roads?

3 A. Cities and counties. Private roads were  
4 not inventoried.

5 Q. Was there a threshold that a road had to  
6 cross, basically, to be eligible for funds?

7 A. It had to be graded and open to traffic.

8 Q. Did it have to be of a particular width?

9 A. No.

10 Q. Did it have to be wide enough so two cars  
11 could pass in either direction?

12 A. No.

13 Q. So the criterion was that the road be  
14 graded and suitable for passage of a passenger  
15 vehicle?

16 A. Right. And it had to be under the  
17 jurisdiction of the city or the county in order to  
18 receive the Class B and C money.

19 Q. All right. Now, how -- how many crews did  
20 you have? Once again, this is back in 1973 or  
21 thereabouts. How many inventory crews were there  
22 working?

23 A. At that time there was one full-time crew.

24 Q. And how many people were on that crew?

25 A. Two.

1 Q. Did that inventory crew, you say, travel  
2 throughout the state?

3 A. Yes.

4 Q. Did that crew inventory in each and every  
5 county in the state?

6 A. Yes.

7 Q. Was there a schedule in terms of how often  
8 a particular county would be inventoried?

9 A. At that time it was generally on a  
10 five-year -- four- to five-year cycle.

11 Q. So every or five years every county in the  
12 state would be inventoried by that crew for Class B  
13 road purposes?

14 A. Yes.

15 Q. Now, you indicated that at times you  
16 participated in the actual inventory. Did you  
17 ever -- did these crews drive the roads?

18 A. Yes, they did.

19 Q. Did you -- back in the '73, '74, '75  
20 period of time, did you drive roads sometimes with  
21 this crew?

22 A. Yes.

23 Q. And you indicated that there were aerial  
24 inventories as well?

25 A. Yes.

1 Q. And did you go on those aerial  
2 inventories?

3 A. Yes.

4 Q. And whose plane?

5 A. It was a rented plane initially. I don't  
6 remember who we rented it from.

7 Q. Back in the same period of time, the  
8 '73-'74 time period, how many of you went in the  
9 plane to do these inventories?

10 A. Generally just myself and Ron Theobald,  
11 the pilot.

12 Q. So Mr. Theobald, who was your supervisor,  
13 was actually the pilot of this.

14 And when you were either on a road or in  
15 an airplane inventorying roads, what kind of  
16 information were you collecting?

17 A. Alignment, road alignment information for  
18 mapping purposes, and road surface type and  
19 maintenance. In other words, that it was -- did  
20 appear to be maintained.

21 Q. All right. Now, the information that was  
22 collected by these crews, these inventory crews, what  
23 was done with that information?

24 First of all, let me ask you, were you  
25 involved in the processing of that information?

1           A.     Yes. At the completion of the inventory,  
2 the field data would be brought into the office or  
3 mailed into the office. And I would go through the  
4 maps and the sheets that showed roads -- new road  
5 alignments that had been added to the maps, and I  
6 would prepare a set of maps based on our previous  
7 maps to send to the county that was being inventoried  
8 to show them -- for their review, the data that we  
9 had collected showing what changes to the Class B  
10 road system was being proposed.

11           Q.     So you started with the old map; is that  
12 true?

13           A.     That's correct.

14           Q.     And would the crew have the old map when  
15 they went out?

16           A.     That's correct.

17           Q.     And the inventory information about  
18 maintenance and surfacing and such things, when it  
19 was collected, did it go on the old map?

20           A.     The field notes?

21           Q.     Yes.

22           A.     Yes. The roads on the old map would be  
23 color coded by colored pencil to show surface type.  
24 Alignment changes would be noted. Roads that no  
25 longer were open to travel or that were no longer

1 were being maintained or appeared to be being  
2 maintained were noted, and new road alignments --  
3 general new road alignments were drawn onto the maps.

4 Q. Were you personally involved in making  
5 those notations on the old map?

6 A. I was when I prepared maps to send to the  
7 county. I would transfer that information onto  
8 another set of maps to send to the county.

9 Q. Now, would the county -- at what point in  
10 this process would the county be brought in?

11 A. Prior to a county inventory, they would be  
12 notified that an inventory was going to be done by  
13 UDOT. A set of preliminary maps was sent to the  
14 county showing what their current Class B road system  
15 was. Then, as the road inventory began and  
16 progressed, the field crew would be in contact with  
17 county officials, county road supervisors, to  
18 determine what changes they were aware of and work  
19 together in cooperation with them through the  
20 inventory.

21 Q. All right. So the county was basically  
22 involved from the beginning of this process?

23 A. Right.

24 Q. You would send -- after the collection of  
25 the inventory information and putting those notations

1 on the old map, you would then make a new map to send  
2 to the county? Or how did it work?

3 A. After the notes were -- from the field  
4 inventory were made on the set of maps to send to the  
5 county to show them what changes had been noted, a  
6 meeting with the county commission would be arranged,  
7 generally two to three weeks after the maps were  
8 sent; and someone from our office would go down and  
9 meet with the county commission to review the maps  
10 and have the county approve the maps for the next  
11 allocation of Class B moneys.

12 Q. Now -- but you would -- right at the  
13 beginning of the process when the initial inventory  
14 was being made, you would send a map to the county  
15 showing what they had at that time?

16 A. Right. So that would happen twice. That  
17 would happen at the beginning, prior to the  
18 inventory. Then after the field inventory was  
19 conducted by UDOT and all of the changes had been  
20 noted, another set of maps would be sent to the  
21 county showing the results of that inventory. And  
22 then a letter would be sent to the county requesting  
23 to meet with county officials in a commission meeting  
24 to have those maps approved -- to affirm -- or  
25 confirm the Class B road system for the county.



1 Q. And how did the county indicate its  
2 agreement with the new map? Was there a something?

3 A. Generally through a resolution.

4 Q. A written resolution?

5 A. Yes.

6 Q. Was that a standard form of some kind?

7 A. We had a standard form that we would  
8 present to the county to use if they wanted to do so,  
9 and generally they would use that form.

10 Q. And would the county keep a copy of that  
11 resolution?

12 A. It was my understanding they would, yes.

13 Q. Would you --

14 A. It was part of a commission meeting.

15 Q. Would UDOT keep a copy of that?

16 A. UDOT would also keep a copy.

17 Q. UDOT would keep a copy of the signed  
18 resolution?

19 A. Yes.

20 Q. Did you use any kind of color code in  
21 working with maps that would indicate different  
22 things?

23 A. We used color code for road surface types  
24 during the field inventory. Then the maps that were  
25 sent to the county showing their class -- what --

1 their Class B road system as a result of the  
2 inventory would be colored in red. Surface sites  
3 were not noted on those maps, only that these roads  
4 were still eligible to receive Class B funds.

5 Then, after the county had approved -- the  
6 county commission had approved the new Class B maps,  
7 Class B roads and the new -- excuse me. Let me go  
8 back on that.

9 There would be a period of time before our  
10 mapping division would create the updated maps,  
11 generally two or three months or more, and once those  
12 new maps were printed, the Class B road system that  
13 was approved in the county commission meeting would  
14 be colored in on those maps in blue. All Class B  
15 roads would be colored in blue.

16 Q. How long did you remain in that position  
17 that you started in when you were first employed by  
18 UDOT in nineteen -- or as an analyst in 1973? How  
19 long did you stay in that position?

20 A. About four years.

21 Q. And then what position did you occupy?

22 A. Then, for about a year, I received a  
23 promotion into a higher grade where I was keeping  
24 track of federal mileage, federal and state highway  
25 mileage, and state highway changes for public road

1 mileage purposes, certified public road mileage that  
2 the state would have to submit every year.

3 Q. How long did you remain in that position?

4 A. A little over a year.

5 Q. And where did you go after that?

6 A. After that Ron Theobald left his position  
7 as my supervisor, went out to state aeronautics,  
8 became a pilot for state aeronautics, and I moved  
9 into Ron Theobald's job as road inventory supervisor.

10 Q. What year would that have been?

11 A. Spring of '79.

12 Q. And how long did you remain in that  
13 position?

14 A. Until I retired.

15 Q. What year did you retire?

16 A. 2005.

17 That position went through some changes.  
18 I took on other responsibilities along the way. But  
19 the road inventory was always under my supervision.

20 Q. Well, let's -- let's talk about how things  
21 might have changed between, say, 1973 and 1979. What  
22 changed in the process, if anything, that you've  
23 described here today?

24 A. Nothing that I can recall really changed  
25 significantly.

1 Q. Did you continue to inventory roads  
2 rotating throughout the state on a five-year basis?

3 A. Yes.

4 Q. And the process in each county was the  
5 same?

6 A. Primarily the same, yes. In the more  
7 populace counties like Salt Lake and Utah, Weber, we  
8 might not meet with the county commission. We might  
9 just meet with the road department, county road  
10 department, to get their approval, and then they  
11 would go to the county commission and get a  
12 resolution approved and have that sent to us.

13 Q. Okay. But the process of inventory and  
14 mapping remained essentially the same throughout the  
15 state?

16 A. Yes.

17 Q. During that entire period?

18 A. Yes.

19 Q. You said that you kept these resolutions,  
20 that UDOT kept them. Does UDOT still have them? Do  
21 you know?

22 A. I don't know.

23 Q. Do you know where they might be?

24 A. When I was there, they were in my office  
25 in a filing cabinet.

1 Q. And when you left, you don't know what  
2 happened to them?

3 A. I don't.

4 Q. Who followed you as supervisor of the  
5 planning division?

6 A. Jeff Ericson. That's spelled  
7 E-r-i-c-s-o-n.

8 Q. Do you know if Mr. Ericson is still  
9 employed by UDOT?

10 A. I believe so.

11 (EXHIBITS 1 THROUGH 4 WERE MARKED.)

12 (A discussion was held off the record.)

13 Q. (By Mr. Rampton) Let me show you a map  
14 that we've marked as Exhibit 1, Mr. Nay, and ask you  
15 if you can identify that map.

16 A. That looks like a Class B coded map that  
17 was kept by UDOT for Kane County in 1970.

18 Q. Is that the type of map you would do in  
19 each county every five years?

20 A. Yes.

21 Q. And does that map -- does that map  
22 indicate the B roads for that county at that time?

23 A. Yes.

24 Q. Now, the exhibit that I gave you is one  
25 quarter of what is all one -- essentially all one

1 document. And I'll hand you Exhibits 2, 3 and 4.  
2 And can you tell me what those maps -- first of all,  
3 can you identify those as well as Exhibit 1?

4 A. This is a full set of the Class B coded  
5 maps that UDOT maintained for Kane County in 1970.

6 Q. Now, did UDOT make up a single map for a  
7 county? For instance, in Kane County, did UDOT have  
8 a single map or multiple maps, that is, to cover the  
9 entire county? Strike that. Let me make it more  
10 clear.

11 Would -- UDOT, for each year that a county  
12 was inventoried, would it keep four maps that showed  
13 the entire county?

14 A. These were the only maps that UDOT  
15 produced that I'm aware of for showing the Class B  
16 roads.

17 Q. And I'm not being very clear, I'm sure.

18 A. These maps were used for a variety of  
19 purposes in other departments.

20 Q. But would UDOT -- for 1970, for instance,  
21 would UDOT have all four of these maps for Kane  
22 County?

23 A. Yes.

24 Q. All right. Let's look at Exhibit 4, if we  
25 could.

1           A.     That's this one.

2           Q.     Now, I note that Exhibit 4 doesn't have  
3 all of the information regarding UDOT in its lower  
4 right-hand corner.

5           A.     No. That -- all of that information just  
6 appears on sheet 1.

7           Q.     So does that indication show "Systems  
8 Planning Division"?

9           A.     Yes.

10          Q.     And that was the division that you worked  
11 in?

12          A.     Yes.

13          Q.     And it also says "Planning Statistics  
14 Section." What does that note, to your knowledge?

15          A.     That was a unit of the division that we  
16 worked in.

17          Q.     That was your unit?

18          A.     Yes.

19          Q.     All right. Now, looking at this map and  
20 based upon your working understanding, there are a  
21 number of roads depicted on Exhibit 4, and that is  
22 the westernmost section of the Kane County maps. How  
23 are the B roads indicated on that map?

24          A.     They are colored in blue, blue pencil.

25          Q.     Did you -- well, strike that.

1 I note also that the blue roads -- some  
2 roads have dashes within them, and some roads don't.  
3 What does that indicate?

4 A. The surface types are indicated on the --  
5 on the maps produced by UDOT. There's four --  
6 generally four surface types: paved, gravel, graded  
7 and drained and unimproved. All four of those  
8 surface types were eligible for Class B funds.

9 Q. Okay. And how would each of those four  
10 types of roads be designated on these maps? For  
11 instance, a paved surface, how would that show on  
12 these maps?

13 A. That would show as a solid line. A gravel  
14 surface would show as a double-banded line with a --  
15 with squares in between the lines that were half  
16 hollow and half solid, I guess is the best way to  
17 describe that. A graded and drained road would be a  
18 double-band line with crosshatching every quarter of  
19 an inch or so. And an unimproved road, which was  
20 just a graded road with no other improvements, would  
21 just be a double-band line.

22 Q. Are all of those differences depicted on  
23 the key that appears on Exhibit 1?

24 A. Yes.

25 Q. So the general legend --



1           A.     Actually, they're -- now that you bring  
2 this to my attention, there were two paved road  
3 surface types. One was called bit high and bit low,  
4 high-type bituminous and low-type bituminous, which  
5 was just a higher -- a high-type bituminous was a  
6 higher degree of pavement thickness.

7           Q.     Now, these roads all have red numbers  
8 assigned to them.

9           A.     Yes.

10          Q.     What does that indicate?

11          A.     When these maps were coded, there was a  
12 listing. Each individual road was measured by  
13 scaling the mileage off of the map and listed into a  
14 text file by surface type and road mileage. Each  
15 road was identified with this number, an assigned  
16 number.

17          Q.     So in addition to the maps and the  
18 resolutions we've talked about, there were other  
19 documents that were road specific --

20          A.     Yes.

21          Q.     -- that contained information about a  
22 particular road?

23          A.     Yes.

24          Q.     And that particular form would have this  
25 number that appears on the map in red?

1 A. Yes.

2 Q. Did UDOT keep a file of these  
3 road-specific forms?

4 A. They did up until about 1975, and then  
5 those road numbers went away.

6 Q. Why was that?

7 A. There was a new type of -- I believe in  
8 cooperation with FHWA, it was determined that the  
9 mileage would be more easily kept by zones instead of  
10 individual road numbers. So zones were drawn onto  
11 the maps, and all of the mileage by surface type  
12 within those zones was coded and collected on --  
13 well, documented on -- I don't remember how that  
14 was -- what kind of a file that was in.

15 Q. All right. So -- but before 1975, UDOT  
16 kept road-specific documents that contained the  
17 description of a particular road?

18 A. Yes.

19 Q. And that was retained by UDOT?

20 A. Yes.

21 Q. Were those forms retained after new maps  
22 had been prepared, or did you throw them away at that  
23 point?

24 A. They were eventually thrown away. I'm not  
25 sure at what point they were, but UDOT no longer has

1 that information.

2 Q. After 1975, did you retain copies of any  
3 forms that showed road-specific information?

4 A. Only the Class B maps that showed Class B  
5 roads in blue that were the basis of the Class B  
6 allocation.

7 Q. So that's really all that UDOT retained?

8 A. That was what UDOT was primarily  
9 interested in, was producing these maps for the  
10 purposes of -- well, in cooperation of FHWA.

11 Q. Which is?

12 A. Federal highways.

13 Q. Federal Highway?

14 A. Administration.

15 But UDOT's interest in these maps was for  
16 keeping track of Class B and Class C mileage as well  
17 as state highways, arterial functionally classified  
18 road systems, several other applications like that.  
19 But they were not interested in keeping specifically  
20 information road by road on which roads were Class B  
21 and Class C other than documenting them on the map  
22 for mileage purposes.

23 Q. Now, how were these funds allocated? Were  
24 they done on a road-by-road basis or on a mileage  
25 basis, or what was it?

1           A.     They were -- the mileage was included in a  
2     quarterly mileage allocation that was done in another  
3     area of the department. The road mileage for Class B  
4     and C roads were part of a formula that included  
5     population and land area to determine the funding  
6     that each city and county would receive for road  
7     maintenance purposes.

8           Q.     So the allocation was not road specific?

9           A.     No.

10          Q.     It was an aggregate of mileage?

11          A.     It was -- that's correct, yes.

12          Q.     Now, the map that's in front of you that  
13     appears on Exhibits 1 through 4, you did not  
14     participate in the creation of this particular map,  
15     did you?

16          A.     No. No.

17                 MR. RAMPTON: I'm going to have marked now  
18     another four maps.

19                 (EXHIBITS 5 THROUGH 8 WERE MARKED.)

20                 MR. RAMPTON: Go off the record for just a  
21     second.

22                 (A discussion was held off the record.)

23                 (Recess from 1:48 p.m. to 1:52 p.m.)

24          Q.     (By Mr. Rampton) Let me show you now,  
25     Mr. Nay, a document that we've marked as Exhibit 5.

1 Can you identify that document?

2 A. This is a Class B roadmap for Kane County  
3 for 1975 as depicted by UDOT.

4 Q. And was -- did you participate in the  
5 preparation of this particular map?

6 A. I'm not sure. There -- I wasn't the only  
7 one coding maps at that time, and I don't recall if I  
8 coded Kane County then or not.

9 Q. But you can recognize this --

10 A. Yes.

11 Q. -- as a UDOT map that was prepared for  
12 that purpose?

13 A. I can and I do, yes.

14 Q. And how are the roads, the B roads,  
15 depicted on that exhibit?

16 A. The B roads are colored in blue. They're  
17 identified as Class B by being colored in blue.

18 Q. And, once again, what do the numbers  
19 represent? The red numbers, I should say.

20 A. They were individually assigned numbers  
21 used for coding purposes at the time.

22 Q. Once again, this was when these forms on a  
23 road-specific basis were prepared?

24 A. Yes.

25 Q. And that would be the number of that form?

1           A.     It -- well, no. This would -- this would  
2     be a road number on a list that was kept in a list of  
3     road -- road mileage, and they were -- it appeared as  
4     kind of a table with these individual numbers --

5           Q.     Well, let me ask you this: Did UDOT  
6     prepare a schedule showing each road by a number and  
7     then showing the mileage for that particular road?

8           A.     Yes.

9           Q.     And then did UDOT simply add up that  
10    mileage?

11          A.     Right.

12          Q.     And was that the basis for the funding  
13    allocation?

14          A.     Yes.

15          Q.     The total mileage?

16          A.     Yes.

17          Q.     I'm going to show you Exhibits 6, 7 and 8,  
18    and can you identify those maps?

19          A.     This appears to be the -- UDOT's Class B  
20    road mileage map for 1975, Kane County.

21          Q.     And this was prepared when you were  
22    employed by UDOT as a coder?

23          A.     Yes.

24          Q.     Now, let me ask you this. This map is  
25    dated 1975. Is that the year that the map was

1 created?

2 A. Yes. That's --

3 Q. Well --

4 A. That's the year it was inventoried, I  
5 believe.

6 Q. So the date represents the date that the  
7 inventory was done?

8 A. I believe so, yes.

9 Q. When this map, 1975, was completed in this  
10 form, would you send a copy of that completed map to  
11 the county?

12 A. Yes.

13 Q. And where would UDOT keep these maps as  
14 they were completed?

15 A. The coded maps?

16 Q. Yes.

17 A. In a large map cabinet in our office.

18 Q. Would you keep the old maps as well as the  
19 new maps?

20 A. Yes. The new maps would be added to the  
21 old maps in a hanger clasp. The entire county would  
22 be together in one hanger inside that map cabinet.

23 Q. So each county would have a separate  
24 hanger?

25 A. Yes.

1 Q. And all maps prepared for that county  
2 would be in that binder on a chronological basis?

3 A. Yes.

4 Q. And you had a binder like that for each  
5 and every county in the state?

6 A. Yes.

7 Q. The roads that are depicted on the 1975  
8 maps in blue, what does that tell you about that  
9 particular road in 1975?

10 A. Only that it was on the Class B system.

11 Q. Does it indicate that the road was being  
12 maintained by the county?

13 A. Yes.

14 Q. Now, this wasn't a prospective -- this  
15 wasn't something the county was going to do; it was  
16 something the counties had done?

17 A. Yes.

18 MR. KRANNICH: Objection. Leading.

19 Q. (By Mr. Rampton) So these maps represent  
20 the past, not the future. Would that be accurate?

21 A. That's correct, yeah.

22 Q. Let me ask you this: If an older map  
23 shows a B road and the inventory crew, when they go  
24 out to prepare an inventory for a new map finds that  
25 a road that was included at one point had been washed



1 out, was no longer passable, what would you do with  
2 that road?

3 A. That would be brought to the attention of  
4 the county, and the county would have the opportunity  
5 to say, Yes, we want to keep that road, or, We're no  
6 longer interested in maintaining that road as a Class  
7 B.

8 Q. And if they said they wanted to keep that  
9 road, what would you require the county to do?

10 A. It was basically a promise that they would  
11 maintain it. And we might follow up, if we had the  
12 opportunity, to go out at a later time and check to  
13 see if those improvements had been made, but it  
14 didn't always happen.

15 Q. Now, do these maps necessarily depict all  
16 of the roads in a county that have received county  
17 maintenance?

18 A. County maintenance funds?

19 Q. No. County maintenance.

20 A. No.

21 Q. Do these maps reflect all the roads in a  
22 particular county that the county was maintaining?

23 MR. KRANNICH: Objection. Foundation.

24 THE WITNESS: I wouldn't say that, no. I  
25 would say these maps show the roads that were

1 eligible to receive Class B funds in cooperation  
2 between UDOT and the county. If the county wanted to  
3 go out and maintain other roads that were perhaps not  
4 on their system as a Class B or maybe more like a  
5 Class D road, that was their option to do so. But  
6 those roads may not appear on these maps,  
7 necessarily.

8 Q. Even though they had received some form of  
9 maintenance by the county?

10 MR. KRANNICH: Same objection.

11 THE WITNESS: That's correct, yeah. In  
12 other words, the county may opt to maintain a road  
13 beyond a locked gate, but that would not be eligible  
14 for Class B money.

15 (EXHIBITS 9 THROUGH 12 WERE MARKED.)

16 Q. (By Mr. Rampton) I may have asked you  
17 this, but I want to be sure the record's clear. The  
18 four maps that are in front of you numbered 5 through  
19 8 depict for 1975 all the B roads in Kane County?

20 A. Well, to clarify that, it's all of the  
21 B roads that were eligible to receive Class B funds.

22 Q. All right. I stand corrected. All right.

23 A. There may have been cases where a county  
24 claimed a road as Class B, but it was not eligible to  
25 receive of funding.

1 Q. For instance, if the county had actually  
2 maintained the road to some degree?

3 A. Or they maintained a road that was  
4 ineligible due to access, maybe, through a private  
5 property, you know, where they -- the private  
6 property owner would -- would post -- either lock a  
7 gate or post a gate with a "No Trespassing" sign,  
8 "Keep Out." The county may have still called that a  
9 B road, but we would not show it as a B road eligible  
10 for Class B money.

11 Q. Let me show you now a map that appears --  
12 it's been marked Exhibit 9 through Exhibit 12, and  
13 I've put Exhibit 12 in front of you. Can you  
14 identify that document?

15 A. That appears to be UDOT's Class B roadmap  
16 for 1977.

17 Q. Would that have been prepared by your  
18 section?

19 A. Yes.

20 Q. That was prior to the time you became  
21 supervisor?

22 A. Yes.

23 Q. You did -- did you participate in the  
24 preparation of this map, to your knowledge?

25 A. Again, I don't recall if I was the actual

1 person that coded this map.

2 Q. Would you -- strike that.

3 Let me have you just confirm that exhibits  
4 9 through 12 are all the map of Kane County --

5 A. They are the full set of four maps for  
6 Kane County for 1977 showing Class B roads, yes.

7 Q. Again, that map would depict Class B roads  
8 that qualified as of what date for funds?

9 A. At the time of the inventory. At the time  
10 of the meeting with the county commission when the  
11 map was approved by the county commission.

12 Q. I'm -- how would we determine for sure  
13 when the inventory might have been done for the 1977  
14 map?

15 A. I'm not sure those records exist now.  
16 Like I said, the resolution approving the maps  
17 through the county would be the best document for  
18 that. Any field notes that were made during that  
19 time I'm not sure exist anymore.

20 Q. There are, once again, some numbers that  
21 appear -- let's take a break for a minute.

22 (Recess from 2:07 p.m. to 2:08 p.m.)

23 MR. RAMPTON: Let's go back on the record.

24 Q. (By Mr. Rampton) Let me, first of all,  
25 have you acknowledge that, once again, there are red

1 numbers by all the blue roads. Do you see that?

2 A. Yes.

3 Q. Do you recognize that handwriting?

4 A. That looks like my handwriting.

5 MR. WELCH: Can you identify the exhibit  
6 he's looking at?

7 MR. RAMPTON: Exhibit 11.

8 THE WITNESS: 11, 12 --

9 MR. RAMPTON: 9 through 12.

10 Q. (By Mr. Rampton) Now, when you look at  
11 the handwriting -- the red handwriting on all four of  
12 those exhibits, is it all your handwriting?

13 MR. BLOCH: Is there something on the map  
14 in particular you're calling his attention to, the  
15 handwriting?

16 MS. DAVIS: The red numbers.

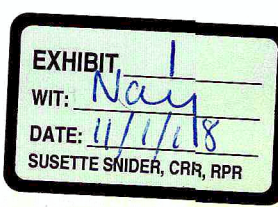
17 MR. RAMPTON: The red numbers.

18 MR. BLOCH: The red numbers? Okay.

19 THE WITNESS: I believe it is.

20 Q. (By Mr. Rampton) Let me direct your  
21 attention -- once again, using Exhibit -- let's use  
22 Exhibit 9, which is the westernmost map of the four  
23 maps for 1977. Let me direct your attention to the  
24 very top of the map. Up in the left-hand -- upper  
25 left-hand corner, there is -- above the black line





PLPCO000499





GENERAL HIGHWAY MAP  
KANE COUNTY  
UTAH

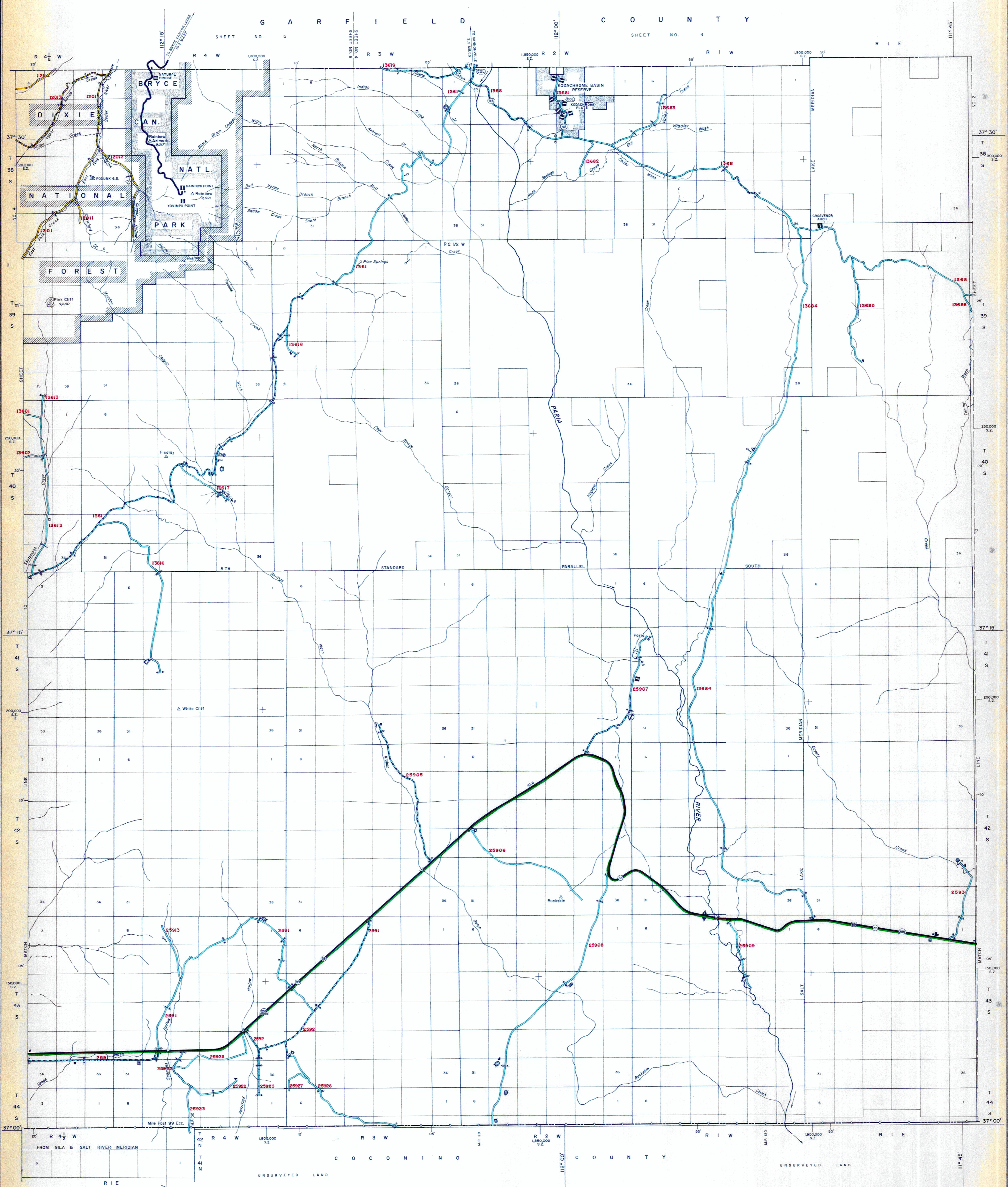
SCALE  
0 1 2 3 4 MILES

1970

POLYCONIC PROJECTION  
50,000 foot grid based on Utah  
Coordinate System, Quarter Town  
as established by the U.S.C.B.S.

PLPC0000500





GENERAL HIGHWAY MAP  
KANE COUNTY  
UTAH

1970

POLYCONIC PROJECTION  
50,000 feet grid based on Utah  
Coordinate System, Southern Zone,  
as established by the U.S.C. & G.S.

PLPCO000501

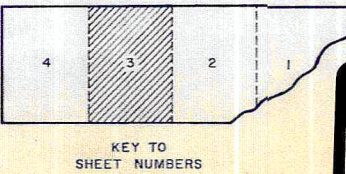


EXHIBIT 3  
WIT: *Nay*  
DATE: 11/1/78  
SUSETTE SNIDER, CAR, APP



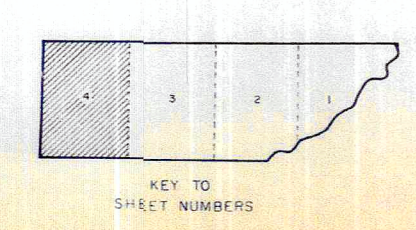
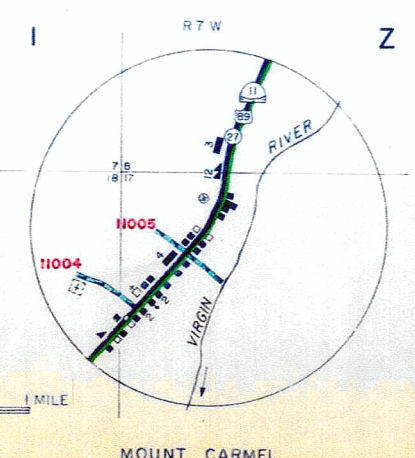
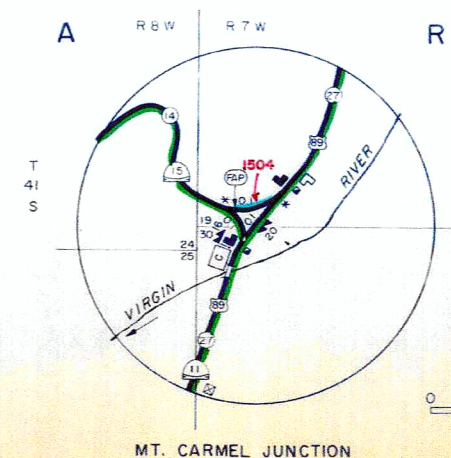
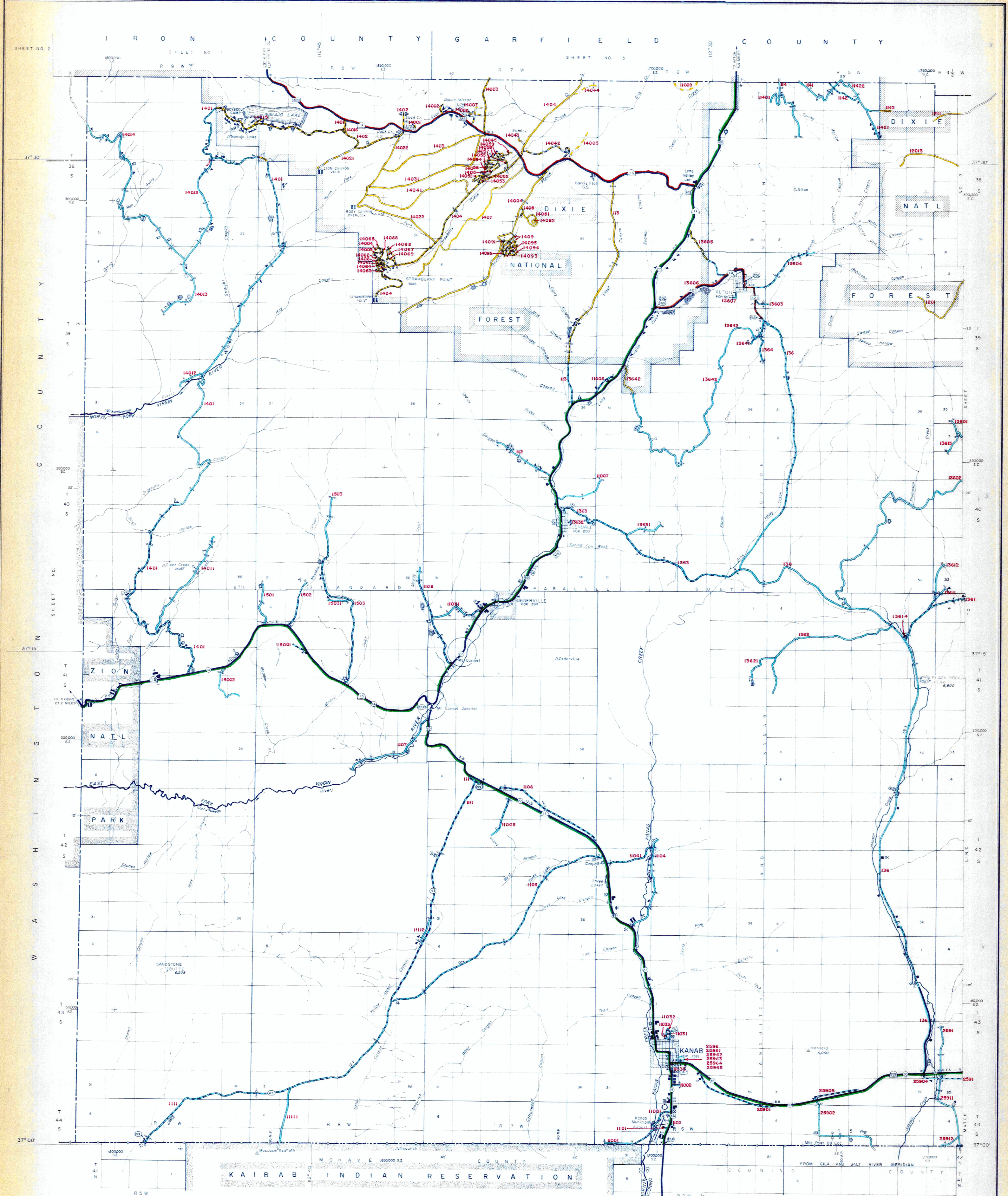
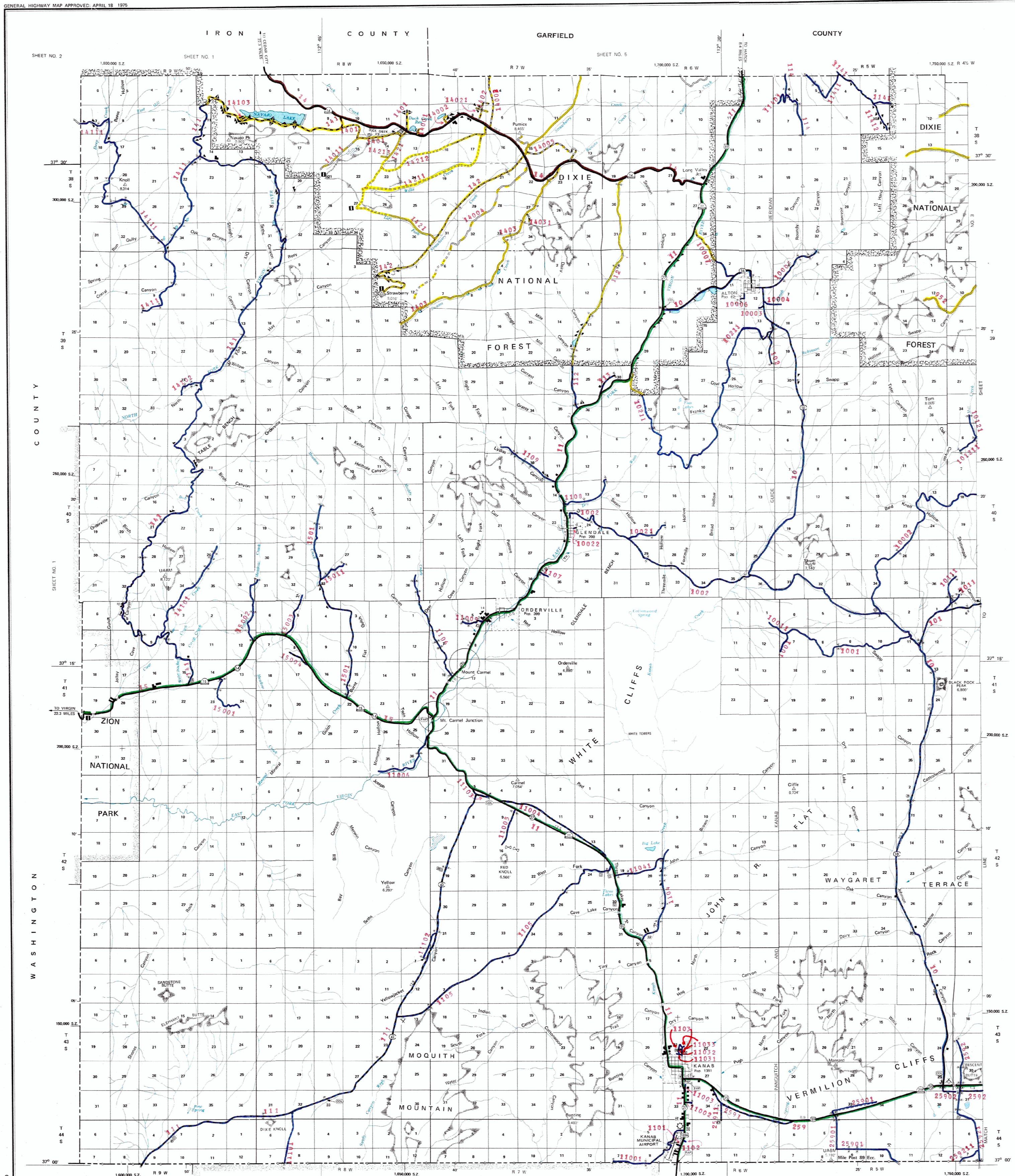


EXHIBIT 4  
WIT: *Nay*  
DATE: 11/1/75  
SUSETTE SNIDER, CRR, RPR

GENERAL HIGHWAY MAP  
KANE COUNTY  
UTAH  
SCALE  
1970  
POLYCONIC PROJECTION  
PLPC0000502





GENERAL HIGHWAY MAP

KANE COUNTY

UTAH

SCALE

1:250,000

1975

PLPC0000506

EXHIBIT 5

WIT: *Nay*

DATE: *11/1/18*

SUSETTE SNIDER, CRR, RPR

GENERAL HIGHWAY MAP

KANE COUNTY

UTAH

SCALE

1:250,000

1975

PLPC0000506

MT. CARMEL JUNCTION

SCALE FOR ENLARGEMENTS

0 0.5 1 MILE

MOUNT CARMEL

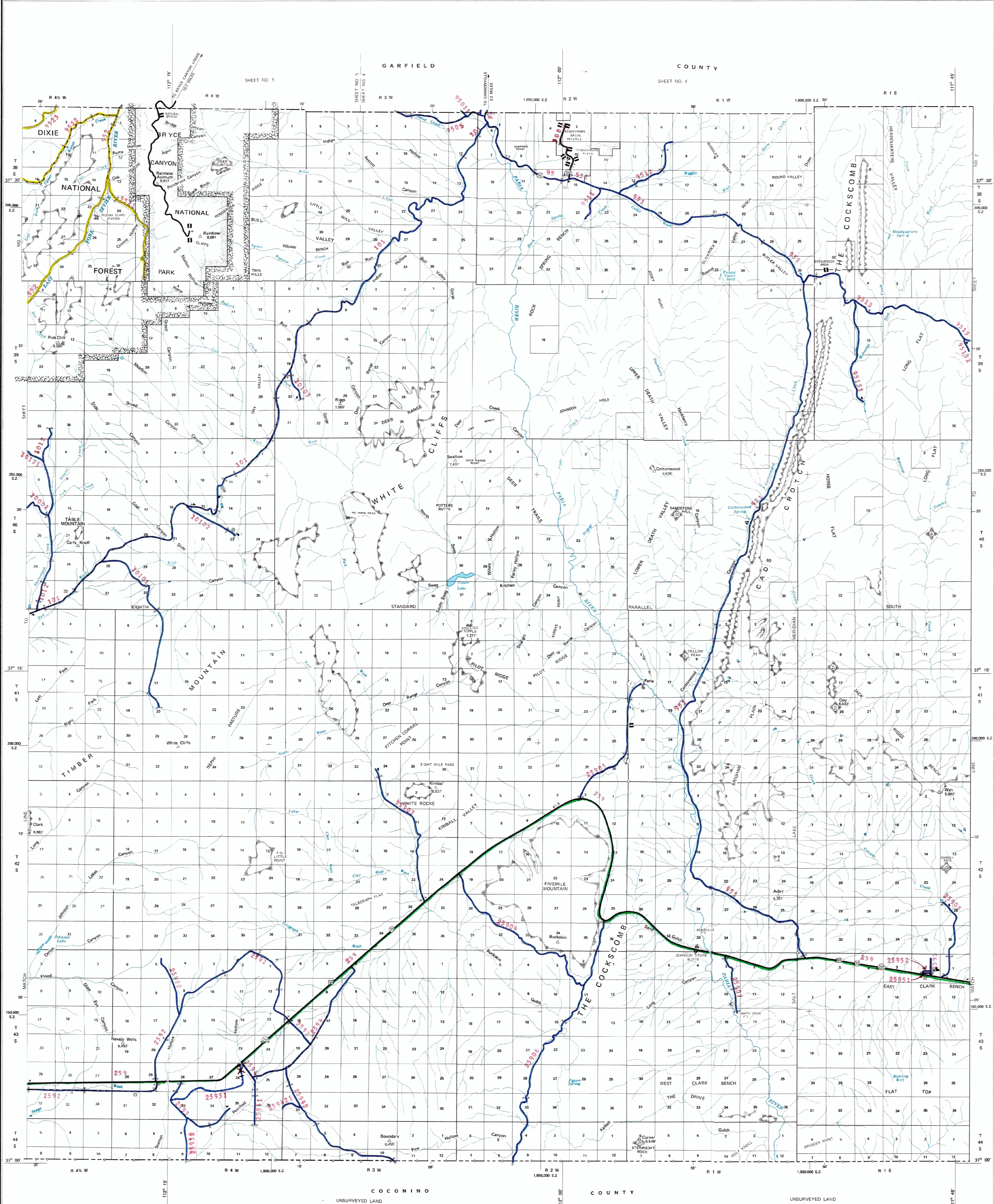
SCALE FOR ENLARGEMENTS

0 0.5 1 MILE

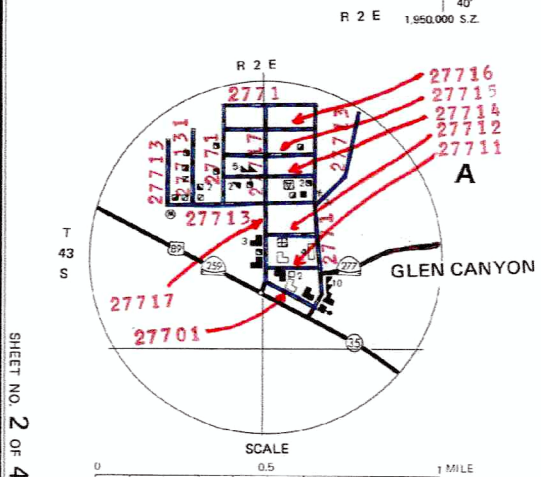
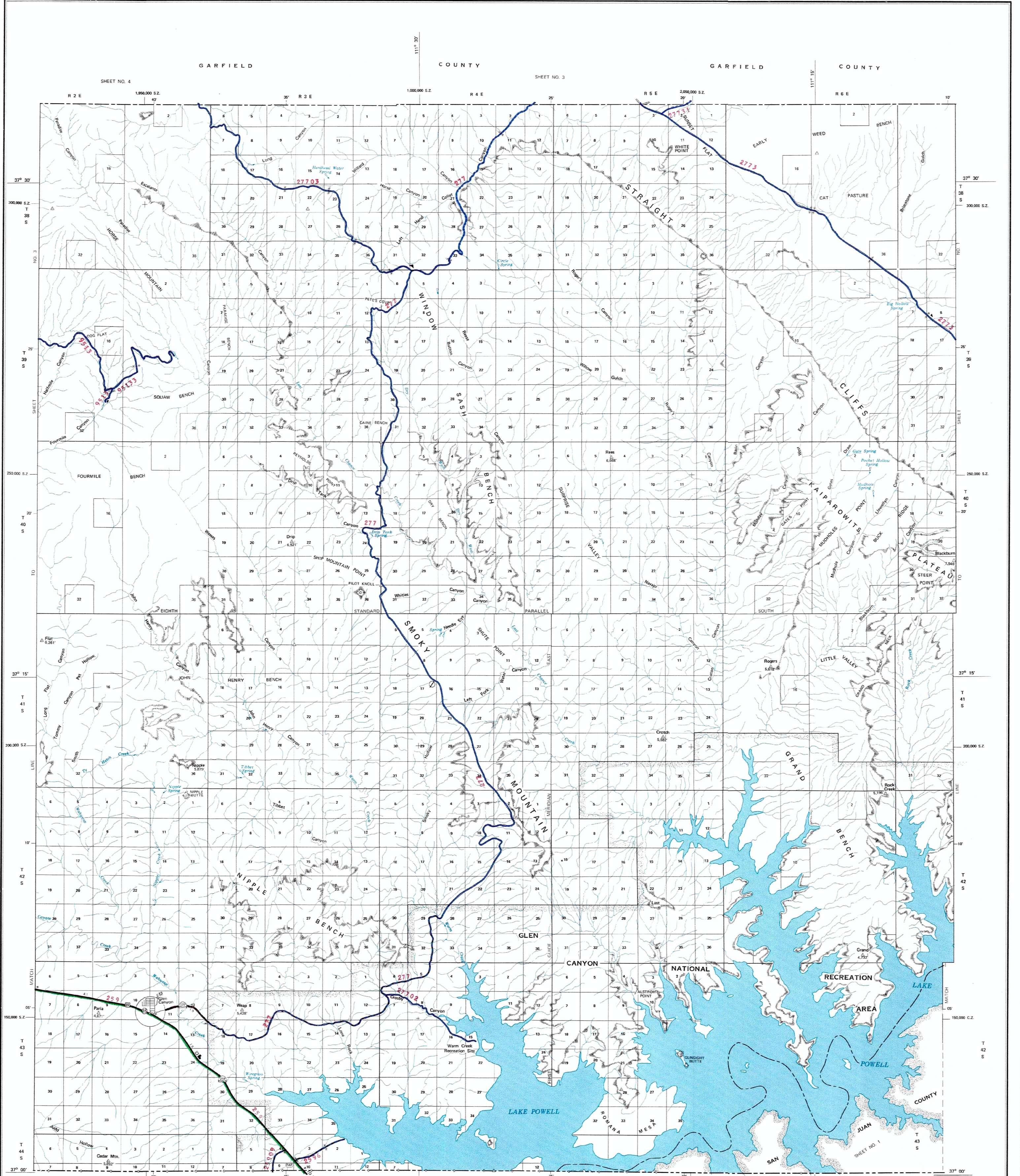
KEY TO SHEET NUMBERS

1 2 3 4





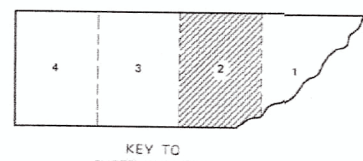




GENERAL HIGHWAY MAP KANE COUNTY UTAH NO. 13

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GENERAL HIGHWAY MAP  
KANE COUNTY  
UTAH

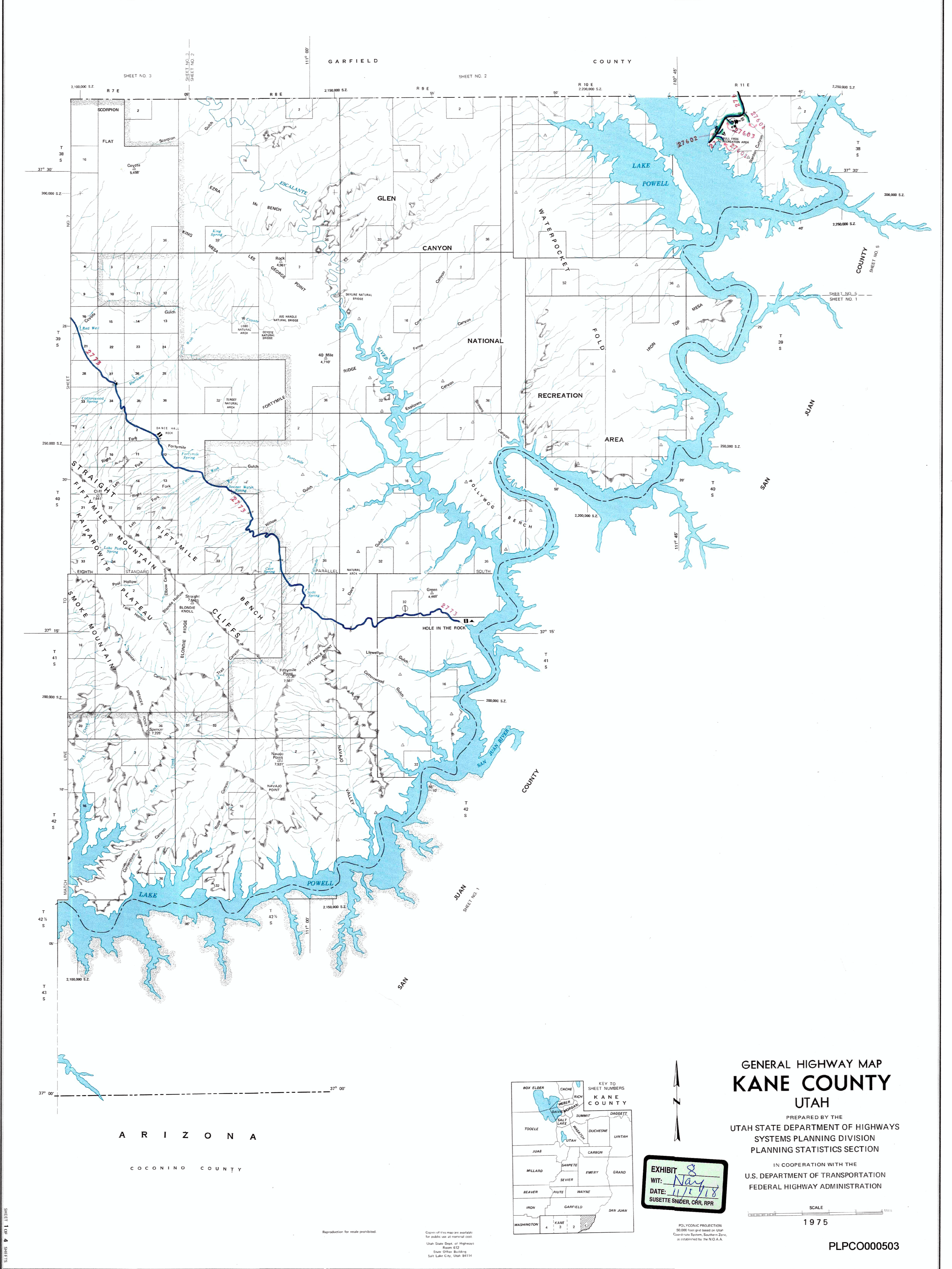
SCALE  
1975

POLYCONIC PROJECTION  
50,000 foot grid based on Utah  
Coordinate System, Southern Zone,  
as established by the N.G.S.A.

PLPCO000504

EXHIBIT  
WIT: [Signature]  
DATE: 11/1/75  
SUSETTE SNIDER, CRR, RPR





GENERAL HIGHWAY MAP  
**KANE COUNTY**  
UTAH

PREPARED BY THE  
UTAH STATE DEPARTMENT OF HIGHWAYS  
SYSTEMS PLANNING DIVISION  
PLANNING STATISTICS SECTION

IN COOPERATION WITH THE  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

EXHIBIT  
WIT: *Nay*  
DATE: *11/12/78*  
SUSETTE SNIDER, CRR, RPR

SCALE  
1975

PLPC0000503



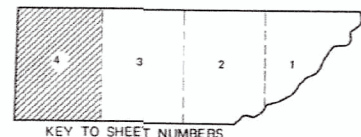
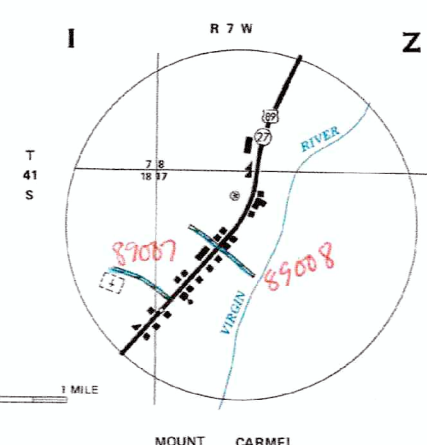
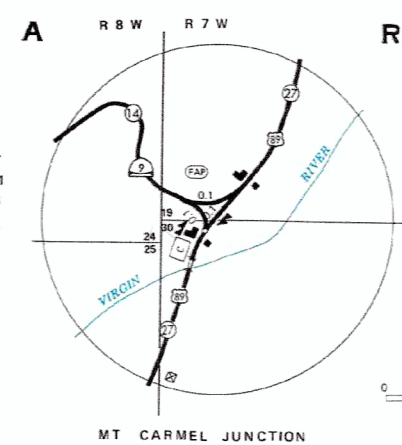
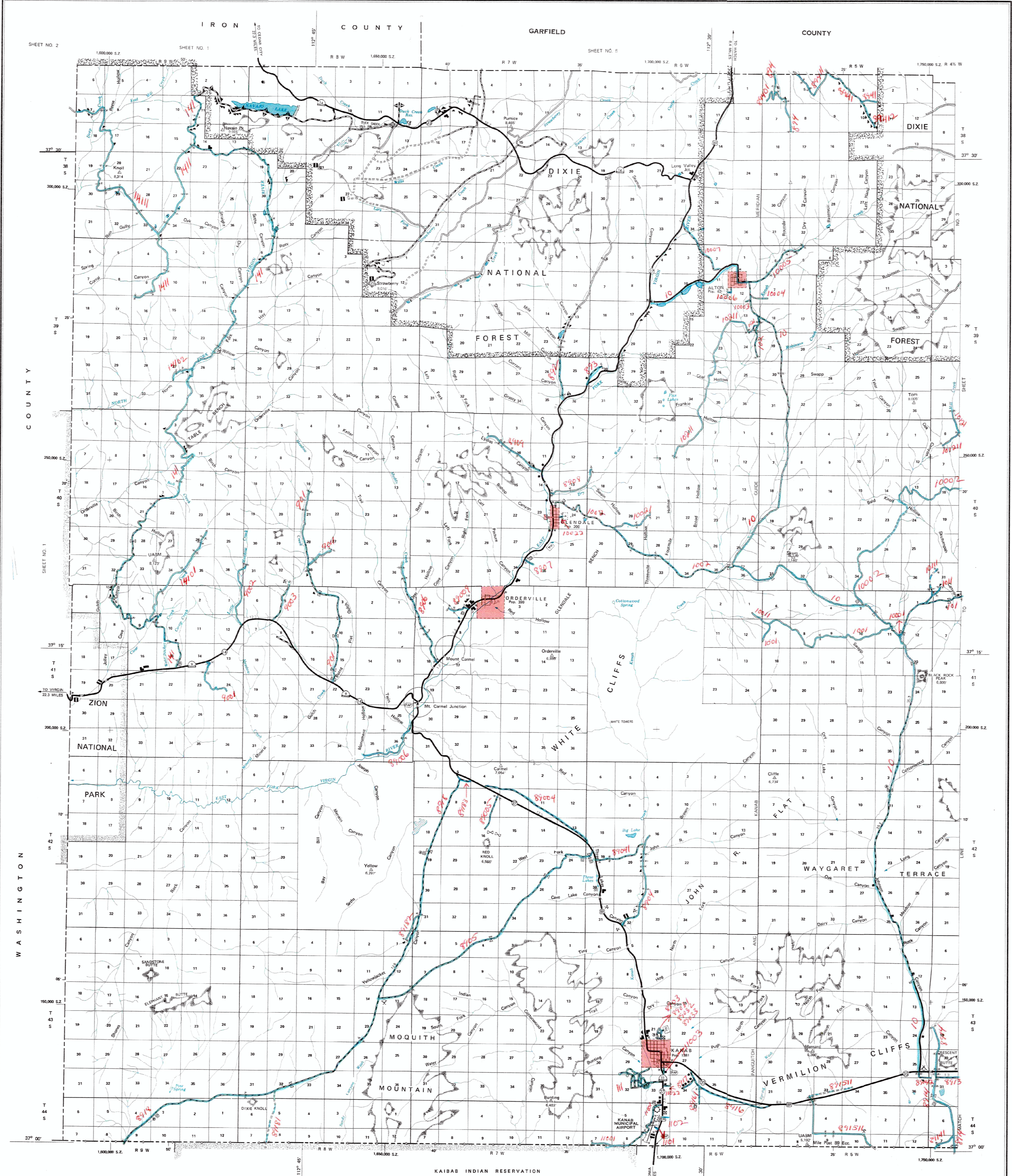
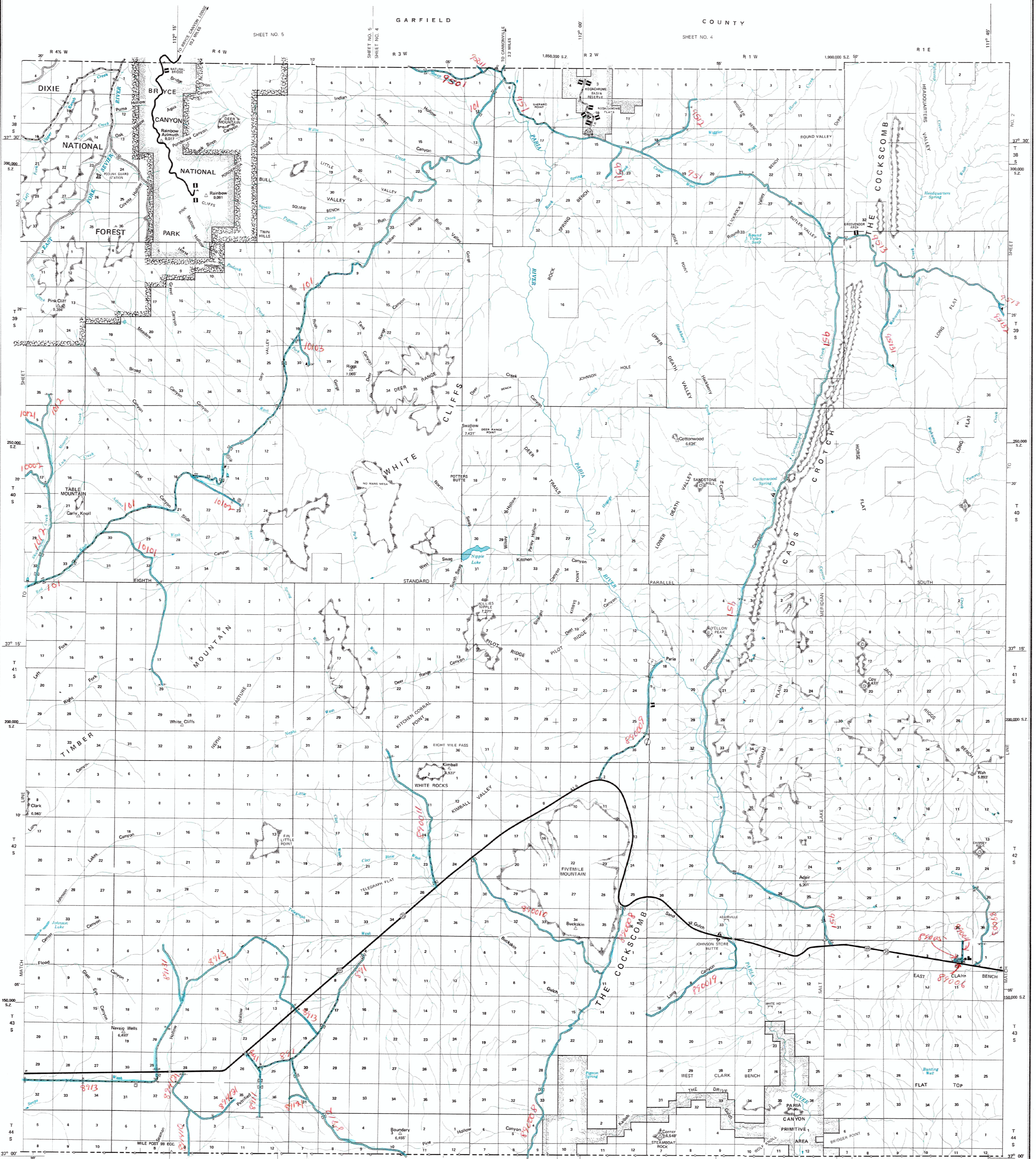


EXHIBIT 9  
WIT: Nay  
DATE: 11/1/78  
SUSETTE SNIDER, CRR, RPR

GENERAL HIGHWAY MAP  
KANE COUNTY  
UTAH

1977  
PLPC000510





GENERAL HIGHWAY MAP

KANE COUNTY

UTAH

SCALE

1977

POLYCONIC PROJECTION

50,000 feet or less based on Utah

Coordinate System, Southern Zone,

as published by the N.O.A.

PLPC0000509

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KEY TO SHEET NUMBERS

4 3 2 1

EXHIBIT 10

WIT: Nay

DATE: 11/1/78

SUSETTE SNIDER, CRR, RPR