

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 24)
M.P. 31.56 TO COLD CREEK ROAD)
M.P. 31.56 TO M.P. 35.57 AND) FINDINGS AND ORDER
JCT. SR 241 TO M.P. 31.56)
M.P. 30.40 TO M.P. 31.56)
HEARING ON LIMITED ACCESS)

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:00 p.m., Tuesday, May 17, 1983, in the Moxee City Hall, Public Meeting Room, located at 255 West Seattle, Moxee, Washington, before John H. McRae, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Robert Wright, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

BONNEVILLE POWER ADMINISTRATION, by John E. Folts, P.O. Box 3621, Portland, Oregon 98208;

A. E. HAEBERLIN, by self, Vernita Star Route, Box 43, Sunnyside, Washington 98944;

HAROLD E. & CAROL S. RANSOM, by selves, 2429 Harris Avenue, Richland, Washington 99352;

STATE EXCHANGE FINANCE COMPANY, Culver, Indiana, by Tom Price, District Manager, Farm & Ranch Management Division of Bank of California, P.O. Box 487, Pendleton, Oregon 97801.

As a courtesy to interested citizens, the Commission 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

Commission, 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 William Hordan, District Location Engineer, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The undersigned members of the Transportation Commission have personally considered the transcript of the hearing. Based upon the oral evidence and the exhibits introduced in evidence, the Transportation Commission of the State of Washington makes the following findings:

I

Prior to March 28, 1983, a plan for the establishment of a limited access highway over a portion of State Route 24 in Benton County, Washington, was ordered under Commission Resolution No. 2301 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 24, M.P. 31.56 TO COLD CREEK ROAD, M.P. 31.56 TO M.P. 35.57, BENTON COUNTY," sheets 1 through 11 of 11 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7-1 through 7-11, which were made a part of the hearing record.

II

Prior to February 9, 1979, a plan for the establishment of a limited access highway over a portion of State Route 24 in Yakima County and Benton County, Washington, was ordered under Commission Resolution No. 2301 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 24, JCT. SR 241 TO M.P. 31.56, M.P. 30.40 TO M.P. 31.56, YAKIMA AND BENTON COUNTIES", sheets 1 through 3 of 3 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 8-1 through 8-3, which were made a part of the hearing record.

III

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 No. 5.

By letter dated February 28, 1983, the Board of Benton County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 6.

IV

On April 19, 1983, the Project 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.

V

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On April 22, 1983, an exact copy of this notice was mailed to Yakima and Benton Counties and to each of those record owners of property listed on the County Tax Rolls as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 4.

An exact copy of the notice was published in the Yakima Herald-Republic and the Tri-City Herald on May 2, 1983, as shown by the Affidavits of Publication of S. W. Matt and Julia Long, Principal Clerks of said newspapers, which affidavits were introduced into evidence marked Exhibit Nos. 2 and 3, respectively.

VI

The plan proposes the establishment of partially controlled limited access highway facilities for State Route 24 from M.P. 31.56 to Cold Creek Road between Station L 1625+00.00 and Station L 1836+90.00 as shown on sheets 1 through 11 of 11 sheets entitled "SR 24, M.P. 31.56 TO COLD CREEK ROAD, M.P. 31.56 TO M.P. 35.57, BENTON COUNTY".

The plan also proposes to finalize the previously established partially controlled limited access highway facilities on SR 24 from Jct. SR 241 to M.P. 31.56 between Station 1564+00.00 and Station 1625+00.00 as shown on sheets 1 through 3 of 3 sheets entitled "SR 24, JCT. SR 241 TO M.P. 31.56, M.P. 30.40 TO M.P. 31.56, YAKIMA AND BENTON COUNTIES", dated February 9, 1979.

VII

This section of State Route 24 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 Department of Transportation policy provides for partial control of access on highways of this type. In establishing access control, the investment of public funds is protected by preserving the highway for future use.

The efficiency of the highway 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, becomes 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 designated intersections and approaches.

The plans for the establishment of modified and partially controlled limited access highway facilities for these sections of State Route 24 in Yakima and Benton Counties, introduced into evidence marked Exhibit Nos. 7-1 through 7-11 and 8-1 through 8-3, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VIII

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. 9 | Letter, April 5, 1983, signed by Benton County Commissioners, authorizing the holding of the hearing outside Benton County. |
| Exhibit No. 10 | Letter, April 25, 1983, signed by Benton County Commissioners, concurring in the inclusion of Jct. SR 241 to M.P. 31.56 in the hearing. |

- Exhibit No. 11 Letter, May 9, 1983, signed by Leo Van Bergeyk, Yakima County Director of Public Works, concurring in the inclusion of Jct. SR 241 to M.P. 31.56 in the hearing.
- Exhibit No. 12a Proposed Declaration of Non-Significance.
- Exhibit No. 12b Environmental Assessment.
- Exhibit No. 13 Letter, April 27, 1983, signed by R. G. Riches, Distribution Engineer, Benton County PUD No. 1, requesting additional Type C approaches for operation, maintenance, and repair of their facilities.
- Exhibit No. 14 Reserved Exhibit, the Department of Transportation's response to Exhibit No. 13.
- Exhibit No. 15 Reserved Exhibit, the Department of Transportation's response to hearing comments by Mr. Harold E. Ransom, requesting access to the southerly remainder of Parcel No. 5-04895.

IX

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 7-1 through 7-11 and 8-1 through 8-3 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 4 of 11 sheets to add a Type C approach, not to exceed 20 feet in width, at Station L 1635+45 on the left for use by Pacific Power and Light Company. This plan change is in response to an oral request prior to the hearing and is recommended by the Department on page 17 of the Hearing Transcript.
2. Revise plan sheet 6 of 11 sheets to delete the access easement for transfer and Type B approach to Parcel No. 5-04893 at Station L 1699+25 on the left, as recommended by the Department on page 17 of the Hearing Transcript.
3. Revise plan sheet 7 of 11 sheets to allow one Type B approach to Parcel No. 5-04893, between Station L 1709+00 and Station L 1730+00 on the left, as recommended by the Department on page 17 of the Hearing Transcript.

4. Revise plan sheet 8 of 11 sheets to add a Type B approach to Parcel No. 5-04895 at Station L 1760+45 on the left, as recommended by the Department on page 18 of the Hearing Transcript.
5. Revise plan sheet 8 of 11 sheets to add two Type C approaches, not to exceed 20 feet in width, at Station L 1760+45 on the left and right for use by Benton County Public Utility District No. 1. This plan change is in response to a request by Mr. R. G. Riches (Exhibit No. 13) and is recommended by the Department in Reserved Exhibit No. 14 and on page 18 of the Hearing Transcript.
6. Revise plan sheet 8 of 11 sheets to allow joint use of the Type B approach at Station L 1760+45 on the right by Parcel No. 5-04895. This revision is in response to an oral request by Mr. Harold E. Ransom on page 24 of the Hearing Transcript, and is recommended by the Department in Reserved Exhibit No. 15.
7. Revise plan sheet 9 of 11 sheets to add to Type C approaches, not to exceed 20 feet in width, at Station L 1791+25 on the left and right for use by Benton County Public Utility District No. 1. This plan change is in response to a request by Mr. R. G. Riches (Exhibit No. 13) and is recommended by the Department in Reserved Exhibit No. 14 and on page 19 of the Hearing Transcript.
8. Revise plan sheet 10 of 11 sheets to add Type C approaches, not to exceed 20 feet in width, at Station L 1798+55 on the left and Station L 1819+90 on the right for use by Benton County Public Utility District No. 1. This revision is in response to a request by Mr. R. G. Riches (Exhibit No. 13) and is recommended by the Department in Reserved Exhibit No. 14 and on page 19 of the Hearing Transcript.
9. Revise plan sheet 11 of 11 sheets to add a Type C approach, not to exceed 20 feet in width, at Station C 12+75 on the left for use by Benton County Public Utility District No. 1. This plan revision is in response to a request by Mr. R. G. Riches (Exhibit No. 13) and is recommended by the Department in Reserved Exhibit No. 14 and on page 19 of the Hearing Transcript.
10. Revise plan sheet 11 of 11 sheets to add a Type B approach at Station C 12+75 on the left for use by Parcel No. 5-04899, as recommended by the Department on page 19 of the Hearing Transcript.
11. Revise plan sheet 2 of 3 sheets to add a Type B approach at Station B 14+20 on the right for use by Parcel No. 5-04550, as recommended by the Department on page 30 of the Hearing Transcript.
12. Revise plan sheet 3 of 3 sheets to add a Type C approach, not to exceed 20 feet in width, at Station 1597+00 on the left for use by Pacific Power and Light Company. This

revision in response to an oral request prior to the hearing and is recommended by the Department on page 30 of the Hearing Transcript.

13. Revise plan sheets 1 through 11 of 11 sheets and plan sheets 1 through 3 of 3 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

X

The Commission also considered the following requests and makes the findings:

1. Mr. John E. Folts of Bonneville Power Administration, in his oral testimony on pages 21 and 22 of the Hearing Transcript, indicated their right of entry into Parcel No. 5-04890 for utility maintenance. He requested perservation of that right via the proposed Type B approach at Station L 1661+50 on the right.

The Department of Transportation has found no documentation of a legal right of entry as indicated by Mr. Folts and therefore, cannot grant the approach. At such time legal rights are established, the limited access plan can be revised to allow a Type C approach for their use.

2. Mr. John E. Folts, Bonneville Power Administration, indicated in his oral testimony on page 23 of the Hearing Transcript that the proposed Type C approach at Station L 1791+25 on the left should also be reserved for their use.

Mr. Tom Price, representing State Exchange Finance Company (Parcel No. 5-04891), in oral testimony on pages 26 through 28 of the Hearing Transcript, indicated their prior use of the access road through Parcel No. 5-4896 to gain entry to the northerly portion of Parcel No. 5-04891. He requested continued access via the proposed Type B approach at Station L 1791+25 on the left.

The Department of Transportation has found no documentation of legal rights of entry as indicated by Mr. Folts and Mr. Price. At such time legal rights are documented or established, the plan can be revised to allow their joint use of this approach.

XI

The Commission also considered the following requests for changes in the plan, but denies them for the following reasons:

1. Mr. R. G. Riches, Distribution Engineer, Benton County Public Utility District No. 1, in a written statement (Exhibit No. 13) submitted prior to the hearing, requested Type C approaches at Station L 1797+40 on the right and Station L 1819+80 on the left for the operation, maintenance and repair of their facilities.

The Department of Transportation indicated in reserved Exhibit No. 14 that the requested approach at Station L 1797+40 on the right would be in direct conflict with overland drainage facilities. However, the utility to be served will be accessible from an approach recommended at Station L1791+25 on the right. Similarly, the utility to be served via the requested approach at Station L 1819+80 on the left will be accessible from a recommended approach on Cold Creek Road at Station C 12+75 on the left. There is insufficient justification to allow additional Type C approaches at Station L 1797+40 on the right and L 1819+80 on the left.

XII

The Commission particularly finds in the case of each abutting ownership that the adoption of the plans for making said highway a limited access facility, said plans 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 Transportation Commission of the State of Washington,

ORDERS:

I

That the section of State Route 24 in Benton County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station L 1625+00.00 and Station L 1836+90.00 as shown on sheets 1 through 11 of 11 sheets or the right of way and limited access plan entitled "SR 24, M.P. 31.56 TO COLD CREEK ROAD, M.P. 31.56 TO M.P. 35.57, BENTON COUNTY," dated March 28, 1983.

II

The section of State Route 24 in Yakima and Benton Counties described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station 1564+00.00 and Station 1625+00.00 as shown on sheets 1 through 3 of 3 sheets of the right of way and limited access plan entitled "SR 24, JCT. SR 241 TO M.P.

31.56, M.P. 30.40 TO M.P. 31.56, YAKIMA AND BENTON COUNTIES," dated February 9, 1979.

III

That the plans set forth in Exhibit Nos. 7-1 through 7-11 and 8-1 through 8-3 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 4 of 11 sheets to add a Type C approach, not to exceed 20 feet in width, at Station L 1635+45 on the left for use by Pacific Power and Light Company.
2. Revise plan sheet 6 of 11 sheets to delete the access easement for transfer and Type B approach to Parcel No. 5-04893 at Station L 1699+25 on the left.
3. Revise plan sheet 7 of 11 sheets to allow a Type B approach to Parcel No. 5-04893, between Station L 1709+00 and Station L 1730+00 on the left.
4. Revise plan sheet 8 of 11 sheets to add a Type B approach to Parcel No. 5-04895 at Station L 1760+45 on the left.
5. Revise plan sheet 8 of 11 sheets to add two Type C approaches, not to exceed 20 feet in width, at Station L 1760+45 on the left and right for use by Benton County Public Utility District No. 1.
6. Revise plan sheet 8 of 11 sheets to allow joint use of the Type B approach at Station L 1760+45 on the right by Parcel No. 5-04895.
7. Revise plan sheet 9 of 11 sheets to add two Type C approaches, not to exceed 20 feet in width, at Station L 1791+25 on the left and right for use by Benton County Public Utility District No. 1.
8. Revise plan sheet 10 of 11 sheets to add Type C approaches, not to exceed 20 feet in width, at Station L 1798+55 on the left and Station L 1819+90 on the right for use by Benton County Public Utility District No. 1.
9. Revise plan sheet 11 of 11 sheets to add a Type C approach, not to exceed 20 feet in width, at Station C 12+75 on the left for use by Benton County Public Utility District No. 1.
10. Revise plan sheet 11 of 11 sheets to add a Type B approach at Station 12+75 on the left for use by Parcel No. 5-04899.

11. Revise plan sheet 2 of 3 sheets to add a Type B approach at Station B 14+20 on the right for use by Parcel No. 5-04550.
12. Revise plan sheet 3 of 3 sheets to add a Type C approach, not to exceed 20 feet in width, at Station 1597+00 on the left for use by Pacific Power and Light Company.
13. Revise plan sheets 1 through 11 of 11 sheets and plan sheets 1 through 3 of 3 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

IV

That the plan entitled "SR 24, M.P. 31.56 TO COLD CREEK ROAD, M.P. 31.56 TO M.P. 35.57, BENTON COUNTY," sheets 1 through 11 of 11 sheets, dated March 28, 1983, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

V

That the plan entitled "SR 24, JCT. SR 241 TO M.P. 31.56, M.P. 30.40 TO M.P. 31.56, YAKIMA AND BENTON COUNTIES," sheets 1 through 3 of 3 sheets, dated February 9, 1979, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

VI

That the following plans are hereby superseded:

"SR 24, M.P. 31.56 TO BPA CROSSING", Right of Way, Benton County, sheet 1 through 8 of 8 sheets approved October 26, 1979.

"SR 24, MOXEE EASTERLY - SEC. 3", Right of Way, Yakima County, sheet 3 (pt) of 3 sheets approved August 3, 1943.

ADOPTED this 25th day of August, 1983.

WASHINGTON STATE
TRANSPORTATION COMMISSION

Richard Odabashian
RICHARD ODABASHIAN, CHAIRMAN

Pat Wanamaker
PAT WANAMAKER, MEMBER

Vaughn Hubbard
VAUGHN HUBBARD, MEMBER

Albert D. Rosellini
ALBERT D. ROSELLINI, MEMBER

Jerry Overton
JERRY OVERTON, MEMBER

Bernice Stern
BERNICE STERN, MEMBER

Leo B. Sweeney
LEO B. SWEENEY, MEMBER

ATTEST:

Lue Clarkson
LUE CLARKSON, ADMINISTRATOR

APPROVED AS TO FORM:

Thomas R. Burlington
ASSISTANT ATTORNEY GENERAL