

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 240 )  
RICHLAND: HAGEN ROAD TO )  
STEVENS DRIVE )  
M.P. 28.31 to M.P. 28.83 )  
HEARING ON LIMITED )  
ACCESS )

FINDINGS AND ORDER

The hearing on the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Thursday, May 15, 1980, in the Richland City Library, Multi-Purpose Room, located at the corner of Swift Boulevard and Northgate Drive in Richland, Washington, before John H. McRae, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by T. R. Garlington, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

CITY OF RICHLAND, by Bob Ellis, Council Member, P.O. Box 162, Richland, Washington 99352;

CITY OF RICHLAND, P.O. Box 190, Richland, Washington 99352;

PORT OF BENTON, by Jackson Richardson, President of Port of Benton Commission, 2050 Howell, Richland, Washington 99352;

DENNIS A. ARMSTRONG, by self, 1610 Johnston, Richland, Washington 99352;

GLEN BEDDO, by Melissa Beddo, 1609 Jewett St., Richland, Washington 99352;

GREGG ENTERPRISES, INC., by Richard W. Pierson, Attorney, 3737 Bank of California Center, Seattle, Washington 98164;

ROLAND HANEY AND RICHLAND EAGLES #3674, by Roland  
Haney, Rt. 4 Box 9511, Richland, Washington 99352;

SUSIE A. HANEY, by self, Rt. 4 Box 9511, Richland, Washington  
99352;

RAY ISAACSON, by self, 2106 Lee Blvd., Richland, Washington  
99352;

DANIEL AND ELSIE MABEE, by self, 1291 S.W. Hiway Lane,  
Lake Oswego, Oregon 97034;

ED OCHILTREE, by self, 5711 S.W. Winthrop St., Seattle,  
Washington 98116;

RANKIN, HSIEH, PALMER - PARTNERSHIP, by Martin O. Rankin,  
partner, 4109 West Pearl, Pasco, Washington 99301;

TRI-CITY HERALD, by Chuck Taylor, P.O. Box 2608, Pasco,  
Washington 99302.

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 John H. McRae, Hearing Examiner, after which witnesses were called. The evidence was taken by a Court Reporter 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:

1. In January and February, 1980, the City of Richland proposed to the Washington State Department of Transportation and the Transportation Commission a revision to the existing partial access control on the limited access plan entitled, "SR 240, NORTH RICHLAND ROAD TO STEVENS DRIVE, BENTON COUNTY," Sheet 12 of 19 Sheets dated February 1, 1967. The proposed revision would add a public grade intersection approximately 540 feet west of the intersection of SR 240 with Stevens Drive to provide additional access for the Gregg Enterprises property on the south side of SR 240 at Station 1528+81. The requested revision to the adopted limited access plan to provide additional access to the Gregg Enterprises property would have a substantial impact upon the community of Richland.

2. The Department of Transportation received from the City of Richland their available data on planning, land use, local traffic and other information. Thereafter the Department prepared and submitted to the City an Access Report in accordance with RCW 47.52.131, et seq. A copy of that report was introduced into evidence marked Exhibit No. 4. By letter dated May 2, 1980, the City of Richland responded to the Access Report. That letter was introduced into evidence marked Exhibit No. 5.

3. On April 22, 1980 the Design Engineer by Order 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.

4. Mr. V.W. Korf, Deputy Secretary of Transportation, issued a Notice of Hearing. On April 25, 1980, an exact copy of this notice was mailed to Benton County, the City of Richland 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 aforesaid notice was published in the Tri-City Herald on April 29, 1980 as shown by the affidavit of Phyllis Graves, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

5. State Route 240 is an important part of the highway system of the State of Washington and represents a substantial investment of highway funds. It is currently functionally classified as a Minor Arterial and was added to the Department of Transportation's Master Plan for Limited Access Highways by Commission Resolution Nos. 1440 and 1832. Commission Findings and Order dated November 22, 1966

established access control on plans entitled "SR 240, NORTH RICHLAND ROAD TO STEVENS DRIVE, BENTON COUNTY." A copy of the Findings and Order was introduced into evidence marked Exhibit No. 7. Sheets 1, 10, 11, 12, 17 and 18 of 19 sheets for the plan North Richland Road to Stevens Drive were introduced into evidence marked Exhibits Nos. 8-1 through 8-6. Pursuant to this adopted limited access plan, property and access rights necessary for SR 240 were acquired from the former owners of the Gregg Enterprises property by exercise of the power of eminent domain. Pursuant to the Judgment and Decree of Appropriation, the State fully compensated the former owners of the Gregg Enterprises property for both the right-of-way taken and the access rights to what is now the Gregg Enterprises property. A copy of the Judgment and Decree of Appropriation concerning this action was introduced into evidence as Exhibit No. 9.

6. Access to the Gregg Enterprises property was discussed at a December 20, 1978 public hearing on the adjacent section of SR 240, for the plan entitled "SR 240, RICHLAND: STEVENS DRIVE TO THAYER DRIVE." The specific access now proposed by the City of Richland was requested by the property owners at that hearing with support for their request from various public officials. The request was duly considered and denied. A copy of the Findings and Order issued on May 22, 1979 which denied the requested access was introduced into evidence as Exhibit No. 10. Sheets 1, 3 and 4 of 15 sheets for the plan Richland:

Stevens Drive to Thayer Drive were introduced into evidence marked Exhibit Nos. 11-1 through 11-3. Correspondence by the City of Richland, beginning with a permit application dated October 23, 1979 renewed the access request.

7. 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. 6  | Limited Access Master Plan.                                                             |
| Exhibit No. 12 | Plan showing three alternatives.                                                        |
| Exhibit No. 13 | Alternate No. 1 Intersection Plan.                                                      |
| Exhibit No. 14 | Alternate No. 1 Intersection Plan Enlargement.                                          |
| Exhibit No. 15 | Alternate No. 2 Intersection Plan.                                                      |
| Exhibit No. 16 | Alternate No. 3 Intersection Plan.                                                      |
| Exhibit No. 17 | Vicinity map showing present day traffic.                                               |
| Exhibit No. 18 | Alternate No. 1 design year traffic (ADT)                                               |
| Exhibit No. 19 | Alternate No. 1 design year traffic (DHV)                                               |
| Exhibit No. 20 | Alternate No. 2 design year traffic                                                     |
| Exhibit No. 21 | Alternate No. 3 design year traffic                                                     |
| Exhibit No. 22 | Letter, May 5, 1980, signed by Martin O. Rankin, proposing two additional alternates.   |
| Exhibit No. 23 | Proposed internal road system for Gregg Enterprises                                     |
| Exhibit No. A  | Letter, May 15, 1980, signed by Richard W. Pierson (attorney for Gregg Enterprises).    |
| Exhibit No. B  | Letter to Gregg Enterprises from the Department of Transportation, dated July 21, 1978. |

- Exhibit No. C Letter, August 24, 1978, signed by Gary H. Gregg, Operations Manager, Gregg Enterprises.
- Exhibit No. D Letter to Gregg Enterprises from the Department of Transportation dated August 25, 1978.
- Exhibit No. E Letter, August 25, 1978, signed by Gary H. Gregg, Operations Manager, Gregg Enterprises.
- Exhibit No. F Letter, April 2, 1980, signed by Angelo Gaspare, owner of Angelo Gaspare, Inc.
- Exhibit No. G Letter to Department of Transportation Commission, May 30, 1980, signed by Kenneth E. Cottingham (Cottingham Transportation Engineering).
- Exhibit No. H Letter to Department of Transportation Commission, May 30, 1980, signed by W.F. Stevlingson (Stevlingson and Associates).
- Exhibit No. 24 Department of Transportation response to Exhibit No. G.
- Exhibit No. 25 Department of Transportation response to Exhibit No. H.

8. Based upon projected population figures provided by the City of Richland which constitute the best evidence available, by the design year 2000 tremendous commercial and residential growth will occur to the north and west of the proposed intersection, increasing the average daily traffic on SR 240 at Hagen road to 33,000 vehicles per day from 3,550 in 1978.

9. The proposed access to Gregg Enterprises property would severely and adversely impact the traffic carrying capacity of SR 240 and particularly the Stevens Drive - SR 240 intersection and would thereby substantially reduce the capacity of SR 240 to accommodate traffic traveling from north Richland to south

Richland. The adverse impact of the proposed access on the traffic carrying capacity of SR 240 would become progressively worse as the number of vehicles using this section of the highway increased over the years.

10. Construction of the access to the Gregg Enterprises property would create an unsafe condition for motorists using this section of the highway which would become more severe as the traffic increased through the years.

11. Under the functional classification of state highways in effect prior to July 1, 1979, this section of SR 240 was classified as a "collector" highway. With the rapid growth of the Tri-Cities area, this route would have been up-graded to the classification of "major" highway by now or in the near future. Effective July 1, 1979 the classification system of the state's highways was changed and under the new system, this section of SR 240 was classified as a "minor arterial." Since the adoption of the new classification system, design standards used for "major" highways under the former classification system have been applied to "minor arterial" highways under the new system.

12. The design standards applicable to "major" state highways (in accordance with the classification in effect prior to July 1, 1979) and now applicable to "minor arterial" highways under the existing classification system require that to the extent feasible public at-grade intersections be spaced a minimum of

one-half mile apart. These standards are consistent with nationally recognized standards contained in "A Policy on Design of Urban Highways and Arterial Streets - 1973" published by the American Association of State Highways and Transportation Officials (AASHTO). The department's standards represent a reasonable balance between maintaining the high capacity of the state's partially controlled limited access highways with maximum safety for motorists, and the opportunity for commercial and residential development adjacent and near to these highways.

13. WAC Rule 468-58-030(2)(a) states that with respect to partially controlled limited access highways, "No commercial approaches shall be permitted except on frontage roads provided in the access plan or at intersections." Functionally, the access or approach to the Gregg Enterprises property as requested by the City of Richland is a commercial approach from SR 240 notwithstanding the proposal by Gregg Enterprises to dedicate the approach and internal road to the City of Richland as a city street. The approach would serve the single commercial property and in that respect would not have the usual characteristics of a public road intersection and frontage road or other public road serving a number of ownerships.

14. There exists broad city and commercial support favoring the proposed access to the Gregg Enterprises property. The development of a large commercial shopping center on the Gregg property is generally believed by city officials and community leaders to be important for the city's economic development. Adequate access to the Gregg property is thought to be essential for the successful

development of the property.

15. The Gregg Enterprises parcel is presently provided access from the previously established partially controlled limited access section of SR 240 (North Richland Road to Stevens Drive) from the west via Hagen Road and Saint Street, existing city streets, across the D.O.E. railroad to the northwest corner of the parcel. In order to provide useable access to the Gregg parcel other than by the direct access requested, it would be necessary for the city or the developers to improve these existing city streets or to develop an alternate route.

16. A circumferential access road from the Hagen Road intersection with SR 240 if properly constructed could provide reasonable and viable access not only to the Gregg Enterprises property but to other adjacent property in the same manner that many circumferential roads and streets are constructed around other shopping malls and developments throughout the state. Alternate 3 prepared by the Department of Transportation and presented at the hearing, depicts a possible circumferential road development. Such a proposal would permit other commercial and industrial development of property in the area in addition to serving the Gregg Enterprises parcel.

17. At the hearing, Gregg Enterprises, Inc. suggested moving the proposed access to their property to the northwest some 750 feet from the Stevens Drive - SR 240 intersection which would moderate to some degree the adverse impacts of the original proposed access. This proposal is unfeasible however because of the proximity of the D.O.E. railroad. The railroad tracks are some

13 feet higher than the approach of SR 240 from the northwest. The highway southeast of the railroad tracks declines some 9 feet. Furthermore, there exists a horizontal curve to the right some 200 feet southeast of the railroad tracks. The combination of the railroad's elevation and the horizontal curve create an intolerable sight distance problem. As a consequence, cars traveling from the northwest approaching the railroad tracks would have no opportunity to observe the Gregg Enterprises access until crossing the tracks and would then be too close to the access to adequately respond to slowing or stopped vehicles and to the movements in and out of the Gregg property.

18. Statements were made at the hearing to the effect that the use of Hagen Road together with either Saint Street or a new circumferential road would increase the hazards to persons approaching the Gregg Enterprises property from the west. It is true that this traffic pattern would require crossing the Department of Energy railroad at grade. Since SR 240 crosses the railroad at grade, no increase in hazards would result from use of a properly designed local street crossing.

19. The Department of Transportation has, in the past, received numerous similar requests for access to commercial development directly from its partially controlled limited access highways and has denied such requests. Also, at this hearing, requests were made by two individuals having an interest in properties lying north of SR 240 that the City's request be modified to

provide access to the north as well as to the Gregg Enterprises property. In the event the City of Richland's request were to be granted, a precedent would be established that would make it difficult or impossible to refuse requests throughout the state. To grant such requests would seriously reduce the capacity of the state's partially controlled limited access highways to accommodate traffic and in time render many of these highways obsolete.

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

ORDERS:

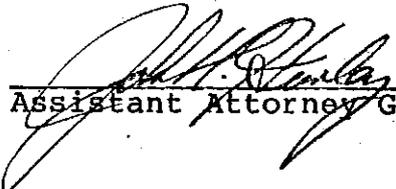
That the application by the City of Richland to revise the existing access plans to provide an additional access from the south side of State Route 240 to Gregg Enterprises property be denied.

DATED THIS 9<sup>th</sup> DAY OF JULY, 1980.

DEPUTY SECRETARY OF TRANSPORTATION

  
V. W. KORF

APPROVED AS TO FORM:

  
Assistant Attorney General