

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 18)
3RD STREET SW GRADE SEPARATION)
SR MP 3.50 TO MP 3.95) FINDINGS AND ORDER
COMBINED HEARING ON DESIGN) (Relating to Limited Access)
AND LIMITED ACCESS)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7:00 p.m. Wednesday, December 16, 1998 at the Auburn City Hall Council Chambers, 25 West Main Street, Auburn, Washington, before Andrea Conklin, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Bryce Brown, Assistant Attorney General, PO Box 40113, Olympia, Washington 98504-0113;

SOUND TRANSIT, by Larry Ellington, 1100 2nd Ave., Suit 500, Seattle, WA 98116;

MIKE FOX, by self, 227 C Street SW, Auburn, WA 98101.

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, 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 under the provisions of the RCW 47.52 by Ingrid Gaub, Project Manager, City of Auburn, after which witness were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into evidence. Based upon the oral evidence and the exhibits introduced into evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary of Environment and Engineering makes the following findings:

I

Prior to December 20, 1954, a plan for the establishment of a limited access highway over a portion of State Route 18 in King County, Washington, was ordered under Commission Resolution No. 196 and amendments thereto.

Such a plan was prepared and entitled "SR 18, 3RD STREET SW GRADE SEPARATION, MP 3.50 TO MP 3.95, KING COUNTY," sheets 1 through 6 of 6 sheets. These plan sheets were introduced into evidence marked Exhibit No. 4, which was made a part of the hearing record.

II

On November 30, 1998 the Deputy State Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52, *et seq.* The Order of Hearing was introduced into evidence marked Exhibit No. 1.

III

Ingrid Gaub, P. E., Project Engineer, City of Auburn, issued a Notice of Hearing. On December 1, 1998 an exact copy of this notice was mailed to various agencies and interested parties, and to each of the record owners of property listed on the County Tax Roll, as depicted in the Affidavits of Service by Mailing that were introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in The Daily Journal of Commerce on November 16, 1998 and December 2, 1998; The South County Journal and The Tacoma News Tribune on November 16, 1998 and December 3, 1998, which affidavits were introduced into evidence marked Exhibit No. 3.

IV

The plan proposes the establishment of a limited access control facility with full access controlled for State Route 18 in the vicinity of C Street SW Interchange, as shown on sheets 1 through 6 of 6 sheets of the right of way and limited access plan entitled "SR 18, "SR 18, 3RD STREET SW GRADE SEPARATION, MP 3.50 TO MP 3.95, KING COUNTY" dated November 30, 1998.

V

This section of State Route 18 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 Principal Arterial Highway and the Department of Transportation Policy provides for full access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in a safe manner 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 business enterprise, the safe operation of the facility is jeopardized and the road 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 and intersections.

The plans for the establishment of fully controlled limited access facilities for SR18, 3RD STREET SW GRADE SEPARATION, introduced into evidence marked Exhibit No. 4, will facilitate travel, reduce accident rates, preserve the public investment, and sustain the highway as a modern transportation facility.

VI

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

Exhibit No. 5 Reserved Exhibit, response to comments by Larry Ellington on pages 18 through 20 of the hearing transcript.

VII

The Assistant Secretary of Environment and Engineering has considered the following requests and made the following findings:

1. Larry Ellington, representing Sound Transit, on pages 18 through 20 of the transcript, expressed concerns over the proposed implementation of limited access control that would eliminate the southern access to Parcel No.1-16539 (owned by Berg Investment Company and proposed as the site for Sound Transits Commuter Rail Station) at the proposed intersection of the SR 18 westbound ramps and C Street SW. Loss of this access for the Sound Transit Station would severely impact the flow of traffic to and from the station. Larry Ellington requested that the southern access for the Sound Transit Station be allowed.

As stated by the City of Auburn in Reserved Exhibit No. 5, the City is aware of the impact to Sound Transit's operation and their intention to purchase the property. At such time as Sound Transit becomes the legal owner of Parcel 1-16539 the City of Auburn and the Department of Transportation will work with Sound Transit to provide adequate access to the station site.

VIII

The Assistant Secretary of Environment and Engineering has considered evidence on the entire portion of the above entitled highway and finds the plans should be modified as hereinafter set forth:

Plan sheets 1 through 6 of 6 sheets, Exhibit No. 6, of the plan entitled "SR 18, 3RD STREET SW GRADE SEPARATION, MP 3.50 TO MP 3.95, KING COUNTY", dated November 30, 1998, will be replaced with new plan sheets 1 through 6 of 6 sheets entitled "SR 18, C ST. SW INTERCHANGE VIC., MP 3.49 TO MP 3.94, KING COUNTY". The new plan sheets will include the following changes:

1. Minor revisions that correct ownership's and parcel details, area computations, and right of way details (See plan sheets 1 through 6 of 6 sheets)

IX

The Assistant Secretary for Environment and Engineering specifically finds in the case of each abutting ownership that the adoption of the plan 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 Assistant Secretary of Environment and Engineering for the Department of Transportation of the State of Washington

ORDERS:

I

That the section of State Route 18 in King County described as follows are hereby designated as limited access highway facilities of the fully controlled type:

Between Sta. 215+24.15 and Sta. 239+12.66, as shown on sheets 1 through 6 of 6 entitled "SR 18, C ST. SW INTERCHANGE VIC., MP 3.49 TO MP 3.94, KING COUNTY".

II

That the plans for the establishment of access control of said highways be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof.

1. Show minor revisions that correct ownerships and parcel details, area computations, and right of way details (See plan sheets 1 through 6 of 6 sheets)

III

That the plan entitled "SR 18, C ST. SW INTERCHANGE VIC., MP 3.49 TO MP3.94, KING COUNTY" sheets 1 through 6 of 6 sheets; as revised reflected in Exhibit "A", is hereby adopted.

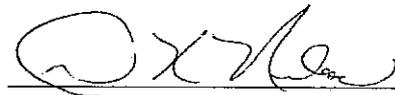
IV

That the following plans are hereby superseded:

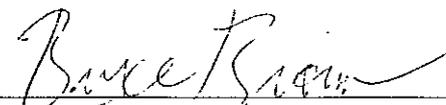
“SR 18, JCT. P. S. H. NO.1 TO AUBURN, PLAN SHOWING ACCESS , KING COUNTY”, sheet 2(Pt.) of 3 sheets dated May 6, 1958.

ADOPTED THIS 14th DAY OF September, 1999

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING
SERVICE CENTER



Approved as to form:



Assistant Attorney General