

RDI APPLICATION
MANGANESE ROAD
WASHINGTON COUNTY,
UTAH

ATTACHMENT 30

Excerpts

Scott Nay

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P R O C E E D I N G S

SCOTT ERIC NAY,
having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. RAMPTON:

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

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

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

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

Q. Are you presently employed?

A. No.

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

Is that all right?

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.