

## EXHIBITS

- Exhibit "A" -- Email from Pleune to Treweek April 27, 2011  
Email to Pleune from Velasquez April 28, 2011
- Exhibit "B" -- "UDOT Special Road Use Guidelines for All Events"
- Exhibit "C" -- "Waiver and Release of Damages"
- Exhibit "D" -- UDOT Special Event Permit Application
- Exhibit "E" -- Utah Administrative Code Rule R920-4-1.  
Special Road Use
- Exhibit "F" -- Email Pleune to Treweek June 27, 2011  
Email to Pleune from Treweek June 30, 2011
- Exhibit "G" -- UDOT Permit Liability Insurance Requirements



Exhibit "A" -- Email Pleune to Treweek April 27, 2011  
Email to Pleune from Velasquez April 28, 2011

**Subject:** FW: Your UDOT Permit Application submitted on 03/25/11

**From:** Mark Velasquez <mvelasquez@utah.gov>  
**Date:** Thu, Apr 28, 2011 at 4:52 PM  
**Subject:** Re: Your UDOT Permit Application submitted on 03/25/11  
**To:** Ryan Pleune <ryan@[REDACTED]>  
**Cc:** Nazee Treweek <ntreweek@utah.gov>

Ryan,

I am responding to your request to waive the liability insurance requirement and the requirement for a waiver and release of liability. Please note that UDOT does not treat a political and free speech event any different from other events because UDOT only reviews the impacts to the safety of the roads under its jurisdiction and any obstruction to the flow of the traffic. My understanding is that the group intends to march in the state road. Pursuant to Utah Administrative Code R920-4-1 and R930-6(8.7), the insurance and waivers of liability are mandatory. Specifically, R930-6(8.7) requires the permit holder to obtain a liability insurance policy naming UDOT as an additional insured. The waiver and release of liability is also mandatory pursuant to R920-4-1. UDOT does not have the authority or discretion to waive these requirements. Therefore, your request to waive these requirements is denied.

Thank you,

**Mark Velasquez**  
**Access Control Coordinator**  
**UDOT Region 2**  
**2010 S. 2760 W.**  
**S.L.C. UT 84104**

**Office: 801-975-4810**  
**Fax: 801-975-4979**

>>> On 4/27/2011 at 11:02 AM, in message  
<BANLkTimtC5uko2N86p35G9+=77zzDjSixQ@mail.gmail.com>, Ryan Pleune  
<ryan@[REDACTED]> wrote:

Please forward this email to the supervisor in charge of waiving the liability requirement.

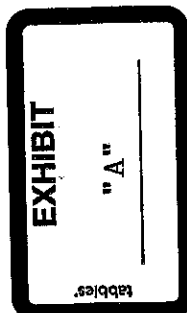
Thank you,

Ryan Pleune

On Wed, Apr 27, 2011 at 10:59 AM, Ryan Pleune <ryan@[REDACTED]> wrote:

To whom it may concern,

I have been in phone communication with Nazee about the requirements for our application number 42048 on May 7th. Over one week ago in a phone conversation I requested that UDOT waive the liability insurance. She said that UDOT could not waive that requirement and that any



group of any size is required to have that insurance and they must sign the release of liability insurance. I asked her to send me an email stating her response in writing so I could share it with my group and we could decide how to proceed. I have not received any response from UDOT so I am making another request here in this email. We do not have any funding for our march. It is a march to ask our state leaders to address climate change and our conditional permit with the Salt Lake City Corporation is a Free Expression Activity Permit.

Please waive the insurance policy requirement because our Saturday May 7, 2011 event is a political and free speech First Amendment protected event being staged by a unincorporated association of non-profit groups and individuals that lack the funds to pay for an insurance policy.

Please waive the requirement that every participant sign a waiver/release of liability in order to participate. We do not know in advance who will participate. We should not be required to sign such releases and waive rights in order to engage in free speech activities.

Please waive the requirement that the organizer/applicant certify that every participant has signed a waiver/release of liability and has read the UDOT special event guidelines in order to participate for same reason as above. This is a free speech political event.

In order for us to plan for our event, we ask that you grant these waivers immediately and no later than noon Friday April 29, 2011.

Sincerely

Ryan Pleune

801 [REDACTED]

On Mon, Mar 28, 2011 at 6:48 AM, <[R2Permits@utah.gov](mailto:R2Permits@utah.gov)> wrote:

This notice is concerning your application (number 42048) submitted on 03/25/11 at physical address 100 S. State Street to 500S. State Street for the purpose of iMatterMarch UT.

It has a current application status of: Incomplete Application.

Please submit a traffic control plan, a copy of your liability insurance and a signed waiver and release of damages. If you have any questions feel free to give me a call at [801-887-8763](tel:801-887-8763) or [ntreweek@utah.gov](mailto:ntreweek@utah.gov)

[https://www.udot.utah.gov/olp/olp\\_Login.jsp?pwdScreen=DOCUMENTS&appCode=2F54E9788D32926DEA31F8F8883](https://www.udot.utah.gov/olp/olp_Login.jsp?pwdScreen=DOCUMENTS&appCode=2F54E9788D32926DEA31F8F8883)

Exhibit "B" -- "UDOT Special Road Use Guidelines for All Events"

**UTAH DEPARTMENT OF TRANSPORTATION  
SPECIAL ROAD USE GUIDELINES FOR ALL EVENTS**

**Purpose:**

To provide permit applicant procedures for uniform administration of special encroachments such as parades, bicycle events, marches, foot races or other events using Utah Department of Transportation (UDOT) roads and facilities. Special events can use UDOT rights-of-way while recognizing UDOT's responsibility to preserve the function of the highway for the movement of traffic in a safe and efficient manner.

**Introduction:**

UDOT developed these guidelines to inform and aid event holders, promoters, and participants in obtaining permits to hold events on State Routes. The need for these guidelines arose from the growing special interest groups, municipalities, and a population in general that wish to use State Routes for special events.

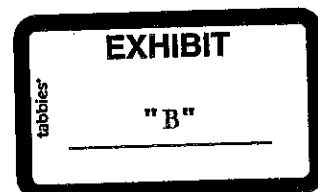
**Authority:**

Title R920. Transportation, Operations, Traffic and Safety  
Administrative Rule R920-4-1 Permit Required for Special Road Use or Event  
Title R930. Transportation, Preconstruction  
Administrative Rule R930-6 and The Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of- Way

**Special Event Requirements:**

An alternate route may be required when traffic volumes are high or road construction or other events are occupying the road. A safer route can accommodate the event, or your event poses a great inconvenience to the motoring public. UDOT will issue Special Event Permits for right-of-way use when all of the following conditions are met:

- A special road use application and fee have been submitted. *Events cannot occupy the roadway until a permit is issued.*
- Application must be made 15 days prior to the scheduled event.
- As determined by the Regional Permit Officer, the organizer shall distribute a news release to all local radio stations, television stations, and newspapers that announce the event and advise residents of alternate routes and potential delays. The news release shall include the date, times, affected roads, and shall also include an estimate of the anticipated length of delay.
- A copy of liability insurance/event insurance must be submitted naming the "State of Utah and its employees" as additionally insured under the certificate (minimum \$1,000,000/occurrence).



- A detailed map showing the proposed course and direction of the event will be required. Locations of parking areas, water stations, toilet facilities, and other appropriate information shall be shown on the map. These areas cannot be located within the UDOT right-of-way. The Event Organizer is responsible for obtaining appropriate permission to locate these facilities on private property.
- Confirmation from local law enforcement that uniformed officers will be providing traffic control (if applicable).
- Confirmation of local municipal or county permit (if applicable).
- All events will require traffic control plans in accordance with current UDOT and MUTCD standards. *These plans must be reviewed by UDOT and made a part of the permit.*
- Road closures will require traffic control by Uniformed Police Officers. Traffic control is the responsibility of the Event Organizer.
- UDOT may require Local Police/Sheriff, Highway Patrol, or UDOT Incident Management Teams to inspect and monitor traffic control.
- All cost for equipment and services must be paid for at the Event Organizers expense.
- Railroad crossings and bridges are to be given special attention. The Event Organizer shall coordinate with the appropriate railroad representatives to ensure that the race schedule will not conflict with the operation of the railroad.
- Applicant must certify that all participants have signed a WAIVER AND RELEASE OF DAMAGES AGAINST THE STATE OF UTAH FOR PARTICIPATION IN AN APPROVED SPECIAL EVENT ON STATE ROADS. Applicant must also certify that each participant has read and understands these guidelines that are conditions of the permit.
- Event Organizers are required to have and make each participant aware of the following:
  - Emergency plans in the event of an accident or injury i.e. identifying who is responsible for supplies and medical support
  - Closest hospitals, how to obtain emergency assistance, etc.
  - Locations of rest areas
  - Facilities for water etc.
  - Trash cleanup plans in order to leave the highway and its rights-of-ways clean and free of debris created by this event.
  - Event participants must obey all traffic laws, lights, and signs.

Exhibit "C" -- "Waiver and Release of Damages"



**WAIVER AND RELEASE OF DAMAGES**  
**AGAINST THE STATE OF UTAH**  
**FOR PARTICIPATION**  
**IN AN APPROVED SPECIAL EVENT ON STATE ROADS**

Each of us individually (and/or as parent and/or guardian of the named minor) do hereby release, remise, waive and forever discharge the State of Utah, the Utah Department of Transportation, the Utah Transportation Commission, the Utah Highway Patrol, and their officers, agents, and employees from all liability, claims, demands, actions or causes of action whatsoever arising out of or related to loss, or damages and/or injuries, including death, which may result from my participation in the \_\_\_\_\_, involving roads within the Utah State Highway system.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Parental Signature (If under 18 years of age)

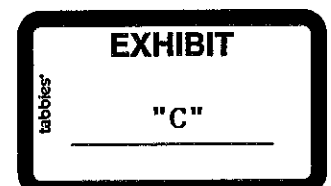


Exhibit "D" -- UDOT Special Event Permit Application

UTAH DEPARTMENT OF TRANSPORTATION

Application for Athletic or Special Event Permit on Right of Way

(Events cannot occupy the Right of Way until a permit is approved)

Date of Application: \_\_\_\_\_

Name of Event: \_\_\_\_\_ Type of Event: \_\_\_\_\_

Organization Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_ State: \_\_\_\_\_

Description of Event:

Date(s): Beginning \_\_\_\_/\_\_\_\_/\_\_\_\_ Time: Beginning: \_\_\_\_ AM \_\_\_\_ PM

Ending \_\_\_\_/\_\_\_\_/\_\_\_\_ Ending: \_\_\_\_ AM \_\_\_\_ PM

NOTE: If time will vary on subsequent days, attach explanation.

Location Proposed Route(s): \_\_\_\_\_

Starting Location: \_\_\_\_\_ Ending Location: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_. Describe the necessity of having the event on a highway

Number of participants [ ] Number of animals [ ] Type of animals \_\_\_\_\_

Description of vehicle or material used: \_\_\_\_\_

Description of activity on the highway: \_\_\_\_\_

If this permit is granted, we agree to comply with all conditions, restrictions and regulations contained in the UDOT's manual for the Accommodation of Utilities and the Control and Protection of State Highway Rights of Way and "Special Limitations" required by the Region Director/District Engineer or his duly authorized representative.

I certify that all participants of this event have signed a waiver, that they are aware of all the rules they must abide by and which are made a part of this permit.

\_\_\_\_\_  
Company name Signature Date

\_\_\_\_\_  
Region/District Traffic Engineer Date Region Director/District Engineer Date

Note: This permit is approved for use of State routes only. All other routes must be cleared by the jurisdiction (city/county) they are within. This application constitutes a request for agency action under Utah Code Annotated §63-46b-3.

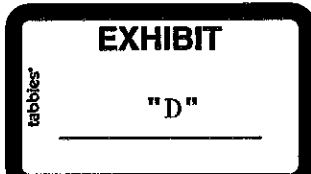


Exhibit "E" -- Utah Administrative Code Rule R920-4-1. Special Road Use

## Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (Subsection 63G-3-102(5); see also Sections 63G-3-701 and 702).

NOTE: For a list of rules that have been made effective since May 1, 2011, please see the codification segue page.

**NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.**

Download the RTF file

## Rule R920-4. Permit Required for Special Road Use or Event.

As in effect on May 1, 2011

### Table of Contents

- R920-4-1. Special Road Use.
- KEY
- Date of Enactment or Last Substantive Amendment
- Notice of Continuation
- Authorizing, Implemented, or Interpreted Law

### R920-4-1. Special Road Use.

UDOT shall promote safe utilization of highways for parades, marathons, and bicycle races. Special Road Use permits shall be required for any use of state routes other than normal traffic movement. Permits may be obtained by fulfilling requirements of DOT form "Special Road Use Permit". Policy applies to all routes under jurisdiction of DOT. Permittee shall hold DOT harmless in event of litigation. A traffic control plan, in accordance with latest edition of the Manual on Uniform Traffic Control Devices and Barricading and Construction Standard Drawings, shall be provided to, and approved by Dept. District Traffic Engineer or Permittee shall restore the particular road segment to its' original condition, free from litter, etc. All applications for permits shall be made a minimum of 15 days prior to the specified activity.

#### KEY

parades, bicycle, races

#### Date of Enactment or Last Substantive Amendment

1987

#### Notice of Continuation

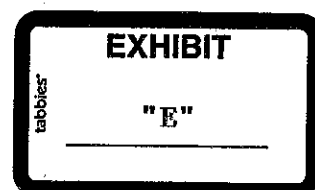
August 10, 2007

#### Authorizing, Implemented, or Interpreted Law

41-6-114; 41-22-15; 41-6-87.9

Rule converted into HTML by the Division of Administrative Rules.

For questions regarding the *content* or *application* of rules under Title R920, please



contact the promulgating agency (Transportation, Operations, Traffic and Safety). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <http://www.rules.utah.gov/contact/agencycontacts.htm>.

The HTML version of this rule is a convenience copy made available on the Internet as a public service. **Please see the State of Utah Terms of Use.**

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4120 State Office Building / Capitol Hill Complex / 450 North State Street / Salt Lake City, UT 84114  
Phone: 801-538-3764 / Fax: 801-359-0759*



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**Subject:** FW: Request to waive requirements for Liability Insurance and Release of Liability Forms

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Date: Thu, 30 Jun 2011 11:24:47 -0600

From: ntreweek@utah.gov

To: ryan [REDACTED]

CC: jonijones@utah.gov; mvelasquez@utah.gov; rspooneer@utah.gov

Subject: Re: Request to waive requirements for Liability Insurance and Release of Liability Forms

Mr. Pleune,

In free speech events, every participant will not need to sign the Waiver and Release of Damages. However, the applicant will need to sign a revised waiver that will apply to free speech events. Currently, the waiver is being revised. As previously discussed, UDOT will not waive the requirement for liability insurance. To clarify, these requirements apply to events that will occur on the state roads. If the event occurs on the sidewalk, you do not need a permit, insurance or sign a waiver.

Thank you,

Nazee Treweek  
District Permits Officer II  
UDOT Region Two Permits  
Office: 801-887-8763  
Fax: 801-975-4979  
[ntreweek@utah.gov](mailto:ntreweek@utah.gov)

>>> ryan pleune <[ryan@pleune.com](mailto:ryan@pleune.com)> 6/27/2011 11:03 AM >>>

To whom it may concern, and Mark Velasquez and Nazee Treweek,

RE: Waive requirements for Liability Insurance and Release of Liability Forms for permit request [43679](#)

In May 2011, I was in communication with Nazee Treweek and Mark Velasquez about the requirements for an application for a free expression on May 7th.

Through phone conversation, email and eventually through a lawsuit I requested that UDOT waive the liability insurance and release of liability waivers from our participants. Ultimately your response was that UDOT could not waive these two requirements and that any group of any size is required to have that insurance and all participants must sign the release of liability insurance two weeks prior to our event. There are many reasons that this is not financially or logistically possible for our free expression demonstration and it violates our First Amendment rights.

For September 24th, 2011 the iMatter Utah activists are planning another "marade" to demonstrate our message and demand that our state adopt a rule consistent with science to address climate change and move away from a fossil fuel economy by reducing CO2 emissions by 6% per year. We do not have any funding for our march. It is a march to ask our state leaders to address climate change and our conditional permit with the Salt Lake City Corporation is a Free Expression Activity Permit. Marching down state street is a symbolic demonstration State street is chosen because it is a major thoroughfare and related to government and is thus symbolic of our intention to send a message to all of Utah. State Street is also important because of our goal to gain the attention of federal, state and local government officials: State Stree is in view of the capital and is both literally and symbolically, the road that leads to state officials.

The use of roadways and walking in the streets is symbolic and pragmatic. The symbolism is to remind our fellow citizens that we can walk, ride bikes or use other modes of transportation besides cars or other combustion engines. The pragmatic element is that our signs and banners are more visible and observers can understand our message better when we are in plain site, rather than squished on the side walk. The iMatter March on May 7th was not as successful because we were not allowed to march down





State Street.

Please waive the insurance policy requirement because our Saturday Sept 24th, 2011 event is a political and First Amendment protected event being staged by a unincorporated association of non-profit groups and individuals that lack the funds to pay for an insurance policy. Focusing our efforts on fund raising or requiring a fee for participation will detract from our message and this excessive requirement is a violation of our First Amendment Rights. Our state needs money to go to adopting the rule of reducing CO2 6% per year not to insurance agencies.

Also please waive the requirement that every participant sign a waiver/release of liability in order to participate. We do not know in advance who will participate and new participants may join spur of the moment on the march day. We should not be required to sign such releases and waive rights in order to engage in free speech activities. Please waive the requirement that the organizer/applicant certify that every participant has signed a waiver/release of liability and has read the UDOT special event guidelines in order to participate for same reason as above. This is a free speech political event.

In order for us to plan for our event, we ask that you grant these waivers immediately and no later than noon Thursday Jun 30th, 2011.

Sincerely  
Ryan Pleune  
801 [REDACTED]

> Date: Mon, 27 Jun 2011 16:35:13 +0000

> From: Permits@utah.gov

> To: ryan [REDACTED]

> Subject: UDOT Permits - Email Address Verification

>

> UDOT Online Permits requires you to validate the email address supplied by clicking on the following URL. You may need to cut and paste the full URL into your browser if clicking on it does not work.

> [https://app.udot.utah.gov/olpp/reply.verify?p\\_code=373894FC24566996A280829508E](https://app.udot.utah.gov/olpp/reply.verify?p_code=373894FC24566996A280829508E)

>

> Thank you for using the UDOT Online Permits System!

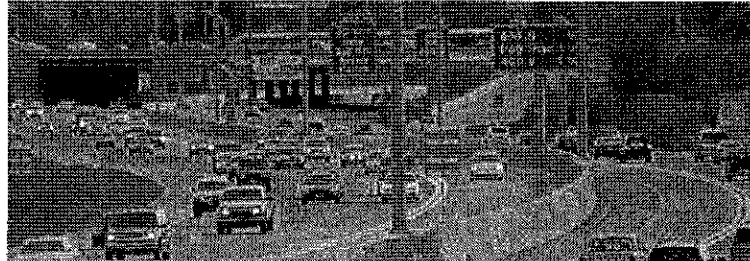
Exhibit "G" -- UDOT Permit Liability Insurance Requirements



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STATE DEPARTMENT OF TRANSPORTATION

UDOT.UTAH.GOV | DEPARTMENT DIRECTORY



### Permit Liability Insurance Requirements

Effective October 5, 2009, the Utah Department of Transportation (UDOT) requires all permit applicants to provide a certificate of liability insurance upon application for permit. Refer to the below for more information.

### Details for Permit Liability Insurance Requirements

Requirements for proof of insurance are as follows:

- o "Producer" section must include the name of the insurance agency and telephone number
- o "Insured" section must list the name of the permit applicant
- o "Certificate of Insurance" must list the name of the insurance company
- o "To Be Determined" or "TBD" is not acceptable
- o Policy effective and expiration dates must be listed
- o "Certificate Holder" section must list:

Utah Department of Transportation  
 4501 S. 2700 W.  
 Box 148420  
 Salt Lake City, Utah 84114-8420

- o "Cancellation Notice" section must be completed with at least 10 days notice to be given

UDOT has established the following as a "minimum" amount of coverage: \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate. Failure to meet these conditions will result in application denial.

Additionally, insurance will be required to be carried throughout the life of the permit. Cancellation will result in permit revocation. If you have questions or need additional information please contact the appropriate region Permits Office.

Last Edited: 06-MAY-2010

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