

RDI APPLICATION
MANGANESE ROAD
WASHINGTON COUNTY,
UTAH

ATTACHMENTS 25

Biography and
Foundation
Ralph McArthur

IN THE UNITED STATES JUDICIAL DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

WASHINGTON COUNTY, UTAH,)
a Utah political)
subdivision; and STATE)
OF UTAH,)
)
Plaintiffs,) Case No. 2:12-cv-00471 CW
)
v.) Judge Clark Waddoups
)
UNITED STATES OF AMERICA,)
)
Defendant.)
)
and)
)
SOUTHERN UTAH WILDERNESS)
ALLIANCE, et al.,)
)
Proposed Intervenor)
Defendants.)

Videotaped deposition of RALPH McARTHUR,
VOL. I, taken by the Plaintiffs, on Thursday, May 2,
2013, at 8:30 a.m., at The Justice Center,
33 North 100 West, Suite 350, St. George, Utah,
reported by Jerry R. Martin, RPR.

Jerry Martin, RPR
Reporters Inc. (801) 746-5080

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I N D E X

3

Witness

RALPH McCARTHUR

EXAMINATION BY

PAGE

Mr. Rampton

4

E X H I B I T S

NO.

DESCRIPTION

PAGE

4 Copy of Mr. McArthur's journal/notebook

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5 Washington County (East Side) R.S. 2477
Rights-Of-Way

59

6 Washington County (West Side) R.S. 2477
Rights-Of-Way

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

2 --oOo--

3 MR. RAMPTON: Let's go ahead and get on
4 the record.

5 MS. BORGESON: It's May 2nd, 2013. This
6 is the deposition of Ralph McArthur. Present are
7 Jerry Martin, the court reporter; Ralph McArthur, the
8 witness; Tony Rampton from the State of Utah; Anna
9 Stimmel from the Department of Justice; Eric Clarke
10 from Washington County; Cathy Davis from the Utah
11 Attorney General's Office; Samantha Finch from the
12 Utah Governor's Office; Jess Krannich, Counsel for
13 SUWA; and Jodi Borgeson from Washington County.

14 --oOo--

15 RALPH A. MCARTHUR
16 was called as a witness, having been first duly
17 sworn, was examined and testified on his oath as
18 follows:

19 --oOo--

20 EXAMINATION

21 BY MR. RAMPTON:

22 Q. Mr. McArthur, good morning and thank you
23 for coming.

24 A. (Nods head.)

25 Q. We talked last night a little bit about

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1 the taking of a deposition. First of all, let me
2 have you state your full name for the record and
3 spell your last name if you would.

4 A. Ralph Arnold McArthur, M-c capital
5 A-r-t-h-u-r.

6 Q. Where do you presently reside,
7 Mr. McArthur?

8 A. 430 South 500 East, St. George, Utah.

9 Q. Are you presently employed?

10 A. Well, I guess. I'm a farmer by what my
11 income tax report, but I -- that's just for fun.

12 Q. As I indicated last night, I'll be asking
13 you questions today regarding a number of roads in
14 Washington County, and the reporter here -- you've
15 been put under oath, and my questions as well as your
16 responses to my questions will be taken down by the
17 court reporter. You understand that.

18 A. (Nods head.)

19 Q. And then ultimately the reporter will
20 produce a verbatim transcript. You'll be given a
21 copy of the verbatim transcript and given an
22 opportunity to make any changes as to substance or
23 form that you want to before you sign it; so you'll
24 have an opportunity to make any changes if you desire
25 to do that.

1 A. (Nods head.)

2 Q. One primary rule in the taking of a
3 deposition is that you wait until I've completed a
4 question before you start to respond, and I will do
5 the same. I'll refrain from making any comment or
6 asking another question until you've finished your
7 answer because the reporter can't take two people
8 down at the same time.

9 A. (Nods head.)

10 Q. Otherwise we won't really know the
11 reporter is here for the most part.

12 Mr. McArthur, where were you born?

13 A. I was born in the McGregor Hospital here
14 in St. George, Utah, on May the 14th, 1932.

15 Q. Have you lived all of your life in
16 St. George?

17 A. All except about two years. I worked at
18 Holbrook, Arizona, for one month when I was 16. I
19 was drafted into the Army in October of 1952. I
20 spent 16 months in Korea.

21 Q. Just by way of background, Mr. McArthur,
22 what I'd like to do for a few minutes is delve into
23 your family's history in this community. How far
24 back do your ancestors go in the St. George,
25 Washington County, area?

1 A. All of my ancestors were original
2 settlers here in St. George or in Santa Clara.
3 Daniel D. McArthur, my great grandfather, was with --
4 was with the original company that came here in
5 December of 1861; my Grandfather, Duncan McArthur,
6 was born in 1875 here in St. George; and my father,
7 Arnold McArthur, was born in -- on the -- oh,
8 February the 20th of 1902 in St. George.

9 Q. Let's go back to your great grandfather.
10 I believe you said his name was Daniel D. McArthur.
11 Is that accurate?

12 A. Yes.

13 Q. Do you know what your great grandfather
14 did for a living?

15 A. He was a farmer and a religious leader.
16 He -- his home sat on the corner right here on this
17 block, and it was still there when -- back in the
18 '50s. I remember it.

19 Q. Let's move forward to your grandfather,
20 and his name, I believe you indicated, was Duncan
21 McArthur. Is that accurate?

22 A. Yes.

23 Q. It sounds like you've got some Scottish
24 roots. Do you?

25 A. Yes.

1 Q. Did you know your grandfather, Duncan
2 McArthur?

3 A. Very little. My grandmother passed away
4 in 1928 and also my great grandmother in 1928; and,
5 of course, I wasn't born until '32. And my
6 grandfather's house was where the county
7 administration building sits today, and I grew up on
8 452 East Tabernacle, but there wasn't many times that
9 I ever remember of going to my grandfather's house
10 because my grandfather had remarried. When they
11 oiled the street on Tabernacle -- when Tabernacle
12 Street was oiled, my grandfather was running a
13 grader, and I remember getting in the grader and
14 riding with him, and he gave me a quarter, and
15 that -- that's about all I remember.

16 Q. Do you know what your grandfather did for
17 a living?

18 A. He was the state superintendent of the
19 roads. I don't know for all of Washington County or
20 just the west end.

21 Q. Did your grandfather -- was he also a
22 farmer or a rancher of some kind? Do you know?

23 A. Yes. Yes, he -- he had property which is
24 down on River Road, and at the Virgin River he owned
25 the property on both sides of the road, and he had --

1 he had a nice farm out to Little Valley.

2 Q. Did he farm the property here in
3 St. George on River Road?

4 A. Well, I was too young to remember. But
5 my dad, Arnold McArthur, got the property on the east
6 side of which is now River Road, and my
7 Uncle Valentine McArthur got the property on the west
8 side of River Road --

9 Q. Did --

10 A. -- after he was -- he was killed.

11 Q. After who was killed?

12 A. My grandfather.

13 Q. How was he killed?

14 A. He was the -- right over here on what is
15 now the Boulevard and Main Street, they were working.
16 This was in 1937. And he was the superintendent
17 there, and he must not have been paying attention and
18 a bobtail dump truck backed over him with -- was
19 loaded with gravel.

20 Q. Did your grandfather -- was he a rancher
21 at all? Did he run cattle or sheep or any livestock?

22 A. Oh, yeah. Yeah, he -- my father told me
23 the time that he even roped a deer out in
24 Little Valley area one time. But they -- oh, they
25 had cattle out on the Arizona Strip. This was before

1 Taylor grazing and stuff come in. Anybody that
2 wanted to run cattle just went out and took them out
3 on the strip.

4 Q. Did you personally ever participate in
5 your grandfather's cattle operation out on the strip?

6 A. No.

7 Q. Let's go now, if we could, to your
8 father. What was his name again?

9 A. Arnold McArthur.

10 Q. Did your father live in St. George?

11 A. He lived here in St. George all his life,
12 except he was -- he was an outstanding basketball
13 player, and Union Pacific Railroad come and wanted
14 him to go to work for them and play basketball, and
15 he went up to Milford and worked for the railroad and
16 played basketball for a year or two. And he said he
17 became -- he became a very good gambler, and he could
18 see this wasn't going to do him any good. He decided
19 he better come back home and go to work with his dad
20 on the farm.

21 Q. Did your father have some kind of
22 employment? What did he do in terms of employment?

23 A. Well, he -- in -- he -- he got married --
24 he and mom got married in 1928. He was running
25 cattle on the strip. He sold his cattle and went to

1 work for Dean Clark. Dean Clark had a pharmacy right
2 here between, oh, Tabernacle Street and the
3 Boulevard. And he never had any training in
4 pharmacy. He told me that he mixed up all the
5 prescriptions. He never had any training, but he
6 said, "I've always tried every one to make sure it
7 was okay."

8 Q. How long did -- do you know how long he
9 worked in the pharmacy business?

10 A. I -- I don't know exactly, but I think
11 that he was working -- he was working for the state
12 road when my grandfather was killed.

13 Q. So in 1937 your father was working with
14 the state road department?

15 A. Yes.

16 Q. Do you know -- do you recall how long he
17 held that position, with the state road department?

18 A. He worked with the -- for the state until
19 1943, and the county commission come and offer --
20 offered him a job to be the county road supervisor,
21 which he took. He was the county road supervisor
22 from 1943 until the 1st of April of 1970.

23 Q. So your father was superintendent of the
24 road department here in Washington County from '43 to
25 '70. That's --

1 A. Yes.

2 Q. When you were growing up, did you
3 participate to any degree in your father's work as
4 county supervisor or superintendent of roads?

5 A. I probably worked over -- from maybe
6 30 days or 45 days when I was 16 or 17, and that's --
7 yeah.

8 Q. So both your grandfather and your father
9 were involved with roads here --

10 A. Yes.

11 Q. -- in Washington County.

12 A. Yes.

13 Q. After your father left his position with
14 the county as roads supervisor, was he subsequently
15 employed, or did he retire at that time?

16 A. He had worked until he was 68, and all he
17 did was work on the little farm he had down on the
18 river.

19 Q. All right. Let's turn to your history.
20 You were born in St. George in 1932. Did you go to
21 school here in St. George, elementary school?

22 A. Right across the street where the school
23 district office is was the elementary school. I went
24 to -- from kindergarten through the sixth grade in
25 the elementary school, and then I went to school in

1 the Woodard Building caddie corner over here for four
2 years, then I attended Dixie high school for two
3 years. Back in those days two years of high school
4 and two years of college were together. I graduated
5 from high school in May of 1950.

6 Q. Did you have any further education after
7 your graduation from high school?

8 A. I thought I was too smart. I loved to
9 work too much. And after I came back from the Army
10 in -- I went to the winter and spring quarter of
11 Dixie College from in December through until May.

12 Q. Again, when was it you were drafted into
13 the military?

14 A. On October the 20th of 1952.

15 Q. Were you employed between your graduation
16 from Dixie High in 1950 to the time that you were
17 drafted into the military?

18 A. Yes. I worked for Milne Truck Line.

19 Q. Doing what?

20 A. Delivering freight here in the St. George
21 area.

22 Q. Did you have a jurisdiction? In other
23 words, when you were delivering freight, were you
24 throughout Washington County? Were you limited to
25 St. George? Exactly how were you -- what was your

1 service area?

2 A. I personally only delivered freight to
3 Washington and Santa Clara and here in St. George.

4 Q. I take it, then, you used the roads here
5 in Washington County in your delivery operation.

6 A. Yes. In the area that I just said, yes.

7 Q. After you returned from Korea in 1954, I
8 believe -- is that accurate?

9 A. Yes.

10 Q. -- were you employed when you got back?

11 A. I was taken back because I had -- you
12 know, I had to get my -- I had to be hired back by
13 Milne Truck Line, but a fellow that was three years
14 older than me come to work for Milne Truck Line, and
15 I wasn't old enough to drive the line trucks. You
16 had to be 23. And Willard Milne, who was in charge
17 of this, oh, here in St. George, he let me go after a
18 few months and kept the other man on.

19 Q. Was it at that point that you attended
20 Dixie College?

21 A. Yes. Well, I -- when I went to school
22 with -- back to school, I was hired by my Uncle
23 Clarence Moss. I went to school in the morning and
24 worked for him in building motels and homes here in
25 town.

1 Q. All right. When you were making
2 deliveries for Milne Truck Line, what kind of a
3 vehicle did you drive?

4 A. A ton-and-a-half Chevy and a
5 three-quarter ton Ford pickup.

6 Q. Were those vehicles two-wheel drive or
7 four-wheel drive?

8 A. Two-wheel drive.

9 Q. When were you married?

10 A. On September the 12th, 1952.

11 Q. Before you went into the military.

12 A. Yes.

13 Q. Did you have children?

14 A. Yes, I have children.

15 Q. How many children do you have?

16 A. Five.

17 Q. Were they a product of the marriage that
18 was commenced in 1952?

19 A. Yes.

20 Q. Let's talk about your employment from
21 1954 forward. You indicated that you went to work, I
22 believe you said, for your uncle in the construction
23 business?

24 A. Yes.

25 Q. How long did you remain in that employ?

1 A. I can't -- I can't say. It was only for
2 a few months while I was going to school.

3 Q. How were you next employed?

4 A. I was employed by Thompson Heating & Air
5 Conditioning.

6 Q. Was that here in St. George?

7 A. Yes. It was just -- it was across the
8 street in the middle of the block from the County
9 Administration Building.

10 Q. How long did you remain in the employ of
11 Thompson Heating & Air Conditioning?

12 A. Well, I was -- everything was caught up
13 on the 31st of December of '55. They didn't have any
14 work. I went to -- out to Dixie Feed, which is on
15 the corner of Fourth South and Seventh East, on the
16 northwest corner, which is now a subdivision. I went
17 out and asked for a job there, and he wanted me to
18 come -- Dick Schmutz was running it, and he wanted me
19 to come to work on New Year's days, and I said, well,
20 a had a little -- a few things I wanted to do; so I
21 went to work the next day.

22 Q. How long were you -- did you remain at
23 Dixie Feed?

24 A. Oh, about four months, three or four
25 months, and my good friend Dale Jolley come and

1 wanted me to go in the service station business with
2 him. There was a brand new Phillips station built on
3 the corner of Second -- well, the county owns it now.
4 It was, oh, on Second East and -- and on the
5 Boulevard. And he and I went to training school in
6 Salt Lake for two weeks and then come back and
7 started to operate the service station. That would
8 have been in -- that was in, I think, about April of
9 '56.

10 Q. How long did you remain in the service
11 station business?

12 A. I was in the service station business
13 until 1965.

14 Q. How did your employment change in 1965?

15 A. I had been doing some custom farm work,
16 and I was renting a service station from the widow of
17 Orval Hafen, who was a former county attorney. And
18 Ford Garage, at that time Hymer Morris -- no. Claren
19 Bradshaw had bought out Hymer Morris at the garage
20 across the street from the service station, which
21 Orval Hafen owned both places.

22 And his wife, of course -- he wanted more
23 parking lot, and he came and said, "Well, after the
24 summer business is over, we can -- we would like to
25 tear this down and make a parking lot for the Ford

1 Garage."

2 And I said, well, I was just a little
3 one-horse operation, and I said I was involved with
4 custom farm work. So they -- I just quit then, and
5 that was in the summer of '65.

6 Q. So did you go into the custom farm work
7 business in '65?

8 A. Yes. I did that entirely, farming and --
9 custom farm work and farming. I rented some farm
10 until I was hired by the county in 1970.

11 Q. Did -- when you were doing the custom
12 farm work, did you have your own company?

13 A. No, just me. No, I didn't have a
14 company. I just under my own name.

15 Q. Yes.
16 In 1970, you indicated that you went to
17 work for the county. What position were you hired on
18 by the county in 1970?

19 A. Dad retired. He just worked, like I
20 said, until, oh, the 1st of April, and they came and
21 asked me to take his position, and I went to work as
22 the county roads supervisor on the -- well, I worked
23 with dad for a month; so I started as supervisor
24 then, the 1st of April, 1970.

25 Q. How long did you have the position of

1 roads superintendent in Washington County?

2 A. Until the 31st of May of 1990.

3 Q. So you held the position of
4 superintendent of roads in Washington County for
5 20 years; is that accurate?

6 A. Yes.

7 Q. When you left that employment in 1990,
8 were you thereafter employed?

9 A. Just doing custom farm work and renting
10 farms, self-employed.

11 Q. Do you do any farming on your own?

12 A. Do I do...

13 Q. Do you do farm -- do you farm anywhere?

14 A. Yes. Yes. Even today, yes.

15 Q. And where is the property on which you
16 farm?

17 A. It's about on 1300 East and Riverside
18 Drive --

19 Q. Is --

20 A. -- here in the middle of St. George.

21 Q. Is that property that at one time was
22 owned by your grandfather?

23 A. No.

24 Q. How long have you owned that property?

25 A. I bought my property in '68, and -- and I

1 bought some property from dad, my father, in '67.

2 Q. And you've held that -- owned that
3 property and farmed it ever since?

4 A. Yes.

5 Q. Okay. Let's go to your employment as
6 superintendent of roads in Washington County. You
7 say that you worked with your father for a month
8 before you actually took over; is that accurate?

9 A. Yes.

10 Q. Prior to that time had you had any
11 experience or education in the area of road
12 maintenance?

13 A. Like I said, I might have worked for 30
14 or 45 days when I was young with dad, and that was
15 all.

16 Q. While you were growing up and when your
17 father was superintendent of roads in Washington
18 County, did you discuss his work with him?

19 A. Yes. We were very, very close.

20 Q. So would it be accurate to say that you
21 throughout your formative years were aware of what
22 your farther did for a living?

23 A. Yes.

24 Q. And you were -- were you aware how he
25 went about doing his work?

1 A. Yes.

2 Q. Did you frequently discuss his work with
3 him?

4 A. Yes.

5 Q. Did you discuss with him the roads that
6 he had jurisdiction over in the county?

7 A. Well, some of them, and some he never
8 mentioned.

9 Q. Other than your interaction with your
10 father -- and again he was superintendent of roads
11 for 27 years; is that right?

12 A. Yes.

13 Q. Other than your interaction with your
14 father, did you have any formal training for the
15 position of roads superintendent prior to the time
16 that you actually obtained that position?

17 A. No.

18 Q. We're going to be talking about a number
19 of roads here in Washington County for the next
20 couple of days, and you're going to be looking at
21 maps that have two different categories of roads,
22 B roads and D roads. Do you know what I'm talking
23 about when I say "B roads and D roads"?

24 A. Yes.

25 Q. What is your understanding of those terms

1 and the distinction between the two?

2 A. The B roads, there's -- was what I was
3 responsible for, and the D roads were roads -- many
4 of them that I experienced was from individuals that
5 had mining claims or had cattle in an area, and they
6 just kind of had a little trail or road of some
7 nature to whatever they were doing, but I was
8 never -- never went on hardly any of the D roads.

9 Q. So you never had any experience with the
10 D roads.

11 A. No.

12 Q. So you don't know the nature or condition
13 of those roads at all.

14 A. That's right.

15 Q. Nor do you know exactly who used them or
16 how they were used.

17 A. That's right.

18 Q. But you do know about the B roads.

19 A. Yes.

20 Q. And what -- when you took over the job as
21 roads superintendent, what did you see as your
22 responsibilities with respect to the B roads?

23 A. My -- my responsibility was to grade them
24 and maintain them and upgrade them.

25 Q. And generally is that the way you

1 performed your duties throughout the 20-year period
2 from 1970 until 1990?

3 A. Yes.

4 Q. Were you given anything, when you started
5 as roads superintendent, that indicated to you which
6 roads in Washington County were the D roads that you
7 had responsibility for maintaining?

8 A. Would you state that again, please?

9 Q. Yes. I'm sorry. When you became roads
10 superintendent in 1970, were you given at that time
11 anything that told you which roads in Washington
12 County were the B roads that you had responsibility
13 for?

14 A. I wasn't told, no. But each year the
15 administrator of the B roads would send a map -- a
16 big map about pretty near 4 feet square of Washington
17 County, and it had, oh, colored in the roads that
18 were B roads throughout the county.

19 Q. And you say this was sent to you by some
20 supervisor of B roads. Who was that?

21 A. I can't remember their name, but yes.

22 Q. But was there a state office that sent
23 this map to you?

24 A. Yes.

25 Q. So it was a state office.

1 A. Yes.

2 Q. And each year you received a map from
3 this state office that showed in color -- in a
4 certain color which roads were B roads?

5 A. I'm not positive I was sent one every
6 year, but I had one. I can't remember that I got a
7 new one every year.

8 Q. But did you learn to some degree which
9 roads in Washington County were B roads from your
10 father?

11 A. No. There was very few that I ever
12 traveled on with him.

13 Q. So you relied on these maps -- or this
14 map primarily to show you the roads that you had
15 responsibility for.

16 A. Yes.

17 Q. All right. Let's -- let's go, then, to
18 what you actually did on the B roads starting in
19 1970. You mentioned that you were responsible to
20 maintain and, I guess, upgrade or improve these
21 roads, and you mentioned grading. What, generally --
22 and we'll talk about specific roads in a few minutes,
23 but generally, when you say you maintained these B
24 roads, what was it that you oversaw in terms of
25 actual work?

1 A. Well, things today are so much different
2 than they were back in '70 when you realize that
3 Seventh South here in St. George was the city
4 boundary and all out in -- everywhere else, you know,
5 was county roads. And some of the roads you would
6 grade once a year out in the outlying area -- some
7 that you would grade once a year. If anybody called
8 in and said it had a flash flood in an area, some
9 rocks had come on the road or washed out, you
10 responded immediately to those situations.

11 And the commission sat down -- the
12 commissioners sat down, and they decided each year
13 what they want -- what roads needed to be upgraded,
14 whether there was a road to be oiled, a road to be
15 realigned and widened, and that they appropriated so
16 much money, sealcoating, for each project. And that
17 was the main guideline that I tried to follow every
18 year, was to accomplish those things, and I think
19 that I did all of them every year except the first
20 year. I didn't get the Smith Mesa Road sealcoated.
21 I didn't get that done that first year, which I
22 should have done, but I got it -- we did it the next
23 year.

24 Q. In terms of maintenance, you bladed all
25 the B roads at least once a year; is that accurate?

1 A. I think -- yes, I think that would be
2 correct, unless you didn't ever have any -- any
3 problems. And there was such low traffic. You know,
4 I mean, there might be only even -- not even average
5 of one vehicle a day on many of the -- these back
6 roads.

7 Q. And when you say "back roads", you're
8 always referring to B roads, not D roads.

9 A. Yes. Yes.

10 Q. Would you on some roads because of
11 increased traffic have to blade them more than once a
12 year?

13 A. Yes.

14 Q. And other than blading the roads to
15 maintain them, would it be accurate to say that your
16 maintenance work was dictated either by the county
17 commission or by circumstance?

18 A. Yes, and then what I decided to do.

19 Q. There's government and then there's
20 government; right?

21 A. Yeah.

22 Q. All right. What role in your decisions
23 with regard to road maintenance -- what role did
24 safety considerations play?

25 A. Well, you mean if there's a bad curve in

1 the road or something like that?

2 Q. You've indicated that you maintained and
3 sometimes upgraded roads, and my question is did you
4 do that with safety considerations in mind?

5 A. Oh, certainly. Certainly.

6 Q. Would it be accurate to say that safety
7 considerations were of paramount importance in your
8 decision making?

9 MS. STIMMEL: Objection. Leading.

10 A. Yes.

11 Q. Let's talk for a minute about the
12 staffing and equipment that you were given to perform
13 your duties and responsibilities as roads
14 superintendent. When you took over in 1970, how
15 large a staff did you have?

16 A. Oh, I think five or six men.

17 Q. Those were full-time positions?

18 A. Yes.

19 Q. Did you use part-time employment at all?

20 A. Yes. In the summer when we were
21 sealcoating, you had to have oftentimes a couple of
22 extra men.

23 Q. You've used the term sealcolding --
24 coating -- excuse me -- a couple of times. What do
25 you mean when you say "sealcoat"? What does that

1 mean?

2 A. You spread oil, and then you cover the
3 oil with 1/2-inch or 3/8-inch chips, graveled chips
4 or cinder chips, and this kind of seals the oil. If
5 you're -- if you pay any attention to roads, all
6 these hot-mix roads deteriorate quite quickly in this
7 country. The thing that happens to a hot-mix road --
8 that's a hot mix, and all of your roads are
9 practically all built that way, and it has lots of
10 fine sand in it, so much fine sand, so much gravel.

11 And the two things that kill oiled roads
12 is heat and water. And in this county, most of the
13 oiled roads, the heat is what gets it. And if you
14 sealcoat, put the oil and the chips on there and you
15 use gravel, white, light colored, that reflects the
16 sun, and they'll last a lot longer. But if you come
17 in and you put the -- the -- you know, you just have
18 the oil there, you watch your oiled roads, if they're
19 not sealcoated, and pretty quick you'll see on the
20 side of the road where the water has run off the fine
21 sand that comes out. Pretty quick you see the rocks
22 sticking up.

23 And that's what -- the sealcoating, you
24 have a machine called a flarity. We had one that
25 was 12 -- that spread oil 12 -- I mean spread the

1 gravel 12 feet wide, and you could cut it off. You
2 could -- you could cut it down to 2 feet or a foot,
3 but it was -- if you wanted the full section, you
4 used the 12 foot.

5 Q. So sealcoating is a way to surface a
6 road.

7 A. Preventative maintenance.

8 Q. Did you use that method of maintaining
9 the roads on a regular basis here in Washington
10 County while you were roads superintendent?

11 A. On the oiled roads, yes.

12 Q. You said that, when you started in 1970,
13 you had five or six men working for you. Did that
14 change -- that number change over the course of the
15 20-year period that you were roads superintendent?

16 A. I think the maximum I ever had full time
17 was about six or seven.

18 Q. All right. Let's talk about equipment.
19 When you started as roads superintendent in 1970,
20 what equipment did your department have?

21 A. We had an IMCO bulldozer; we had one
22 ten-wheeler dump truck and three or four -- no --
23 maybe just two or three bobtail dump trucks; we had a
24 couple of graders and a roller; and we had one
25 rubber-tired, 5-yard bucket loader and we had a

1 Caterpillar track loader.

2 Q. In your road maintenance how was -- how
3 were -- how was that bulldozer used? I want to get
4 some insight into how mechanically this equipment
5 worked. How did a bulldozer work in your road
6 maintenance operations?

7 A. Well, anytime that you widened a road
8 or -- well, mostly it was -- it would never be used
9 for grading a road, but if you were widening a road,
10 you -- the bulldozer would be used to cut the banks
11 down, if you had a bank on one side, cut it down to
12 build the road and widen it.

13 Q. Would it be accurate to say that
14 bulldozer -- the bulldozer was used more to construct
15 roads than to maintain roads?

16 A. Yes.

17 Q. Do you understand the distinction I'm
18 drawing there?

19 A. Yes.

20 Q. All right. Let's go to the graders. How
21 do graders work? I mean, what do they do physically
22 on the ground?

23 A. Well, if you've got a dirt road, which
24 there was probably more dirt roads in the county than
25 any other kind --

1 Q. And you're talking B roads again.

2 A. Yes, B roads only.

3 -- and you would go out and, if it hadn't
4 been upgraded, you would have where the roadway was
5 would be a ditch because you would travel over it.
6 Every time somebody went over it and it was dry, the
7 dust went off. So you had a ditch, and if it come to
8 a place where there was a little hill or something,
9 you would kind of dig a ditch off to the side to get
10 the water off. And the main thing in upgrading
11 roads, if there was any traffic on it at all, we
12 would try to widen the road and make bar ditches so
13 the water would run off of the traveled section of
14 the road.

15 Q. When you were simply maintaining roads
16 rather than enlarging roads or upgrading roads, how
17 would the graders be used?

18 A. Well --

19 Q. Just -- just for routine maintenance, how
20 would the graders be used?

21 A. In most cases on a -- on a dirt road, you
22 could grade anywhere from several miles a day up to
23 maybe 15 miles in a day most of the time. Most of
24 the time you would -- in some cases you would just
25 take the dirt across and smooth it out. If it was

1 deep ruts, if it was a clay section of road and
2 somebody had gone on the road when it was wet and you
3 had deep ruts, sometimes it would be ruts 6 inches
4 deep, and you'd have to go over it a couple of times.
5 But if there hadn't been -- if there was a natural
6 gravel, maybe one pass would do it.

7 Q. When maintaining a road with a grader,
8 would it be accurate to say what you're really doing
9 is pulling some soil from the edge of the road and
10 distributing it across the road to fill in holes and
11 smooth it out? Is that -- would that be accurate?

12 MS. STIMMEL: Objection. Leading.

13 A. Yes.

14 Q. Just mechanically, then, would it be
15 accurate to say that's what a grader really does, is
16 pull and distribute soil?

17 MS. STIMMEL: Objection. Leading.

18 A. Yes.

19 Q. Did your equipment change over the course
20 of the 20-year period that you used it?

21 A. Absolutely.

22 Q. How -- how did it change?

23 A. As quick as we got a little money coming
24 in, we -- we got all ten-wheel dump trucks, and we
25 updated on the graders, the newer models. They came

1 out with an articulated road grader, and they were
2 much nicer and could do a better job in grading. If
3 you -- if you articulated, the front wheels would be
4 sitting several feet to the side of the back ones,
5 and there was some of them that had a six-wheel
6 drive.

7 Q. So by the time that -- well, strike that.

8 Now I'd like to talk to you about once
9 again just mechanically how things work. When you
10 were maintaining a B road, was it necessary that you
11 used some space off the beaten path of the road? In
12 other words, was it necessary that you had access to
13 areas to each side of the actual surface of the road
14 for any purpose?

15 A. Well, if -- if you were just grading a
16 one -- one-lane road, it was -- you know, sometimes
17 it was hard to even pass on, and there were roads on
18 the B system that were that way. But when you
19 upgraded them, then you had to get the material off
20 to the side to build it up and make bar ditches, and
21 you widened the travel surface of the road itself.

22 Q. And when you did that, what was the
23 motivation for making those upgrades?

24 A. Well, safety and a better road. It's
25 easier to maintain.

1 Q. Now, what about vegetation on the side of
2 the road? Did you clear vegetation along the side of
3 the road for any purpose?

4 A. Oh, yes.

5 Q. And tell me about that. Why -- why did
6 you do that?

7 A. Well, I could tell you about what
8 happened out on what is now the Joshua Forest Road.
9 I sent a -- I sent them out one day. I said, "You
10 take the loader, you knock all those Joshua trees
11 out, and you get some dirt." This was just
12 practically a one-lane deal. You know, if -- if you
13 did that today, you might never get out of jail
14 because you wiped out a Joshua tree, but back then
15 you got away with just doing it, getting it done.

16 Q. Did you as a matter of course cut
17 vegetation on the sides of the road for, for
18 instance, just vision?

19 A. Oh, absolutely.

20 Q. Tell me about that.

21 A. Well, the biggest one that I did was not
22 on the -- on BLM road, but this was up on top of
23 Kolob on the road that went out to the park overlook.
24 I forget the name of it. But the vegetation would
25 almost close the road up. You couldn't even see.

1 And we went in and we'd make a bulldozer wide, about
2 10 feet on each side, getting rid of the vegetation;
3 but up on Kolob the sun of a gun would grow back so
4 fast that, you know, it was tough to keep it down.

5 Q. Did you have some kind of a rule of thumb
6 as to how far back from the surface of the road you
7 would clear vegetation to permit vision?

8 A. Only what I decided.

9 Q. But that was one of the considerations
10 that you would make --

11 A. Yes.

12 Q. -- in terms of maintenance of the roads?

13 MS. STIMMEL: Objection. Leading.

14 Q. (BY MR. RAMPTON) When you were a
15 superintendent, how hands on were you? In other
16 words, did you actually go out with your crews at
17 all?

18 A. Yes. On any -- any kind of upgrading, I
19 was there every day. But when we had about -- when
20 we had three graders, then I wouldn't be on it there
21 all the time because they might be in all sections of
22 the county.

23 Q. Did you ever personally operate any of
24 the machinery?

25 A. Everything we had I did.

- 1 Q. So you operated a bulldozer for instance.
- 2 A. Oh, yes.
- 3 Q. And graders.
- 4 A. Yes.
- 5 Q. And dump trucks.
- 6 A. Yes.
- 7 Q. Did you always know where your crews were
8 and what they were doing?
- 9 A. You bet.
- 10 Q. I'd like to for a few minutes talk about
11 some various things that happened on roads and how
12 you responded to them. Is water a problem on the
13 roads in Washington County generally?
- 14 A. Oh, yes. Yes.
- 15 Q. Are a lot of the roads in Washington
16 County -- and I'm talking about B roads -- on or near
17 washes and such physical characteristics?
- 18 A. When I started to work, many of the
19 B roads went right down washes. But I think that
20 pretty near all of them, the main -- the main
21 traveled roads were all out of the washes except one
22 or two, maybe -- maybe 15 or 20 miles. And when I
23 started, it was about 650 miles of county road,
24 B roads.
- 25 Q. Would the B roads periodically wash out?

1 A. Yes.

2 Q. And is that one of the situations that
3 you frequently had to deal with in your road work?

4 A. Yes.

5 Q. And when a road washes out, what
6 generally did you do to cure the problem?

7 A. Well, you -- what I did, if you could --
8 if you had a situation where it washed out, if you
9 could put it in a big enough culvert to take care of
10 that, or in some cases you just had to -- you know,
11 you didn't have enough money to really fix it up like
12 it should be; so you just had to put a band-aid on it
13 and hope for the best until it washed out again.

14 Q. So in some circumstances and when you
15 could afford it, you'd put in culverts.

16 A. Yes.

17 Q. And what is a culvert?

18 A. Well, it's a -- back when I started, I
19 had to ask the commission for every culvert that I
20 bought. We had -- our budget in 1970 was \$60,000,
21 and you couldn't -- the City of St. George had gone
22 out when the Glen Canyon Dam was finished, and they
23 got truckloads, semi truckloads, of 40-foot length of
24 20-inch pipe, and they would sell it to the county,
25 which was really a good deal. We had -- we used that

1 a lot, those 20-inch pipe, but that's very small.
2 And then we would go up to 48-inch pipe, and it was
3 galvanized steel at the time. So we had -- we would
4 put that in. But when I first started, the only
5 thing we had practically -- if I put in a 4-foot
6 pipe, I'd have to ask the commission if I -- if we
7 could afford it.

8 Q. So a culvert is essentially a pipe,
9 you're telling me. Is that accurate?

10 A. Yes.

11 Q. And you would install -- in response to a
12 washout you would install a pipe. Would that go
13 underneath the road?

14 A. Yes.

15 MS. STIMMEL: Objection. Leading.

16 Q. (BY MR. RAMPTON) Would -- and I take it
17 you would put that in so the water would -- if it
18 washed again or if water came down again, the water
19 would go through the pipe, under the road, rather
20 than over the road?

21 MS. STIMMEL: Objection. Leading.

22 A. Yes.

23 Q. Would that be accurate?

24 A. Yes.

25 Q. Okay. When you didn't have the money to

1 install a culvert to cure a washout, how would you
2 restore the road?

3 A. Well, if it was a real bad situation, you
4 would take a loader and go through and cut it down,
5 but you always had to grade it down to smooth it off.
6 If you had a foot there, you know, that would -- you
7 could probably get by with a grader, but you had to
8 cut it down and make it smooth. You can't fill it up
9 because it -- it will just wash out the next time
10 there's any water there. You had to cut the -- cut
11 it down and make it smooth.

12 Q. So you would go in with a grader or
13 bulldozer or something and --

14 A. Not a bulldozer.

15 Q. With a grader?

16 A. Grader or a loader.

17 Q. All right. What's -- what's a loader?

18 A. Well, we had the four-wheel, rubber-tired
19 roller that we could haul around and do that and make
20 a real good job, and it could cut more -- it could
21 cut more and do -- do more work than the -- than the
22 grader.

23 Q. Would you -- so when you were restoring a
24 washout, you were cutting more than filling. Would
25 that be accurate?

1 A. Yes.

2 Q. And you would use this vehicle for that
3 purpose?

4 A. The loader, yes.

5 Q. And then you say you had to smooth it out
6 some way?

7 A. Well, a good loader operator could make a
8 smooth job, real smooth job.

9 Q. How would you deal with a situation where
10 you have a dirt road -- and let's assume there's a
11 lot of clay in the road bed and it gets very wet and
12 somebody drives on that road in a four-wheel drive
13 vehicle. I mean, I've seen out on a lot of these
14 roads where there's great big ruts in roads that have
15 been created by somebody driving on the road when it
16 was wet. How would you cure that problem?

17 A. The best way to do was get some fine sand
18 of some kind, any kind of sand, and when it was wet
19 put that on there and mix it in, and that would help
20 a lot.

21 Q. Would you pull some soil in from the
22 sides?

23 A. That's just -- if it was a clay road,
24 that wouldn't help a bit when it rained again.

25 Q. When you would install culverts, did you

1 have a -- you -- you indicated that you got some
2 length of pipe for that purpose from the state, and
3 you mentioned a length of pipe. What length of
4 culverts did you generally install?

5 A. Forty feet.

6 Q. Did you have any kind of a standard width
7 for maintaining roads while you were roads
8 superintendent in terms of the road surface itself,
9 or would it depend on the road?

10 A. It would determine -- be determined by
11 the use of the road. But like I said, I told you the
12 other day that, when dad oiled a road, he oiled it
13 20 feet; and when I started to work, I extended it to
14 24 feet. Now, most of the these roads that were
15 20 feet wide oiled, you had to be pretty careful. If
16 you think about it, the way people travel, it was
17 quite unsafe the way everybody travels today. But
18 back then, you know, people were probably a little
19 slower traveling with -- with only 20 foot of road.

20 Q. Now, and you say you expanded that to
21 24 feet?

22 A. Yes.

23 Q. When you were superintendent?

24 A. Yes.

25 Q. And that would be the width of the actual

1 surface road, not necessarily the right-of-way.

2 A. Yes.

3 Q. Just the surface of the road.

4 A. Yes.

5 Q. All right. And would that width of a
6 road accommodate easily two-way traffic?

7 A. Well, I thought so.

8 Q. Let me ask you another question about
9 water on these roads. Did you do anything with the
10 road surface or with the areas off the roads on
11 either side that would assist in removing water from
12 the roads and taking it off the roads? Do you
13 understand what I'm saying? Let me restate the
14 question.

15 Did you do anything physically with the
16 road and the area on either side of the road to
17 remove water from the road surface, in other words,
18 assist getting the water off of the roads?

19 A. Well, yes. That was the main purpose,
20 when you upgraded the road, was to get the water off.
21 And if you -- like I stated before, on a road that
22 was -- it becomes a trench, and any road that has
23 never been upgraded and widened out and bar pits
24 to -- to take care of the water, anytime there was a
25 little hill or anything, you would just make a cut

1 with your grader off to the side so that the water
2 would get off of the road.

3 Q. So --

4 A. But it had to be on a place -- I mean, if
5 it's level, it's going to set. But if there was a
6 grade one way, you know, just a little bit of a
7 grade, you could make a little cut with your grader.

8 Q. So did you make those cuts frequently? I
9 mean --

10 A. Oh, yes.

11 Q. -- was that a technique that was often
12 used?

13 A. Often. Often. If a -- if a road had
14 never been upgraded to be, oh, higher than the side,
15 that was always used to -- to do that.

16 Q. And those cuts would be cuts off the road
17 surface, not on the road surface.

18 A. That's right. Off to the side, yes.

19 Q. Would you make those cuts with graders?
20 Would graders make those cuts?

21 A. Yes.

22 Q. Did the safety of the road surface go
23 into your decision as to when to make cuts, those
24 kinds of cuts? In other words, was safety a factor
25 in making those cuts?

1 A. Well, it's always safe to keep the road
2 in good shape; so I guess you would say it was a
3 safety factor.

4 Q. Obvious, right?

5 A. Yes.

6 Q. While you were a roads superintendent,
7 did you ever install cattle guards?

8 A. Yes, a few of them, not very many.

9 Q. Under what circumstances would you
10 install cattle guards?

11 A. Well, if there became enough traffic on a
12 road, you had -- they had a gate across private
13 property, and most of the ranchers would put a sign
14 on "Please close the gate." But when there got so
15 many people around, nowadays they just cut -- they'll
16 cut a gate anywhere. People's cattle are gone.
17 They'll run over the gate. They don't even pay any
18 attention. They'll just run over it.

19 And when this happens, then the
20 individual and possibly the county together would --
21 would -- oh, like, maybe the individual would buy the
22 cattle guard and the county would put it in, or the
23 county would put it in and they would pay for the
24 cattle guard, you know, one way or another, because
25 it was a great help to the county to have a cattle

1 guard there, and then it was certainly a great help
2 to the -- to the rancher.

3 Q. So it was to facilitate access basically.

4 A. Yes.

5 Q. Would that be accurate?

6 A. Yes.

7 MR. RAMPTON: Let's take five minutes.

8 (Recess.)

9 MR. RAMPTON: Let's go back on record.

10 Q. (BY MR. RAMPTON) Mr. McArthur, I want to
11 remind the record that, when you're talking about
12 roads generally or specifically, you're always just
13 talking about B roads; right?

14 A. Yes.

15 Q. We talked about water damage to roads.
16 Do you periodically have slides -- or did you, when
17 you were roads superintendent, have to deal with
18 slides where soil had slid off and onto a road?

19 A. Yes.

20 Q. Generally, how would you respond to that
21 kind of a situation? How do you cure that problem?

22 A. How did I cure it?

23 Q. Yeah.

24 A. We went there sometimes -- on the
25 Gunlock Road there was one place that had lots of

1 slides; so we went up and we blasted it back. We
2 had -- it was in solid rock. It was maybe 30,
3 40 feet high, and we went up and blasted it down and
4 tried to get it so it wouldn't be. In another area
5 there was dirt underneath the rock, and we went up
6 and made about a -- oh, a 15-foot cut and pushed all
7 the rock down, and we eliminated that problem.

8 Q. So I take it that, when you had a slide
9 of that nature, you would clear the road -- would you
10 clear the road, first of all?

11 A. Oh, yes.

12 Q. And would that be with a bulldozer or
13 blade or --

14 A. With a loader. On those that -- where we
15 had the serious problems was oiled roads, and you
16 couldn't use a bulldozer. You had to use a
17 rubber-tired loader.

18 Q. But in order to cure the problem, that is
19 address future occurrences, you sometimes felt it
20 necessary to actually make physical modifications to
21 the sides of the roads?

22 MS. STIMMEL: Objection. Leading.

23 Q. (BY MR. RAMPTON) Would you?

24 A. Yes.

25 Q. Did you feel that that was a reasonable

1 way of approaching that problem?

2 A. That's what I would -- you know, one day
3 we had a ledge that was up on the Gunlock Road, and
4 it looked like it was going to come down; and they
5 tunneled a ditch from way up the creek and come down,
6 and it was up about, oh, 30 or 40 feet above the
7 road. We carried up a -- oh, few sacks of nitrate,
8 and then we drilled some holes in the base of it and
9 set it off so it would blast at the same time, and
10 the whole world come down. We had probably 100 feet
11 plus that the whole road -- that was covered up. Of
12 course, I didn't tell anybody I was going to do it,
13 and we called the -- I don't know who come by. We
14 had him call the school district and tell them not to
15 send a bus up through the Indian reservation. They
16 would have to go around, up to Veyo, to get to
17 Gunlock that day. But we had it cleared in a few
18 hours.

19 Q. Do you recall when the freeway went in?

20 A. Yes. 1970.

21 Q. Do you know what happened to the old
22 roads that had been the highways in this community?

23 A. In 1970, when the freeway was opened down
24 through the gorge, they were real interested in
25 getting the road built. Utah put up the money,

1 loaned money to the state of Arizona, so they would
2 get that -- that road built through the gorge.
3 Arizona didn't feel like they would have enough
4 income to maintain it, and it wasn't a great help to
5 them, but it was a great help to Southern Utah.

6 When the freeway opened --

7 Q. That topic was a frequent topic of
8 conversation at my dinner table at that time I would
9 like you to know. Excuse me. Go ahead.

10 A. Anyway, they put in -- the State of Utah
11 turned over and called them collector roads, and
12 Highway 91, the Old Highway 91, from the, oh,
13 Washington/Iron County border to the Arizona borders
14 was turned over to the county for maintenance where
15 they hadn't ripped it up if it was in -- if the
16 freeway, oh, took part of the Old 91, then it was
17 obviously not there. All that was turned over to the
18 county; plus the road from the Interstate 15 into
19 New Harmony was -- was turned over to the county at
20 that time.

21 The loop from River Road Bridge on the
22 Virgin River up to Washington was a state road. It
23 was turned to the county. The road on River Road
24 clear to the Arizona line was turned to county. That
25 was a state road.

1 Q. Were those roads essentially then
2 incorporated into the B road system that you had
3 responsibility for maintaining?

4 A. Yes.

5 Q. During the period that you were
6 superintendent for roads here in Washington County,
7 did you keep any kind of a journal or diary,
8 something like that?

9 A. Yes.

10 MR. RAMPTON: Anna.

11 MS. STIMMEL: Thank you.

12 MR. RAMPTON: That's Exhibit 4.

13 (Exhibit 4 was marked.)

14 Mr. McArthur, you've been handed a
15 document that we've marked as Exhibit 4, and I'll
16 represent to you that this is a copy of the journal
17 or notebook that you produced for us some time ago.

18 MS. STIMMEL: Objection. Could the
19 witness identify that it looks like a copy of the
20 journal rather than you representing that to him?

21 MR. RAMPTON: Well, yeah. I'm just having
22 him confirm it.

23 MS. STIMMEL: (Nods head.)

24 MR. RAMPTON: I want to tell him what I
25 did, how I made this, and then he can confirm it. Is

1 that all right?

2 MS. STIMMEL: Yes.

3 MR. RAMPTON: All right.

4 Q. (BY MR. RAMPTON) And this -- I've
5 numbered in the lower right-hand corner the pages,
6 and it totals 225 pages. Would you take a look at
7 that document, and would you tell me if that appears
8 to you to be an accurate copy of your notebook or
9 journal or whatever it is you want to call it?

10 A. It is.

11 Q. Is this document something you kept
12 throughout the course of your 20 years as roads
13 superintendent?

14 A. Yes.

15 Q. Now, we're not going to have time in this
16 deposition, Mr. McArthur, to go clear through all of
17 this notebook, but I want for the record to you --
18 for to you explain to me what some of the documents
19 in here are.

20 Take a look, if you would, to the, oh,
21 first 30 -- 32 pages.

22 A. Where did you say you had the number on
23 them?

24 Q. Down in the lower right-hand corner.
25 There's just a small number down in the lower --

1 uh-oh. They cut it off. That's not good.

2 A. I didn't see any numbers on this.

3 Q. It was cut off every single one of them.

4 That's not good.

5 MR. CLARKE: Should I go rerun copies and
6 see if I can get them on?

7 MR. RAMPTON: Yeah, I think we should.

8 I'm sorry.

9 MR. CLARKE: Not a problem. I'll be back.

10 (Off the record.)

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

12 We're back on the record while we are copying again

13 that notebook to see if the pagination shows up.

14 Q. (BY MR. RAMPTON) Did you -- strike that.

15 When you were superintendent of the
16 county road department, did you engage in snow
17 removal at all?

18 A. Yes.

19 Q. Did you view snow removal as part of the
20 maintenance responsibility for road maintenance?

21 A. Yes.

22 Q. And generally how would you handle snow
23 removal?

24 A. When I started, we had a snowplow that
25 fit on the Ford ten-wheeler. There was only the one.

1 And then we did snow removal with the graders and
2 that one plow.

3 Q. Would you remove snow from the B roads
4 most winters?

5 A. Only -- only on the oiled roads. We
6 didn't ever -- hardly ever go on any dirt roads or
7 graveled roads. It was just on the oiled.

8 Q. Was there a reason for making that
9 distinction? In other words, why did you decide to
10 do it on oiled roads and not on the graveled roads?

11 A. Well, because there -- you know, there
12 was no need to. There wasn't -- you didn't have that
13 much problem. The only time -- one year we got up on
14 Smith -- up on Smith Mesa, E.J. Graff had his cattle
15 caught up on there and a big snowstorm came, and we
16 went up and graded the road so he could get up there
17 to bring his cattle off of the Smith Mesa. That's
18 the only time on a dirt road that I can remember that
19 we ever did anything on a dirt road.

20 Q. Would you have to make any specific
21 modifications to the graders to make them adequate
22 for snow removal?

23 A. Yes. We would put chains on, chain them
24 up.

25 Q. Did you see it as your responsibility as

1 road maintenance crew to respond to emergencies?

2 A. Oh, yes.

3 Q. Is that something that happened
4 frequently?

5 A. Not too often. Once in a while we'd have
6 a flash flood that would -- the culvert might not
7 hold and it would wash over or the rocks falling
8 down, and that could happen anytime because of wind
9 and rain.

10 Q. But you saw that as part of your
11 responsibility.

12 A. Yes.

13 MS. STIMMEL: Can we go off the record for
14 just a second?

15 (Conversation off the record.)

16 (Exhibit 4 was re-marked.)

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

18 MR. CLARKE: The time is 10:39.

19 Q. (BY MR. RAMPTON) Mr. McArthur, we have
20 now obtained new copies of what has been marked as
21 Exhibit 4 that show the pagination. Would you
22 confirm the document in front of you is a copy of
23 your notebook?

24 A. Yes.

25 Q. If you look at the first 33 pages -- and

1 the numbers appear in the lower right-hand corner --
2 can you tell me generally what is reflected on those
3 pages?

4 A. This is the notes that I made from the
5 material we bought, from who we got it from and where
6 it went and anything that -- we did so much work for
7 even private individuals and the cities and the
8 communities, and all the city and the -- the cities
9 and the -- and the incorporated towns, all they had
10 to do was pay for the fuel when we did work for them.
11 And this is just notes of what went on, the material
12 and things that we -- when we did something for
13 somebody.

14 Q. Does this reflect work that you were
15 doing for other parties or other communities, not
16 necessarily on B roads?

17 A. That is right.

18 Q. Okay. So that -- that information
19 doesn't pertain to the B roads?

20 A. On some of these where we bought
21 material, they're on B roads, but it's all -- it's
22 all indicated there if it was on a B road or if it
23 was for a community or an individual.

24 Q. And the dates that appear would be the
25 dates when the particular transaction occurred?

1 A. Yes.

2 Q. Now if you'd go to page 34 and 35. What
3 is page 34? What is that document?

4 A. Each year the commission would set down,
5 and we would decide -- I would be there, and they
6 would decide the things that they would -- where they
7 wanted to spend the money that was allocated for
8 the -- for the B roads for the year. If you go to
9 page 34, it says that north of Gunlock new
10 construction and the amount and then the sealcoating
11 down to Bloomington in the Red Cliffs area. And each
12 one of these things were brought up, the money was
13 appropriated, and countywide maintenance you see
14 there was 20,000.

15 Q. So would it be accurate to say that -- I
16 mean, you've testified already that you graded roads,
17 all the B roads, annually. Where would that work
18 show up on this form?

19 A. It -- well, that's the countywide, that
20 last item at the bottom.

21 Q. All right. And so the other items that
22 are indicated are -- reflect something beyond over
23 and above the --

24 A. Yes. They were major constructions or
25 realignments.

1 Q. Okay.

2 And the next page, 35 -- and I believe in
3 the original these are notes on the reverse side of
4 the form. Let me -- let me ask you the question. In
5 the original would that page 35 appear on the reverse
6 side of --

7 A. Page --

8 Q. -- page 34?

9 A. Yes.

10 Q. And what is reflected on page 35?

11 A. Well, that just puts the date that we --
12 we did those projects that were on the front page.

13 Q. And would it be accurate to say that for
14 each year you did the same thing; in other words, you
15 had the appropriation document and then your notes of
16 the performance of that work?

17 A. Yes.

18 Q. Now, if you go to the last pages in the
19 document, and I'm talking about pages 167 to 225,
20 what is reflected on those pages?

21 A. That goes back again to the notebook.

22 Q. Is that just a continuation of what
23 appears on the first 33 pages?

24 A. Yes.

25 Q. So that is again just an indication of

1 materials purchased and things like that for various
2 projects?

3 A. Yes.

4 Q. Is all the handwriting in this notebook
5 your handwriting?

6 A. Yes.

7 Q. How would you -- how would you go about
8 projecting the construction in any given year? Who
9 would make those decisions? Would you make
10 recommendations to the county commission?

11 A. I don't know that I ever made any
12 recommendations, no. It was the -- the -- well, we
13 made it out. I was always there when he did this,
14 but it was the concern of the commission and what
15 they, you know, wanted to accomplish that year.

16 Q. Were your operations entirely funded by
17 Washington County?

18 A. I -- I -- I can't quite understand what
19 you mean.

20 Q. All right.

21 A. We got the -- the B road money came from
22 the state, and then we would get money for the -- the
23 federal government would send money in lieu of county
24 taxes on federal ground, and some of that would go
25 into the road department.

1 Q. But would all of the funding to your
2 department come through Washington County government?

3 A. Oh, yes. Yes.

4 Q. So it was all the use of public funds?

5 A. Yes.

6 Q. And those are funds that were available
7 to Washington County; is that right?

8 A. Yes.

9 Q. Do you know, was it all discretionary
10 funding? In other words, was it all funding that the
11 county commission controlled; in other words, they
12 could decide how to spend the money?

13 A. Well, I think they had to use so much
14 money on these collector roads and improve them so
15 much every year. You see, the collector roads that
16 were turned over from the state in '70, they had to
17 use so much money on those collector roads to upgrade
18 them, improve them.

19 Q. All right. But other than that money
20 that they had to use for those purposes, was all the
21 other money discretionary funding, in other words,
22 funding that the county commission controlled?

23 A. Yes.

24 Q. And they could use the money however they
25 decided to use the money?

1 A. Mm-hmm. As far as I know.

2 MR. RAMPTON: Thank you.

3 I'm now going to turn to the maps and to
4 specific roads, Mr. McArthur.

5 Let's mark this map as Exhibit 5.

6 (Exhibit 5 was marked.)

7 Q. I've placed in front of you,
8 Mr. McArthur, a map that shows the east side. It's
9 headed Washington -- or at the bottom it's labeled
10 "Washington County (East Side)." Do you see that?

11 A. Yes.

12 Q. Does this map reflect accurately the
13 B roads in Washington County as well as other roads?

14 A. Yes.

15 Q. And on this map you see that there are
16 roads in a dark gray, and then there are roads that
17 are brown. Are the dark gray roads the roads that
18 are B roads, to your knowledge?

19 A. Yes. The -- the light brown roads are
20 the state roads, yeah.

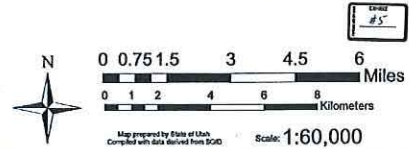
21 Q. You're talking about the state highways.

22 A. Yes.

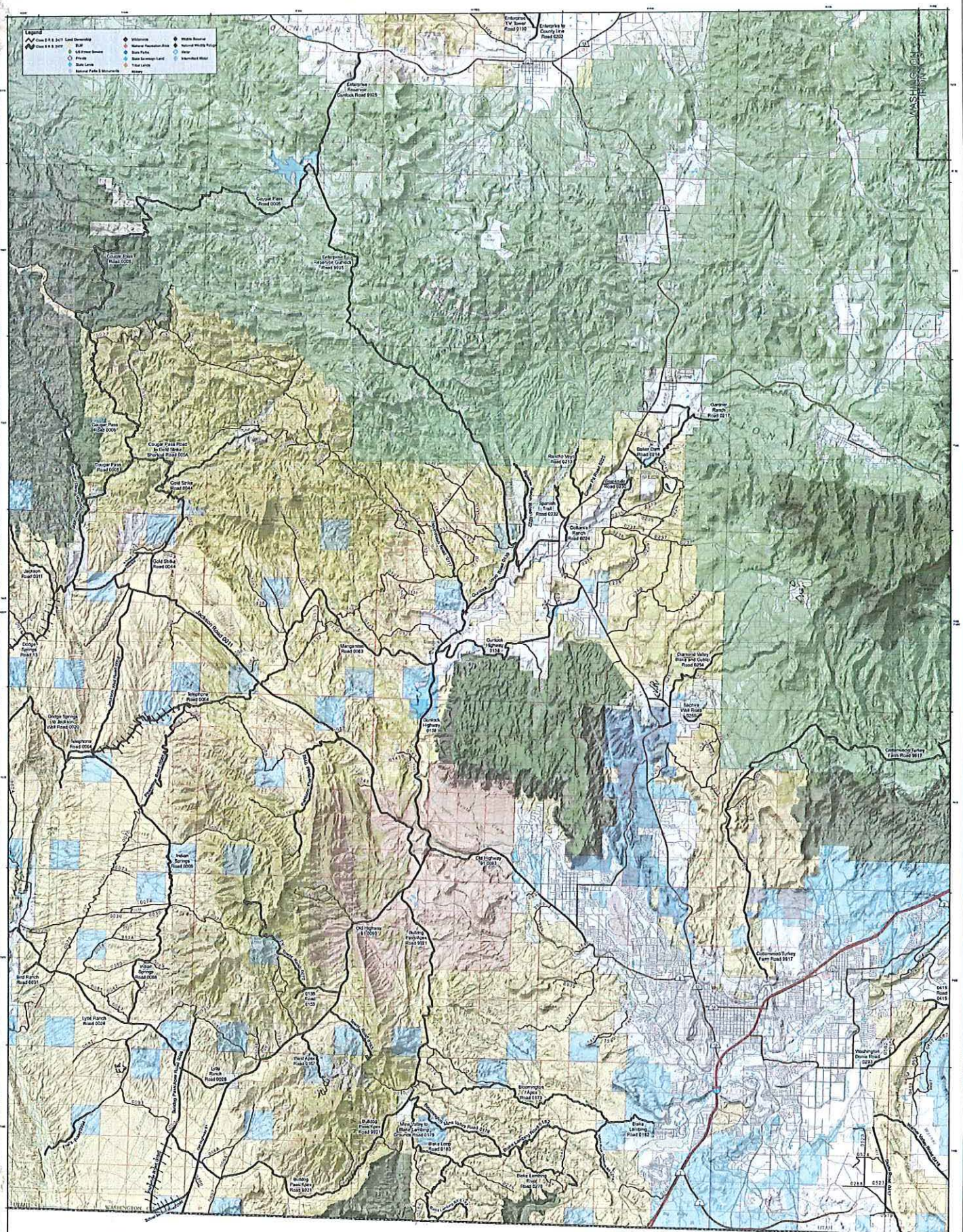
23 Q. And there are some smaller roads that are
24 the D roads. You didn't have anything to do with
25 those?



Washington County
(East Side)
R.S. 2477 Rights-Of-Way



Map prepared by State of Utah. Compiled with data derived from SOG. Scale: 1:60,000



- Legend**
- Line 1 & 2 2477 Land Ownership
 - Line 1 & 2 2477
 - State
 - US Forest Service
 - Private
 - State Land
 - State Parks & Recreation
 - Wilderness
 - State Recreation Area
 - State Parks
 - State Wildlife Land
 - State Parks
 - Wilderness
 - Wildlife Reserve
 - State Wildlife Refuge
 - State
 - State Wildlife
 - Wilderness



Washington County
(West Side)
R.S. 2477 Rights-Of-Way



Sheet #10