

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 182, ROAD 68)
INTERCHANGE VICINITY TO SR 395)
INTERCHANGE VICINITY, M.P. 8.49)
TO M.P. 13.95, COMBINED HEARING)
ON DESIGN AND 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., Monday December 5, 1977, in the Franklin County P.U.D. Auditorium, located at 1411 W. Clark Street, Pasco, 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;

JOSEPH G. BALTHAZOR, by self, 704 West Henry, Pasco, Washington 99301;

JAMES H. UPDYKE, by self, 2721 Wernett Road, Pasco, Washington 99301;

BRUCE MADDEN, by self, 2720 Wernett Road, Pasco, Washington 99301;

DOROTHEA ROBERTS, by self, 2413 Road 36 North, Pasco, Washington 99301;

CHARLES J. POWERS, by self, 4404 Livingston, Pasco, Washington 99301;

C. L. MILLER, by self, 904 West Henry, Pasco, Washington 99301;

EUGENE H. LOMBARD, by self, 2220 Road 24 and Wernett, Pasco, Washington 99301;

HERBERT E. MORROW, by self, 2605 West Wernett, Pasco, Washington 99301;

MYRON LINIGER, by self, 4816 Argent, Pasco, Washington 99301;

B. R. HAYWARD, by self, Route 2, Box 18A, Richland, Washington 99352;

GEORGE R. BANCROFT, by self, Route #1, Box 297A, Prosser, Washington 99350;

CATHOLIC BISHOP OF SPOKANE, by PATRICK T. ROACH, Attorney at Law, P.O. box 609, Pasco, Washington 99301;

COLUMBIA BASIN COMMUNITY COLLEGE, by VERNON GALLOWAY, Planning Director,
1932 West Pearl Street, Pasco, Washington 99301;

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, by RICHARD K. WHITAKER,
Area Director of Church Educational System, 2508 West Wernett Road, Pasco,
Washington 99301;

ANDY JOHNSON, by self, 1612 Cartmell, Pasco, Washington 99301;

E. L. ROTHROCK, by HOWARD F. HUHS, 1315 Sylvester, Pasco, Washington 99301.

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 Acting Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Heretofore and prior to July 19, 1971, the Washington State Highway Commission in its Resolution No. 2402 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 182 in Franklin County, Washington.

Such a plan was prepared and shown on plans entitled "SR 182, ROAD 68 INTERCHANGE VICINITY TO SR 395 INTERCHANGE VICINITY, M.P. 8.49 to M.P. 13.95, FRANKLIN COUNTY", sheets 1 through 15 of 27 sheets. The above mentioned sheets were introduced into evidence marked as Exhibit Nos. 8-1 through 8-15, which were made a part of the hearing record.

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 a report showing how those factors has 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. 5-A and 5-B.

By letter dated July 6, 1977, the City of Pasco offered full support of the design and access provisions of I-182 between Road 68 and Oregon Street. Their support was based on the information contained in the Access Report and the assurances given by Mr. William Hordan at City Council meeting of June 8, 1977. The City's letter was introduced into evidence and marked Exhibit No. 6-A.

By letter dated June 13, 1977, the Franklin County Board of Commissioners approved the Access Report subject to certain modifications which are agreed to by the Department of Transportation. Said letter was introduced into evidence marked Exhibit No. 6-B.

III

On October 21, 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 November 17, 1977, an exact copy of this notice was mailed to Franklin County and to each of those record owners of property listed in the Affidavits of Service by Mailing introduced into evidence marked Exhibit No. 3. On November 18, 1977 an exact copy of the notice was mailed to the City of Pasco and introduced into evidence marked Exhibit No. 4. An exact copy of the notice was published in the Tri-City Herald on November 1 and November 25, 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 fully controlled, limited access highway facilities for State Route 182 from Road 68 Interchange to SR 395 Interchange between Station LE 1528+56.49 and Station LE 612+40.00 as shown on sheets 1 through 15 of 27 sheets entitled, "SR 182, ROAD 68 INTERCHANGE VICINITY TO SR 395 INTERCHANGE VICINITY, M.P. 8.49 TO M.P. 13.95, FRANKLIN COUNTY".

VI

This section of State Route 182 is an important part of the highway system of the State of Washington and represents a substantial expenditure in construction costs. It is functionally classified as an Interstate Highway and Department of Transportation policy provides for full 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 volumes for the design year of 1996 indicate that there will be approximately 45,450 vehicles traveling between Road 100 Interchange and Road 68 Interchange; 34,000 vehicles traveling between Road 68 Interchange and SR 14 Interchange; 48,050 vehicles traveling between SR 14 Interchange and 20th Avenue Interchange; 41,650 vehicles traveling between

20th Avenue Interchange and 4th Avenue Interchange; and 26,950 vehicles traveling between 4th Avenue Interchange and SR 395 Interchange. It is vital in planning highways to provide adequate capacity for increased traffic demands in order to prevent the facility from becoming obsolete within a short period of time.

An accident history and projection has not been prepared for this segment of highway. This is a new facility and cannot be compared to anything that is functioning similarly in this area.

The efficiency of the highways as a means of moving a maximum volume of traffic in safety is directly connected with 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 interchanges.

The plan for the establishment of fully controlled limited access facilities for State Route 182 in Franklin County introduced into evidence marked Exhibit Nos. 8-1 through 8-15 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. 7 | Final Environmental/Section 4(f) Statement for Interstate 82/182, Prosser, Washington, to Interstate 80N in Oregon, approved and adopted by the FHWA 10/22/76. |
| Exhibit No. 9 | Letter, November 29, 1977, signed by Richard K. Whitaker, Area Director, Pasco Washington Area, LDS Church Education System. Letter, December 15, 1977, signed by D. Keith |

Barber, President, Pasco Stake, The Church of Jesus Christ of Latter-Day Saints.

- Exhibit No. 10 Reserved Exhibit, the Department of Transportation's response to Exhibit No. 9.
- Exhibit No. 11 Reserved Exhibit, the Department of Transportation's response to a request by Mr. Harley Hines regarding access to parcel 5-03248.
- Exhibit No. 12 Reserved Exhibit, the Department of Transportation's response to a question by Mr. Myron Liniger regarding the disposition of excess right of way on a portion of existing Argent Road.
- Exhibit No. 13 Reserved Exhibit, the Department of Transportation's response to a proposal made by Mr. Patrick Roach, representing the Catholic Bishop of Spokane, to increase the number of separation structures providing access north of SR 182.

VIII

The Acting Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 8-1 through 8-15 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise plan sheets 9 and 10 of 27 sheets to remove the pedestrian underpass and allow for a pedestrian overcrossing, including right-of-way requirements at Station LW 1738+50 as requested by the Church Educational System of the Church of Jesus Christ of Latter-Day Saints in Exhibit No. 9 and by Mr. Wilson on page 69 of the hearing transcript and as recommended by the Department of Transportation in Reserved Exhibit No. 10.
2. Revise plan sheet 8 of 27 sheets to move the 40 foot access easement for Parcel No. 5-03248 from Parcel No. 5-03247, Station LW 1688+56.23 (290 feet Rt.) - Station LW 1692+13.70 (290 feet Rt.), to Parcel 5-03249, Station LW 1695+65 (290 feet Rt.) - LW 1698+00 (290 feet Rt.)

as requested by Mr. Hines on page 60 of the hearing transcript and as recommended by the Department of Transportation in Reserved Exhibit No. 11.

3. Revise plan sheet 6 of 27 sheets to indicate that Argent Road, between CB Line Station 6+00 and AB Line Station 13+00, is excess right-of-way for transfer to abutting property owners to provide access to those owners as requested by Mr. Liniger on page 64 of the hearing transcript and as recommended by the Department of Transportation in Reserved Exhibit No. 12.
4. Revise plan sheets to make minor plan revisions, to correct ownership and parcel details, area computation, and right-of-way details (plan sheets 1 through 15 of 27 sheets).

IX

The Acting Deputy Secretary of Transportation also considered the following request made at the hearing and makes the following findings:

1. Patrick T. Roach, Attorney at Law, representing the Catholic Bishop of Spokane and their interest in Parcel 5-03232 requests that additional access roads be constructed across the highway between Road 68 and Road 20. (Exhibit No. 13)

The plan presented at the hearing is a result of coordinated planning with the City of Pasco and Franklin County. The access provided by the proposed plan between the areas north and south of SR 182 is reasonable and adequate considering current area development. The proposed plan will not prevent platting of undeveloped properties and can accommodate future local agency internal road systems without causing unreasonable circuitry of travel. If future development gen-

erates traffic exceeding the capacity of the SR 182 crossings proposed, the conditions and alternatives can be reviewed with the local agencies at that time.

X

The Acting 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 for public convenience and necessity.

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

ORDERS:

I

That the section of State Route 182 in Franklin County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station LE 1528+56.49 and Station LE 612+40.00 as shown on sheets 1 through 15 of 27 sheets of the limited access plan entitled "SR 182, Road 68 Interchange Vicinity to SR 395 Interchange Vicinity, M.P. 8.49 to M.P. 13.95, Franklin County," dated October 7, 1977.

II

That the plan set forth in Exhibit Nos. 8-1 through 8-15 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 Sheets 9 and 10 of 27 sheets to remove the pedestrian underpass and allow for a pedestrian overcrossing, including right of way requirements, at Station LW 1738+50.
2. Revise Plan Sheet 8 of 27 sheets to change the 40 foot access easement for parcel 5-03248 from Parcel 5-03247 to Parcel 5-03249.

3. Revise Plan Sheet 6 of 27 sheets to allow for transfer of excess right of way on Argent Road to abutting ownerships.
4. Revise Plan Sheets to make minor revisions, to correct ownership and parcel details, area computation, and right-of-way details (plan sheets 1 through 15 of 27 sheets).

III

That the plan entitled "SR 182, Road 68 Interchange Vicinity to SR 395 Interchange Vicinity, M.P. 8.49 to M.P. 13.95, Franklin County", sheets 1 through 15 of 27 sheets dated October 7, 1977, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the plan entitled "SR 12, Columbia River to Snake River, Franklin County", sheets 1(pt.), 6(pt.), 7, 8, 9 and 10(pt.) of 33 sheets approved January 8, 1963, is hereby superseded.

ADOPTED this 10th day of March, 1978.

ACTING DEPUTY SECRETARY OF TRANSPORTATION



V. W. KORF

APPROVED AS TO FORM:



Assistant Attorney General