BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 240 RICHLAND: STEVENS DRIVE TO THAYER DRIVE M.P. 30.61 TO M.P. 34.85 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., Wednesday, December 20, 1978, in the Richland Public Library, Multi-Purpose Room, located at the corner of Swift Boulevard and Northgate Drive in Richland, 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 98504;

CITY OF RICHLAND, by William R. Gilbert, Public Works Director, P. O. Box 190, Richland, Washington 99352;

PORT OF BENTON, by Richard A. Mann, Commissioner, P. O. Box 309, Richland, Washington 99352;

BONNEVILLE POWER ADMINISTRATION, by Allen Aplass, P. O. Box 1518, Walla Walla, Washington 99632;

RICHLAND CEMETERY ASSOCIATION, by Tom Bock, Manager, 915 By-Pass Highway, Richland, Washington 99352;

CARL E. TAYLOR, by self, 80 McMurray, Richland, Washington 99352;

COLUMBIAN CLUB (Knights of Columbus), by Del Bruggeman, 1869 Mahan, Richland, Washington 99352;

COLUMBIAN CLUB (Knights of Columbus), by Hugh W. Ward, 1308 Roberdeau, Richland, Washington 99352;

COLUMBIAN CLUB (Knights of Columbus), by Mark Kelley, 302 Cullum, Richland, Washington 99352;

DAVID G. ATTERIDGE, by self, 613 Cottonwood Drive, Richland, Washington 99352;

COLUMBIA PACIFIC RESOURCES, INC., by Phil M. Raekes, P. O. Box 6896, Kennewick, Washington 99336;

WAYNE PRATT, by self, Box 2622, Pasco, Washington 99302;

L. FAIRWEATHER, by self, 5100 West Clearwater, Kennewick, Washington 99336;

LEONARD HARMS, by self, 1705 Road 64, Pasco, Washington 99301;

ROBERT O. BUDD, by self, 1721 Birch Avenue, Richland, Washington 99352;

GARY H. GREGG, by self, 101 North Union Street, Kennewick, Washington 99336;

GREG MOEN, by self, 5251 - 116th Place SE, Bellevue, Washington 98006;

AL YENCOPAL, by self, 2030 George Washington Way, Richland, Washington 99352;

TELEPROMPTER, by Gerald Ellman, Manager, 1317-B George Washington Way, Richland, Washington 99352;

PAT J. O'NEIL, by self, 1404 Sunset, Richland, Washington 99352;

HOMER A. MOULTHROP, by self, 505 George Washington Way, Richland, Washington 99352;

DENNIS E. COVELL, by self, 505 Swift Boulevard, Box 190, Richland, Washington 99352;

GAFFORD McDONALD, INC., P. O. Box 753, Richland, Washington 99352.

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. 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 Transporation, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to August 18, 1978, a plan for the establishment of a limited access highway over a portion of State Route 240 in Benton County, Washington, was ordered under Resolution No. 1832.

Such a plan was prepared and entitled "SR 240, RICHLAND: STEVENS DRIVE TO THAYER DRIVE, M.P. 30.61 TO M.P. 34.85, BENTON COUNTY" sheets 1 through 10 of 15 sheets approved August 18, 1978. These sheets were introduced into evidence marked as Exhibit Nos. 8-1 through 8-10, 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 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 Nos. 4-A and 4-B.

By letter dated October 23, 1978, the City of Richland approved the Access Report subject to certain modifications. By letter dated December 6, 1978, the Richland City Council indicated concurrence with the aforementioned modifications but reiterated their support for an alternate modification provided a compromise could be reached with all parties concerned. The letters of October 23, 1978 and December 6, 1978 were introduced into evidence marked Exhibit Nos. 5 and 6, respectively.

III

On November 22, 1978, the Design 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. V. W. Korf, Deputy Secretary of Transportation, issued a Notice of Hearing. On November 28, 1978, 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 December 5, 1978, as shown by the affidavit of Phyllis Graves, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

V

The plan proposes the establishment of partially controlled limited access highway facilities for State Route 240 in Richland from Stevens Drive to

Thayer Drive between Station L 1534+13.84 and Station L 1758+11.07 as shown on sheets 1 through 10 of 15 sheets entitled "SR 240, RICHLAND: STEVENS DRIVE TO THAYER DRIVE, M.P. 30.61 TO M.P. 34.85, BENTON COUNTY."

VI

This section of State Route 240 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 a Minor Arterial and was added to the Department of Transportation's Master Plan for Limited Access Highways by Commission Resolution No. 1832. In establishing access control, 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 1996 indicates that there will be approximately 14,000 vehicles per day travelling the section between Stevens Drive and Van Giesen Street. Between Van Giesen Street and Swift Boulevard there will be approximately 16,700 vehicles per day. This volume will reduce to approximately 14,750 vehicles per day south of Swift Boulevard. 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 five-year 1973 through 1977 accident history for this section of State Route 240, which will be improved by this project, indicates that there were a total of 204 accidents with 155 people injured and 3 fatalities. This is equal to a fatality rate of 5.2 fatalities per one hundred million vehicle miles of travel and an accident rate of 3.5 accidents per million vehicle miles. The estimated fatality rate after completion of this project would be 1.7 fatalities per one hundred million vehicle miles of travel, which is roughly one-third of the present rate. The estimated accident rate after project

completion would be 1.5 accidents per million vehicle miles, or approximately 43 percent of the present rate.

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 problem 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 controlled limited access highway facilities for State Route 240 in Benton County, introduced into evidence marked Exhibit Nos. 8-1 through 8-10, will facilitate travel, reduce accident and fatality 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:

Exhibit No. 7	Final Negative Declaration, State Route 240, Stevens Drive to Thayer Drive.
Exhibit No. 9	Reserved Exhibit, the Department of Transportation's response to Exhibit No. 10.
Exhibit No. 10	Letter, December 29, 1978, signed by Gary H. Gregg, Operations Manager, Gregg Enterprises, Inc., regarding the location of the intersection serving Parcel 918.

Exhibit No. 11	Letter with attachment, submitted at the hearing by Richard A. Mann, Secretary, Port of Benton, regarding the planned location of the airport access intersection.
Exhibit No. 12	Reserved Exhibit, the Department's resopnse to Exhibit No. 11.
Exhibit No. 13	Letter, December 20, 1978, signed by Hugh W. Ward, President, Columbian Club, Inc., concerning the closure of Chester Road.
Exhibit No. 14	Reserved Exhibit, the Department's response to Exhibit No. 13.
Exhibit No. 15	Reserved Exhibit, Letter, December 27, 1978, signed by Mark D. Kelley, Member, Columbian Club, Inc., concerning the closure of Chester Road.
Exhibit No. 16	Reserved Exhibit, the Department's response to Exhibit No. 15.
Exhibit No. 17	Reserved Exhibit, was reserved at the hearing for comments by Mr. Ed Gafford but was not subsequently received by the Department.

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. 8-1 through 8-10 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheets 1 and 3 of 15 sheets to provide a public grade intersection of the right at Station L-1545+00, subject, however, to the condition that the owner of the abutting property (Parcel No. 918) will, prior to the opening of said grade intersection, execute an appropriate agreement acceptable to the Department of Transportation to provide for a future public way from said grade intersection across Parcel No. 918 to connect to an existing dedicated public street on the north.

2. Revise plan sheet 3 of 15 sheets to add an easement on the left near Station L-1535+20 from the City of Richland, along Coast Street, to allow for construction of a noise barrier as recommended by the Department on page 25 of the Hearing Transcript.

3. Revise plan sheets 5 and 6 of 15 sheets to add an easement on the left in the vicinity of Station L-1601+00 to Van Gieson Street, from the City of Richland, to allow for construction of a noise barrier as recommended by the Department on page 26 of the Hearing Transcript.

4. Revise plan sheets 1 and 6 of 15 sheets to show a special rectangular cul-de-sac design entirely within existing Chester Road right of way immediately west of the Department of Energy Railroad. This revision is in response to requests by Mr. Hector McVey on page 51 of the Hearing Transcript, by Mr. Hugh W. Ward (Exhibit No. 13), and by Mr. Mark D. Kelley(Reserved Exhibit No. 15), representing the Columbian Club, Inc., and as recommended by the Department in Reserved Exhibit Nos. 14 and 16.

5. Revise plan sheet 6 of 15 sheets to indicate a gated Type C approach from State Route 240 at Station L 1622+20 to provide emergency access to parcels abutting Chester Road, in the event Hall Road is inundated by flood waters. This emergency access is in response to requests by Mr. Hugh W. Ward (Exhibit No. 13) and Mr. Mark D. Kelley (Exhibit No. 15), both representing the Columbian Club, Inc., and as recommended by the Department in Reserved Exhibit Nos. 14 and 16.

6. Revise plan sheet 7 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Swift Boulevard, not to exceed 20 feet in width and to be gated and locked when not in use, at Station S 8+50 left and right as recommended by the Department on page 27 of the Hearing Transcript.

7. Revise plan sheet 9 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Duportail Street, not to exceed 20 feet in width and to be gated and locked when not in use, at Station D 8+50 left and right as recommended by the Department on page 27 of the Hearing Transcript.

8. Revise plan sheet 10 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Thayer Drive, not to exceed 20 feet in width and to be gated and locked when not in use, at Station TD 12+00 lect as recommended by the Department on pages 27 and 28 of the Hearing Transcript.

9. Revise plan sheets 1 through 10 of 15 sheets to make minor plan revisions, to correct ownerhsip and parcel details, area computations, 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. Gary M. Gregg requested on pages 28 through 32 of the Hearing Transcript and in Reserved Exhibit No. 10 that a single, signalized, intersection be provided to serve Parcel 918 and the Port of Benton, in lieu of two separate intersections as presented at the hearing. He further proposed restriction of the present airport access to right turn only movements. Mr. Gregg also requested an intersection of SR 240 along the north side of Parcel 918. Further support or endorsement of Mr. Gregg's request for a single intersection to serve the airport and Parcel 918 came from Mr. Yencopal, Roland Haney, Wayne Pratt, Shirley Wickert, Leonard Harms and Chuck Foley on pages 34 through 45 of the Hearing Transcript.

Mr. Dick Mann, Commissioner, Port of Benton (Parcel 5-04420), on pages 46 through 49 of the Hearing Transcript and in Exhibit No. 11, expressed strong opposition to any alteration of their present airport access road. Although the owners of Parcel 918, the City of Richland, the Department of Transportation, and others have favored a combined intersection about 800 feet north of the existing airport access, the Port of Benton strongly opposes it. Lacking agreement from the Port of Benton, the Department of Transportation recommends in Reserved Exhibit Nos. 9 and 12, the construction of separate intersections for each parcel, as presented at the hearing.

North side access to Parcel 918 is presently provided by Hagen Road and Saint Street. Access rights to SR 240 along the north property boundary have been previously acquired by the Department of Transportation from this parcel. Another north side access to SR 240 would not meet intersection spacing requirements for an access controlled highway and would decrease the safety and efficiency of SR 240. The Department of Transportation denies another northerly access in Reserved Exhibit No. 9.

2. Mr. Ray Isaacson requested on page 38 of the Hearing Transcript that signals be provided at the airport access intersection.

   The Department of Transportation has determined that signals are not warranted at this time; however, conduit for future signals will be installed during construction. Signals will be installed at a future date, if warranted.

3. Mr. Hector McVey requested on pages 51 and 52 of the Hearing Transcript, Mr. Hugh W. Ward in Exhibit No. 13, and Mr. Mark D. Kelley in Exhibit No. 15, that in lieu of closing Chester Road intersection, right-turn-only ingress and egress should be provided. Further support came from Mr. Frank Fitzgerald and Mr. Tom Bock on pages 53 and 54 of the transcript.

   Right-turn-only access tends to lead to wrong way movements and head-on collisions on divided four lane highways, particularly at night and when alcoholic beverages are a factor. The Department of Transportation recommends in Reserved Exhibit Nos. 14 and 16 the construction of a locked gate approach at Chester Road to provide the right-turn-only access but only in an emergency, when alternate access is inundated by flood waters.

4. Mr. Hector McVey on pages 51 and 52 of the Hearing Transcript, Mr. Hugh W. Ward in Exhibit No. 13, and Mr. Mark D. Kelley in Exhibit No. 15, contend that Hall Road is inadequate to handle the traffic to and from the Knights of Columbus Hall and that left turn lanes and signals will be needed at the intersection of Hall Road and Van Giesen Street (SR 224).

   The Department of Transportation indicated in Reserved Exhibit Nos. 14 and 16 that existing Chester Road is a 24-foot bituminous surface and Hall Road consists of a 22-foot bituminous roadway. Both are in good

condition and capable of accommodating the nearly 400 cars that might be generated by the K.C. Hall activities. Traffic volumes do not warrant left turn storage or traffic signals at SR 224 and Hall Road.

5. Mr. Dave Atteridge and Mr. Tom Bock on pages 58 and 59 of the Hearing Transcript request traffic signals at the Swift Boulevard and Duportail Street intersections with State Route 240.

   The hearing plan does not anticipate need for signals at this time. Conduits for signalization will be installed during construction to facilitate future signal installation, when warranted.

6. Mr. Dave Atteridge indicated on pages 62 and 63 of the Hearing Transcript that a noise barrier is needed along the shelterbelt throughout the section from Van Giesen Street to Thayer Drive.

   Detailed noise studies have determined that 1996 design year noise levels will not exceed the standard set forth in Federal noise guidelines. Therefore, noise abatement will not be provided in this area.

7. Mr. Robert McDonald, owner of Parcel No. 5-04407,indicated on page 65 of the Hearing Transcript that his property will be converted to residential development and that the westerly highway right of way should be fenced with chain link and not Type 3 wire as indicated at the hearing.

   The Department of Energy Railroad is between State Route 240 and Mr. McDonald's property. The Department of Transportation does not find sufficient warrant for chain link fence. It is the responsibility of the non-abutting property owner to provide whatever fencing he deems necessary for the security of his ownership.

8. Mr. Ray Isaacson, Mr. Homer Moulthrop and Mr. David Atteridge indicated on pages 76 through 83 of the Hearing Transcript that pedestrian overcrossings are needed at the intersections to get people across to the recreational areas by the Yakima River.

   When pedestrian overpasses are provided at or near roadway intersections, individuals tend to cross on the roadway and not utilize the pedestrian structure. Bicycle and equestrian travelers would do likewise. A more practical solution would be pedestrian signal phases combined with future traffic signals to allow a safe pedestrian crossing of the highway.

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

for 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 240 in Benton County described as follows is hereby designated as a limited access highway of the partially controlled type:

> Between Station L 1534+13.84 and Station L 1758+11.07 as shown on sheets 1 through 10 of 15 sheets of the plan entitled, "SR 240, RICHLAND: STEVENS DRIVE TO THAYER DRIVE, M.P. 30.61 TO M.P. 34.85, BENTON COUNTY," dated April 18, 1978.

II

That the plan set forth in Exhibit Nos. 8-1 through 8-10 for establishment of access control on siad 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 1 and 3 of 15 sheet to provide a grade intersection on the right at Station L 1545+00.

2. Revise plan sheet 3 of 15 sheets to add an easement on the left near Station L 1535+20 to allow for construction of a noise barrier.

3. Revise plan sheets 5 and 6 of 15 sheets to add an easement on the left in the vicinity of Station L 1601+00 to Van Giesen Street, to allow for construction of a noise barrier.

4. Revise plan sheets 1 and 6 of 15 sheets to show a cul-de-sac within Chester Road right of way immediately west of the D.O.E. Railroad.

5. Revise plan sheet 6 of 15 sheets to indicate a gated Type C approach at Station L 1622+20 on the right to provide emergency access to Chester Road.

6. Revise plan sheet 7 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Swift Boulevard at Station S 8+50 left and right.

7. Revise plan sheet 9 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Duportail Street at Station D 8+50 left and right.

8. Revise plan sheet 10 of 15 sheets to indicate a Type C approach to the City of Richland Shelterbelt from Thayer Drive at Station TD 12+00 left.

9. Revise plan sheets 1 through 10 of 15 sheets (Exhibit Nos. 8-1 through 8-10) to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

III

That the plan entitled "SR 240, RICHLAND: STEVENS DRIVE TO THAYER DRIVE, M.P. 30.61 TO M.P. 34.85, BENTON COUNTY," sheets 1 through 10 of 15 sheets, dated August 18, 1978, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plan is hereby superseded":

"SR 240, NORTH RICHLAND ROAD TO STEVENS DRIVE IN RICHLAND," Right of Way and Limited Access, Benton County, sheet 12 (pt.) of 19 sheets, approved February 1, 1967.

ADOPTED THIS 22 day of May, 1979.

DEPUTY SECRETARY OF TRANSPORTATION

V. W. Korf

V. W. KORF

APPROVED AS TO FORM:

Thomas R. Covington

Assistant Attorney General