

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 14 )  
WEST 10th AVE. TO KENNEWICK INTER., )  
M.P. 202.04 to M.P. 204.13 )  
HEARING ON LIMITED ACCESS )

FINDINGS AND ORDER

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Thursday, November 17, 1977, in the Kennewick City Hall Council Chambers, located at 210 West 6th Avenue, Kennewick, Washington, before Charles C. Countryman, 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;

WASHINGTON STATE PATROL, by J. B. Ramberg, 4242 Martin Way, Olympia, Washington 98504;

BENTON COUNTY, by Dale E. Bean, County Engineer, P. O. Box 110, Prosser, Washington 99350;

TRI-CITY HERALD, by Dennis Godfrey, P. O. Box 2608, Pasco, Washington 99302;

S. J. GREGORY, by LEONARD FRAYO, Consultant - The Rainier Fund, 1705 Park Place, Seattle, Washington 98101;

ROBERT F. FLETCHER, by LEONARD FRAYO, Consultant - The Rainier Fund, 1705 Park Place, Seattle, Washington 98101;

T. SELLERS, by DICK PROUDFOOT, 220 Vista Way, Kennewick, Washington 99336;

THE RAINIER FUND by LEONARD FRAYO, 1705 Park Place, Seattle, Washington 98101;

WILLIAM J. and BONNIE PRITCHARD, by self, 2000 West Hood Avenue, Kennewick, Washington 99336;

MARK BROWN, % JAMES S. BLACK AND COMPANY, South 107 Howard, Spokane, Washington 99204;

MR. AND MRS. ALBERT DURHAM, by self, 915 South Ely Street, Kennewick, Washington 99336;

JOHN R. HARMAN, by self, 2014 South 12th Avenue, Yakima, Washington 98903;

BISHOP-FENSTERMACHER, by J. B. Bishop, 4263 N.E. Hazelfern Place, Portland, Oregon 97213;

THOMAS R. MATHESON, by self, 722 South Dennis, Kennewick, Washington 99336;

MARGARET HAGLUND SCHELL, by self, 607 South Ely Street, Kennewick, Washington 99336;

H. W. DEHAVEN, by self, 2718 West 7th Avenue, Kennewick, Washington 99336;

JAMES P. CHASSE, by self, 520 North Conway Plan, Kennewick, Washington 99336.

As a courtesy to interested citizens, the Department of Transportation 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 Department of Transportation, 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 Charles C. Countryman, Hearing Examiner, after which witnesses were called. Evidence was taken by a stenographer and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in evidence, and acting under the authority of the Secretary of Transportation, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

## I

Heretofore and prior to July 23, 1953, the Washington State Highway Commission in its Resolution No. 95 and its amendments and supplements thereto instructed the Director of Highways to prepare a plan for the establishment of a limited access highway over a portion of State Route 14 in Benton County, Washington. Such plan was prepared and entitled "SR 14, W. 10th AVE. TO KENNEWICK INTER., M.P. 202.04 to M.P. 204.13, BENTON COUNTY," sheets 1 through 5 of 9 sheets approved September 16, 1977. The above mentioned sheets were introduced into evidence marked as Exhibit Nos. 9-1 through 9-5, which exhibits were made a part of the hearing record. Profile sheets 6 through 9 of 9 were introduced into evidence as Exhibit Nos. 9-6 through 9-9.

## II

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 the other matters required by RCW 47.52.131, et seq. A copy of the aforementioned Access Report was introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated July 11, 1977, the Benton County Board of County Commissioners in their review of the Access Report proposed one change. By letter dated November 7, 1977, the Benton County Board of County Commissioners said their request by letter of July 11, 1977 had been included and they had no further comment regarding the access plan. The aforementioned letters of July 11, 1977 and November 7, 1977 were introduced into evidence marked Exhibit Nos. 5-A and 5-B, respectively.

By letters dated August 16, 1977, September 9, 1977 and October 19, 1977, the City of Kennewick requested certain additions, changes and considerations. These letters were introduced into evidence marked Exhibit Nos. 6-A, 6-B and 6-C, respectively.

### III

On September 30, 1977, the Highway Development Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked Exhibit No. 1:

### IV

Mr. William A. Bulley, Washington State Secretary of Transportation, issued a Notice of Hearing. On October 28, 1977, an exact copy of this notice was mailed to Benton County and the City of Kennewick and to each of those record owners of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Tri-City Herald on October 31, 1977, as shown by the affidavits of Phyllis Perry, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

### V

The plan proposes the establishment of partial and modified controlled limited access highway facilities on portions of State Route 14 from West 10th Avenue in Kennewick to the Kennewick Interchange between Station 129+00 and Station 24+26.70 as shown on sheets 1 through 5 of 9 sheets entitled, "SR 14, W. 10th AVE. TO KENNEWICK INTER., M.P. 202.04 to M.P. 204.13, BENTON COUNTY."

### VI

This section of State Route 14 is an important part of the highway system of the State of Washington and represents a substantial expenditure in construction

cost. It is functionally classified as a Principal Arterial and Department of Transportation policy provides for control of access on all highways of this type. In so doing, the investment of public funds is protected by preserving the highway for future use.

The projected average daily traffic volume for the design year of 1995 indicates that there will be approximately 30,750 vehicles per day traveling the section between the Kennewick Interchange and Yelm Street. This volume will reduce to approximately 9,100 vehicles per day south of West 10th Avenue. It is vital in planning highways to provide adequate capacity for increasing traffic demands in order to prevent the facility from becoming obsolete within a short period of time.

The seven-year 1970 through 1976 accident history for this section of State Route 14, which will be improved by this project, indicates that there were a total of 282 accidents with 149 people injured and 1 fatality. This figures into a fatality rate of 2.0 fatalities per one hundred million vehicle miles of travel and an accident rate of 5.5 accidents per million vehicle miles. Although there is not an existing urban, 4-lane highway with modified access and median barrier separating directional traffic, this project can be expected to reduce the fatalities and make a substantial reduction in the total accidents.

The efficiency of the highways 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 problems of increased accident potential and lowered capacity, due to interference from these roadside approaches, become 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 designed intersections.

The plan for the establishment of partial and modified controlled limited access highway facilities for State Route 14 in Benton County, introduced into evidence marked Exhibit Nos. 9-1 through 9-5, will facilitate travel, reduce accident rates, preserve the public investment, and sustain the highway as a modern transportation facility.

## VII

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:

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|----------------|--|
| Exhibit No. 7A | Draft Environmental Impact Statement for State Route 14, Kennewick Vicinity.   |
| Exhibit No. 7B | Final Environmental Impact Statement for State Route 14, Kennewick Vicinity.   |
| Exhibit No. 8  | Design Report as revised October, 1977, for SR 14, Kennewick Vicinity.   |
| Exhibit No. 10 | Letter, November 1, 1977, signed by George J. Johns, Ruth M. Johns and Mrs. B. Baugher, requesting consideration in the location of the proposed retaining wall near their property. |
| Exhibit No. 11 | Letter, November 15, 1977, signed by Thelma Compton, requesting continuation of access to Parcel No. 5-03985.  |
| Exhibit No. 12 | Letter, November 15, 1977, signed by David C. Dougherty, City Engineer, City of Kennewick, requesting provision for emergency vehicle crossing at N. Ely Street.                     |
| Exhibit No. 13 | Reserved Exhibit, the Department of Transportation's response to Exhibit No. 12.   |
| Exhibit No. 14 | Reserved Exhibit, the Department of Transportation's response to a request by Mr. Proudfoot regarding access to Parcel No. 5-03971.  |
| Exhibit No. 15 | Reserved Exhibit, letter dated January 31, 1978; Mr. Proudfoot's and Mr. Sellers' response to Exhibit No. 14.  |

- Exhibit No. 16 Reserved Exhibit, the Department of Transportation's response to a request by Mr. Davis regarding access to Parcel 5-03978.
- Exhibit No. 17 Reserved Exhibit, Letter dated November 23, 1977, signed by Mr. Frayo regarding access to Parcel 5-03982 and Parcel 5-02905.
- Exhibit No. 18 Reserved Exhibit, the Department of Transportation's response to Exhibit No. 17.
- Exhibit No. 19 Reserved Exhibit, the Department of Transportation's response to a request by Mr. DeHaven regarding access to Parcel 5-03994, a wall for protection from errant vehicles, and noise reduction.
- Exhibit No. 20 Reserved Exhibit, the Department of Transportation's response to a request by Mr. Harman regarding access to Parcel 5-03975.
- Exhibit No. 21 Reserved Exhibit, the Department of Transportation's response to a request by Mr. and Mrs. Durham regarding access to Parcel 3-03998.
- Exhibit No. 22 Reserved Exhibit, Letter dated November 23, 1977, signed by Mr. Rettig, attorney for Mr. Matheson, regarding access to Parcel Nos. 5-03996, 5-03397, 5-03999.
- Exhibit No. 23 Reserved Exhibit, the Department of Transportation's response to Exhibit No. 22.

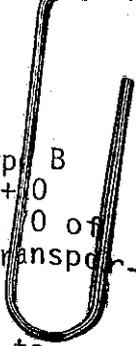
Exhibit No. 24 was reserved at the hearing for comments by Mr. Bishop regarding access to Parcel 5-02931 but was not subsequently received by the Department of Transportation.

### VIII

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

1. Revise plan sheet 3 of 9 sheets to make modifications for the closure of the N. Ely Street Intersection to through traffic and left turn movements, except for use by emergency vehicles, as requested by the City of Kennewick and recommended by the Department of Transportation in Reserved Exhibit No. 13.
2. Revise plan sheet 3 of 9 sheets to indicate a Type D approach to Parcel No. 5-03971 from Vista Way, not to exceed 30 feet in width, at Station 70+74 (118 feet Lt.) as recommended by the Department of Transportation in Reserved Exhibit No. 14.

3. Revise plan sheet 4 of 9 sheets to allow for a future grade intersection for a city street at Station 84+50 (Rt.) as requested by the City of Kennewick and recommended by the Department of Transportation in Reserved Exhibit No. 18, subject to acquisition of access rights by the City for 130 feet from the centerline of SR 14 along the proposed city street.
4. Revise plan sheet 4 of 9 sheets to show areas of excess right of way as presented at the hearing.
5. Revise plan sheet 5 of 9 sheets to indicate the closure of the approach to Parcel No. 5-03974 at Station 81+00 on Lt. as presented at the hearing.
6. Revise plan sheet 5 of 9 sheets to indicate two Type A approaches to Parcel No. 5-04010 as Station TA 9+10 and TA 9+25 (Lt.) as presented at the hearing.
7. Revise plan sheet 5 of 9 sheets to indicate a Type E approach to Parcel No. 5-03978 between Stations 85+90 and 87+40 (Lt.) as requested by Mr. Davis on page 50 of the hearing transcript and recommended by the Department of Transportation in Reserved Exhibit No. 16.
8. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03982 at Station 82+20 (Rt.) as requested by Mr. Frayo in Reserved Exhibit No. 17 and recommended by the Department of Transportation in Reserved Exhibit No. 18.
9. Revise plan sheet 5 of 9 sheets to indicate a temporary Type D approach to Parcel No. 5-02905 at Station 84+50 (Rt.) as requested by Mr. Frayo on page 58 of the hearing transcript and in Reserved Exhibit No. 17 and as recommended by the Department of Transportation in Reserved Exhibit No. 18. Use of the temporary Type D approach will be permitted until such time the City street is built, subject to conditions prescribed herein.
10. Revise plan sheet 5 of 9 sheets to indicate two Type A approaches to Parcel No. 5-03994 at Stations SA 10+10 (Rt.) and SA 10+25 (Rt.) as requested by Mr. DeHaven on page 59 of the hearing transcript and recommended by the Department of Transportation in Reserved Exhibit No. 19.
11. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03975 at Station 82+60 (Lt.) as requested by Mr. Harman on page 64 of the hearing transcript and recommended by the Department of Transportation in Reserved Exhibit No. 20.
12. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03976 at Station 83+55 (Lt.) as a result of Mr. Harman's request on page 64 of the hearing transcript and as recommended by the Department of Transportation in Reserved Exhibit No. 20.

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13. Revise plan sheet 5 of 9 sheets to indicate two additional Type B approaches to Parcel 5-03998 at Stations 115+45 (Lt.) and 117+00 (Lt.) as requested by Mr. and Mrs. Durham on pages 66 through 70 of the hearing transcript and recommended by the Department of Transportation in Reserved Exhibit No. 21.
  14. Revise plan sheet 5 of 9 sheets to indicate Type D approaches to Parcel 5-03996 at Stations 106+85 (Rt.) and SA 12+57 (Lt.) for Lot No. 1, Station 108+40 (Rt.) for Lot Nos. 2 and 3, and Station 111+00 (Rt.) for Lot No. 4 of Highlands Plat B as requested by Mr. Matheson on page 71 through 78 of the hearing transcript and in Reserved Exhibit No. 22, and as recommended by the Department of Transportation in Reserved Exhibit No. 23.
  15. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03999 at a satisfactory point between Station 115+50 and Station 116+50 on the right, as requested by Mr. Matheson in the hearing transcript on pages 71 through 78 and in Reserved Exhibit No. 22, and as recommended by the Department of Transportation in Reserved Exhibit No. 23.
  16. Revise plan sheet 5 of 9 sheets to indicate relocation of the cul-de-sac for West 9th Avenue as requested by Mr. Matheson on page 77 of the hearing transcript and in Reserved Exhibit No. 22, and as recommended by the Department of Transportation in Reserved Exhibit No. 23.
  17. Revise plan sheets 1 through 5 of 9 sheets (Exhibit Nos. 9-1 through 9-5) to make minor plan revisions, to correct ownership and parcel details, area computation, and right of way details.

#### IX

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

1. Mr. Proudfoot and Mr. Sellers requested on pages 44 through 48 of the hearing transcript, and Mr. Sellers in Reserved Exhibit No. 15, that continuation of two access approaches to Parcel 5-03971 from SR 14 be allowed.

The existing northerly approach would be in direct conflict with the right turn lane to be constructed at the Clearwater/Vista Way Intersection and therefore will be closed as recommended by the Department of Transportation in Reserved Exhibit No. 14.

2. Mr. DeHaven requested on page 60 of the hearing transcript that a block retaining wall about 42 inches high be built to reduce noise and protect his property, Parcel No. 5-03994.

A retaining wall to be effective in the reduction of noise for this parcel would prohibit access to four of the six homes adjacent to Parcel 5-03994. It is neither cost effective nor practical to construct walls at or near the right of way line solely for the purpose of protecting adjacent property. The Department of Transportation recommends in Reserved Exhibit No. 19 that the requested wall not be constructed.

3. Mr. Johns on page 33 of the hearing transcript, and Mr. and Mrs. Johns and Mrs. Baugher in Exhibit 10, request that the retaining wall and noise barrier adjacent to their properties be constructed a minimum of fifteen feet from the right-of-way line (vicinity Station 36+00 on the right).

Consideration will be given to this request in the final determination of the location of the retaining wall and noise barrier.

4. Mr. Matheson requested on pages 71 through 78 of the hearing transcript, and Mr. Rettig in Reserved Exhibit No. 22 that two approaches from Parcel No. 5-03999 to SR 14 be allowed.

To reduce traffic accident potential and facilitate smoother traffic flow, yet provide reasonable access to Parcel 5-03999, one Type D approach will be allowed as recommended by the Department of Transportation in Reserved Exhibit No. 23.

X

The Deputy Secretary of Transportation particularly finds in the case of each abutting ownership that the adoption of the plan for making said highway a limited access facility, said plan being attached hereto and marked Exhibit "A", is required by the public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Deputy Secretary of Transportation of the State of Washington,

ORDERS,

I

That the section of State Route 14 in Benton County described as follows is hereby designated as a limited access highway of the partial and modified controlled type:

Between West 10th Avenue in Kennewick to the Kennewick Interchange, Station 129+00 to Station 24+26.70, as shown on sheets 1 through 5 of 9 sheets of the limited access plan entitled, "SR 14, W. 10th AVE. TO KENNEWICK INTER., M.P. 202.04 TO M.P. 204.13, BENTON COUNTY."

II

That the plan set forth in Exhibit Nos. 9-1 through 9-5 for establishment 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 9 sheets for the closure of the Ely Street intersection to through traffic and left turns, except for use by emergency vehicles.
2. Revise plan sheet 3 of 9 sheets to indicate a Type D approach to Parcel 5-03971 from Vista Way, not to exceed 30 feet in width, at Station 70+74 (118 feet Left).
3. Revise plan sheet 4 of 9 sheets to allow a future grade intersection for a city street at Station 84+50 on the right.
4. Revise plan sheet 4 of 9 sheets to show areas of excess right-of-way.
5. Revise plan sheet 5 of 9 sheets to indicate the closure of the approach to Parcel No. 5-03974 at Station 81+00 on the left.
6. Revise plan sheet 5 of 9 sheets to indicate two Type A approaches to Parcel No. 5-04010 at Station TA 9+10 and TA 9+25 on the left.
7. Revise plan sheet 5 of 9 sheets to indicate a Type E approach to Parcel No. 5-03978 between Stations 85+90 and 87+40 on the left.
8. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03982 at Station 82+20 on the right.
9. Revise plan sheet 5 of 9 sheets to indicate a temporary Type D approach to Parcel No. 5-02905 at Station 84+50 on the right, to be used until such time the city street is built.
10. Revise plan sheet 5 of 9 sheets to indicate two Type A approaches to Parcel No. 5-03994 at Station SA 10+10 and SA 10+25 on the right.
11. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03975 at Station 82+60 on the left.
12. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03976 at Station 83+55 on the left.
13. Revise plan sheet 5 of 9 sheets to indicate two additional Type B approaches to Parcel No. 5-03998 at Stations 115+45 and 117+20 on the left.
14. Revise plan sheet 5 of 9 sheets to indicate Type D approaches to Parcel No. 5-03996 at Stations 106+85 on the right and SA 12+57 on the left for Lot No. 1, Station 108+40 on the right for Lot Nos. 2 and 3, and Station 111+00 on the right for Lot No. 4.

15. Revise plan sheet 5 of 9 sheets to indicate a Type D approach to Parcel No. 5-03999 at a satisfactory point between Station 115+50 and 116+50 on the right.
16. Revise plan sheet 5 of 9 sheets to indicate relocation of the cul-de-sac for West 9th Avenue.
17. Revise plan sheets 1 through 5 of 9 sheets (Exhibit Nos. 9-1 through 9-5) to make minor plan revisions, to correct ownership and parcel details, area computation, and right-of-way details.

III

That the plan entitled "SR 14, W. 10th AVE. TO KENNEWICK INTER., M.P. 202.04 TO M.P. 204.13, BENTON COUNTY", sheets 1 through 5 of 9 sheets, dated September 16, 1977, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plans are hereby superseded:

SR 14, WRIGHT ROAD WESTERLY, Plan Showing Access, sheet 1 (pt.) of 2 sheets, approved March 5, 1957.

SR 14, JCT. PSH NO. 3 TO WRIGHT ROAD, Plan Showing Access, sheet 1 of 1 sheet, approved December 12, 1950.

ADOPTED THIS 7 DAY OF Sept., 1978

DEPUTY SECRETARY OF TRANSPORTATION

  
V. W. KORF

Approved as to form:

  
Assistant Attorney General