

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 125)	
OREGON STATE LINE TO 9TH STREET)	
VICINITY, MP 0.00 TO MP 4.45)	FINDINGS AND ORDER
COMBINED DESIGN AND LIMITED)	
ACCESS HEARING)	

The hearing on the above matter was held, upon due notice to interested parties, beginning at 7:00 p.m., Tuesday, April 9, 1985, in the Southeast Washington Fairgrounds Community Center, located at the corner of 9th Avenue and Orchard Street, Walla Walla, Washington, before John H. McRae, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph B. Loonam, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

ARNOLD AND PENNY CHENOWETH, Route 9, Box 9762, Midland, Texas 79701, by Charles Potts, Century 21, Dale Snider Realtors, 118 South 2nd, Walla Walla, Washington 99362;

NITA YATES, by self, 1110 South 9th, Walla Walla, Washington 99362;

DON ANGOTTI, by self, P.O. Box 687, Walla Walla, Washington 99362;

WILLIAM F. PERRY, by self, Route 5, Box 33N, Walla Walla, Washington 99362;

DICK HERMANN, by self, Route 3, Box 58, Milton-Freewater, Oregon 97862;

BARBARA A. MCAUSLAN, 3340 Ranch Road, Route 3, Walla Walla, Washington 99362, by Anna Jane Clark, 3340 Ranch Road, Route 3, Walla Walla, Washington 99362;

ANNA JANE CLARK, by self, 3340 Ranch Road, Route 3, Walla Walla, Washington 99362;

ERVIN WERNER, 3709 North Orchard, Tacoma, Washington 98407,
by Tim Werner, 1335 Monroe, Walla Walla, Washington 99362;

EDWARD AND MARIE MELIAH, by selves, Route 1, Box 159, Walla
Walla, Washington 99362;

STEVE STANTON, by self, P.O. Box 813, Walla Walla,
Washington 99362;

BEN FORCIER, by self, Route 1, Box 139, Walla Walla,
Washington 99362;

WALLA WALLA CHAMBER OF COMMERCE, by Fred R. Bennett, 36
Tremont Drive, College Place, Washington 99324.

As a courtesy to interested citizens, the Commission
furnishes a copy of the Findings and Order to all persons filing
a Notice of Appearance, even though some may not properly be
parties to the hearing. For administrative convenience, all
persons filing a Notice of Appearance are listed above. The
Commission, by including a person in this listing and by
furnishing a copy of the Findings and Order, does not acknowledge
or necessarily recognize the recipient to be a proper party to
the hearing.

The meeting was called to order by William I. Hordan,
District Location Engineer, after which witnesses were called.
The evidence was taken by a Court Reporter and thereafter
transcribed. Certain exhibits were duly introduced as evidence.
The undersigned members of the Transportation Commission have
personally considered the transcript of the hearing. Based upon
the oral evidence and the exhibits introduced in evidence, the
Transportation Commission of the State of Washington makes the
following findings:

I

Prior to March 4, 1985, a plan for the establishment of a
limited access highway over a portion of State Route 125 in Walla
Walla County, Washington, was ordered under Commission Resolution
No. 95 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 125, OREGON STATE
LINE TO YELLOWHAWK CREEK, MP 0.00 TO MP 1.57, WALLA WALLA
COUNTY," sheets 1 through 4 of 4 sheets. These sheets were

introduced into evidence marked as Exhibit Nos. 9-1 through 9-4, which were made a part of the hearing record.

II

Prior to May 31, 1950, a plan was established for a limited access highway over a portion of State Route 125 in Walla Walla County, Washington.

Such a plan was prepared and entitled, "SR 125, WALLA WALLA TO HELLS FORTY, PLAN SHOWING ACCESS, WALLA WALLA COUNTY," MP 1.57 to MP 4.45, sheets 1 through 3 of 3 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 11-1 through 11-3, which were made a part of the hearing record.

III

The Department of Transportation received from the public agencies concerned with the proposed plan, their available data on planning, land use, local traffic, and such other information as required, and thereafter, prepared and submitted to the appropriate local officials an Access Report showing how those factors had been taken into account and covering other matters required by RCW 47.52.131, et seq. A copy of that report was introduced into evidence marked Exhibit No. 4.

By letter dated February 26, 1985, the Board of Walla Walla County Commissioners approved the Access Report, and said letter was introduced into evidence marked as Exhibit No. 5.

By letter dated February 27, 1985, the City of Walla Walla approved the Access Report, and said letter was introduced into evidence marked as Exhibit No. 6.

By letter dated February 19, 1985, the City of College Place approved the Access Report, and said letter was introduced into evidence marked as Exhibit No. 7.

IV

On March 4, 1985, the Project Development Engineer, by Order, proposed said plans and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked as Exhibit No. 1.

V

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Hearing. On March 18, 1985, an exact copy of this notice was mailed to Walla Walla County, Walla Walla City Council, College Place City Council, and to each of those record owners of property listed on the county Tax Rolls as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Walla Walla Union-Bulletin on March 8 and March 25, 1985, as shown by the Affidavit of Publication of Kenneth L. Hatch, Controller of said newspaper, which affidavit was introduced into evidence marked as Exhibit No. 2.

VI

The plan proposes the establishment of partially controlled limited access highway facilities on the portion of State Route 125 from MP 0.00 to MP 1.57 and certain revisions to the existing partially controlled limited access plan from MP 1.57 to MP 4.45, more particularly:

Between Sta. L 10+00.00 and Sta. L 92+72.88 as shown on sheets 1 through 4 of 4 sheets of the right of way and limited access plan entitled, "SR 125, OREGON STATE LINE TO YELLOWHAWK CREEK, MP 0.00 TO MP 1.57, WALLA WALLA COUNTY,"; and

Between Sta. 50+40.00 and Sta. 203+00.00 as shown on sheets 1 through 3 of 3 sheets of the limited access plan entitled, "SR 125, WALLA WALLA TO HELLS FORTY PLAN SHOWING ACCESS, WALLA WALLA COUNTY," MP 1.57 to MP 4.45.

VII

This section of State Route 125 is an important part of the highway system of the state of Washington and represents a substantial expenditure in construction costs. SR 125 is functionally classified as a Principal Arterial and Department of Transportation policy provides for partial control of access on highways of this type. In establishing access control, the

investment of public funds is protected by preserving the highway for future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in safety is directly related to the number of access points. It has been demonstrated in the past that as property owners establish approaches to the highway for their personal use or for business enterprise, the problem of increased accident potential and lowered capacity, due to interference from these roadside approaches, becomes increasingly great and the highway gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designated intersections and approaches.

The plans for the establishment of and revisions to partially controlled limited access highway facilities for these sections of State Route 125 in Walla Walla County, introduced into evidence marked Exhibit Nos. 9-1 through 9-4 and 11-1 through 11-3, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VIII

In addition to the exhibits previously mentioned, the following exhibits were entered into evidence at or subsequent to the hearing and made a part of the hearing record:

- | | |
|---------------------------|--|
| Exhibit No. 8 | Determination of Nonsignificance and Environmental Checklist for SR 125, Oregon State Line to 9th Street Vicinity, dated February 19, 1985. |
| Exhibit No. 10-1 and 10-2 | Right of way plans entitled "SR 125, WALLA WALLA TO HELLS FORTY, WALLA WALLA COUNTY," sheets 4 and 5 of 6 sheets approved April 25, 1950. |
| Exhibit No. 12 | Reserved Exhibit, the Department of Transportation's response to oral comments by Mr. Fred Bennett, concerning the adequacy of the proposed South College Avenue intersection. |

- Exhibit No. 13 Narrative, submitted by Charles Potts, representing Arnold and Penny Chenoweth, requesting total acquisition of Parcel No. 5-05132.
- Exhibit No. 14 Reserved Exhibit, the Department's response to hearing comments by Mr. Charles Potts, and also to Exhibit No. 13.
- Exhibit No. 15 Letter, April 4, 1985, signed by Ervin and Lorraine L. Werner, requesting total acquisition of Parcel No. 5-05130.
- Exhibit No. 16 Reserved Exhibit, the Department's response to Exhibit No. 15.
- Exhibit No. 17 Letter, April 15, 1985, submitted by Charles Snyder, representing Jay Summers, requesting access from the east side to the west side of the highway.
- Exhibit No. 18 Reserved Exhibit, the Department's response to Exhibit No. 17.

IX

The Transportation Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 9-1 through 9-4 and 11-1 through 11-3 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 3 of 4 sheets to allow joint use of the Type B approach at St. L 38+10 Rt. by Parcel No. 5-05120 as recommended by the Department of Transportation on page 24 of the hearing transcript.
2. Revise plan sheet 3 of 4 sheets to delete the Type B approach at Sta. L 38+10 Rt. for Parcel No. 5-05119, as recommended by the Department on page 24 of the hearing transcript.
3. Revise plan sheet 3 of 4 sheets to delete the Type B approach between Sta. L 47+50 and Sta. L 48+20 Rt. for Parcel No. 5-05131, provide an access easement from Sta. L 47+75 to Sta. L 51+39 Rt. for transfer to Parcel No. 5-05131, and to allow joint use of the Type B approach at Sta. L 51+30 Rt. by Parcel Nos. 5-05131 and 5-05132 as recommended by the Department.

4. Revise plan sheet 3 of 3 sheets to extend the access control south of the S. College Place intersection and to perpetuate existing access for two ownerships south of the S. College Place Ave. by way of a driveway entering the right of way at Sta. 188+00 on Rt. and leaving the right of way at Sta. 190+00 Rt. and Sta. 193+00 Rt. respectively as recommended by the Department.
5. Revise plan sheets 1 through 4 of 4 sheets and 1 through 3 of 3 sheets to make minor plan revisions to correct ownerships and parcel details, area computations, and right of way details.

X

The Transportation Commission also considered the following requests for changes in the plan, and makes the following findings:

1. Mr. Fred Bennett, in his oral testimony on pages 45, 47, 50, and 51 of the hearing transcript, recommended lowering the roadway to ease the hump on College Avenue and improve the sight distance. He also requested a median acceleration lane for College Avenue traffic turning left toward Walla Walla.

The Department of Transportation, as stated in Reserved Exhibit No. 12, in response to Mr. Bennett's concerns and for other reasons, will lower the proposed mainline profile and thus improve the sight distance. Also, a State Route 125 northbound acceleration lane for College Avenue traffic turning left toward Walla Walla will be provided. The plan as proposed at the hearing does reduce superelevation over what exists today which was one of Mr. Bennett's concerns.

2. Mr. Charles Potts, in his oral testimony on pages 63 and 64 of the hearing transcript and in Exhibit No. 13, acting on behalf of Arnold and Penny Chenoweth, requested total acquisition of their Parcel No. 5-05132 because of severe hardships on these people.

The Department, as stated in Reserved Exhibit No. 14, will investigate the hardship situation for the property to ensure the necessary conditions are met in which property is purchased in advance of regular right of way purchase procedure to alleviate a hardship situation for the property owners. Upon verification of necessary conditions, the acquisition can be made.

3. Ervin and Lorraine Werner, in Exhibit No. 15, requested total acquisition of their Parcel No. 5-05130.

The Department, as stated in Reserved Exhibit No. 16, can acquire remainders of property that are excess to the highway needs, when a remaining property is found to meet the criteria of an "Uneconomic Remnant." That consideration will be made at the time of right of way negotiations.

4. Mr. Charles Snyder, in his letter, Exhibit No. 17, submitted after the hearing in behalf of Mr. Jay Summers, requested access from the east side to the west side of the highway.

The Department, as stated in Reserved Exhibit No. 18, denies Mr. Summers' request for access directly across the highway. An underpass suitable to allow passage of equipment of the size he is using in his farm operation cannot be economically justified. Surface travel across the highway cannot be permitted because of the necessity for a break in the median barrier which would pose a very serious hazard to four-lane traffic on SR 125. Travel between his separated remainders is available via the State Line Road intersection.

XI

The Commission particularly finds in the case of each abutting ownership that the adoption of the plans for making said highway a limited access facility, said plans being attached hereto and marked Exhibit "A", are required for public convenience and necessity.

Based upon the foregoing findings and evidence supporting them, the Transportation Commission of the state of Washington,

ORDERS:

I

That the section of State Route 125 in Walla Walla County described as follows, is hereby designated as a limited access highway of the partially controlled type:

Between Sta. L 10+00.00 and Sta. L 92+72.88 as shown on sheets 1 through 4 of 4 sheets of the right of way and limited access plan entitled, "SR 125, OREGON STATE LINE TO YELLOWHAWK CREEK, MP 0.00 TO MP 1.57, WALLA WALLA COUNTY," dated March 4, 1985.

II

That the partially controlled limited access facilities on State Route 125 be revised as shown on sheets 1 through 3 sheets entitled "SR 125, WALLA WALLA TO HELLS FORTY, PLANS SHOWING ACCESS, WALLA WALLA COUNTY," MP 1.57 to MP 4.45, dated May 31, 1950 revised March 4, 1985.

III

That the plans set forth in Exhibit Nos. 9-1 through 9-4 and 11-1 through 11-3 for establishment and revision of access control on said highway, be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Revise plan sheet 3 of 4 sheets to allow joint use of the Type B approach at Sta. L 38+10 Rt. by Parcel No. 5-05120.
2. Revise plan sheet 3 of 4 sheets to delete a Type B approach at Sta. L 38+10 Rt. for parcel No. 5-05119.
3. Revise plan sheet 3 of 4 sheets to delete the Type B approach between Sta. L 47+50 and Sta. L 48+20 Rt. for Parcel No. 5-05131, provide for an access easement from Sta. L 47+75 to Sta. L 51+39 Rt. for transfer to Parcel No. 5-05131, and to allow joint use of the Type B approach at Sta. L 51+30 Rt. by Parcel Nos. 5-05131 and 5-05132.
4. Revise plan sheet 3 of 3 sheets to extend the access control south of the S. College Place intersection and to perpetuate existing access for two ownerships south of the S. College Place Ave. by way of a driveway entering the right of way at Sta. 188+00 on Rt. and leaving the right of way at Sta. 190+00 Rt. and Sta. 193+00 Rt. respectively as recommended by the Department.
5. Revise plan sheets 1 through 4 of 4 sheets and 1 through 3 of 3 sheets to make minor plan revisions to correct ownerships and parcel details, area computations, and right of way details.

IV

That the plan entitled, "SR 125, OREGON STATE LINE TO YELLOWHAWK CREEK, MP 0.00 TO MP 1.57, WALLA WALLA COUNTY," sheets

1 through 4 of 4 sheets, dated March 4, 1985, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

V

That the following revisions to existing established limited access plans be adopted:

"SR 125, WALLA WALLA TO HELLS FORTY, PLAN SHOWING ACCESS, MP 1.57 TO MP 4.45, WALLA WALLA COUNTY," sheets 1 through 3 of 3 sheets, dated May 31, 1950, revised March 4, 1985.

VI

That the following plan sheets are hereby superseded:

"SR 125, COLLEGE PLACE TO OREGON STATE LINE, WALLA WALLA COUNTY," sheet 3 (pt.), 4, and 5 of 6 sheets approved September 12, 1939.

ADOPTED this 18th day of July, 1985.

WASHINGTON STATE TRANSPORTATION COMMISSION

Pat Wanamaker
PAT WANAMAKER, Chairman

Bernice Stern
BERNICE STERN, Vice Chairman

Vaughn Hubbard
VAUGHN HUBBARD, Member

Richard Odabashian
RICHARD ODABASHIAN, Member

Albert D. Rosellini
ALBERT D. ROSELLINI, Member

Jerry Overton
JERRY OVERTON, Member

Leo B. Sweeney
LEO B. SWEENEY, Member

ATTEST:

Lue Clarkson
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Thomas R. Burlington
Assistant Attorney General