

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 290 SPUR )  
SR 90 TO TRENT AVENUE )  
M.P. 0.74 to M.P. 1.21 )  
HEARING ON LIMITED ACCESS )

FINDINGS AND ORDER

The hearing on the above entitled matter was held upon due notice to interested parties beginning at 7:00 p.m., Thursday, October 30, 1980, at the Gateway Hotel, Ballroom, East 923 Third Avenue, Spokane, Washington, before John H. McRae, 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;

BERT J. ASPLUND, by self, S. 4527 Altamont Street, Spokane, Washington 99202;

BURLINGTON NORTHERN, INC., by J. N. Bone, Director of Engineering, 810 Third Avenue, Central Bldg., Lobby 7, Seattle, Washington 98104;

BROWN-JOHNSTON MECHANICAL CONTRACTORS, by Joseph H. Munger, President, E. 930 Sprague, Spokane, Washington 99202;

CHAMBER OF COMMERCE TRANSPORTATION COMMISSION and CITIZENS ADVISORY COMMISSION ON TRANSPORTATION, by C. Ray Wilder, W. 620 Graves Road, Spokane, Washington 99218;

Mr. and Mrs. ROE D. CRABTREE, by self, E. 11613 4th Avenue, Spokane, Washington 99206;

MARGUERITE E. CROSS, by self, W. 1636 Pacific, Spokane, Washington 99204;  
DORSEY BUS, by Bill Carow, Transportation Supervisor, E. 1001 Trent  
Avenue, Spokane, Washington 99202;

LARSEN CLOCK CENTER, by Wm. V. Larsen, Owner, E. 953 Third Avenue,  
Spokane, Washington 99202;

NEAL E. LUCKEY, by self, E. 1516 Decatur, Spokane, Washington 99207;

JOHN I. PETERSON, by self, 2421 West Francis, Spokane, Washington 99208;

PAUL T. RASMUSSEN, by self, 6616 North Monroe, Spokane, Washington 99208;

SPOKANE COUNTY GOOD ROADS ASSOC., by Stan Miller, W. 1717 Fourth Avenue -  
TAF C18, Spokane, Washington 99220;

HON. LOIS STATTON, State Representative, 1724 West Mansfield, Spokane,  
Washington 99205;

U.S. POSTAL SERVICE, by Mark M. Fuller, Postmaster Riverside and Lincoln,  
Spokane, Washington 99201

As a courtesy to interested citizens, the Commission furnishes a copy of its 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 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. 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 September 26, 1980, a plan for the establishment of a limited access highway over a portion of State Route 290 Spur in Spokane County, Washington, was ordered under Commission Resolution No. 95, and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 290 SPUR, SR 90 TO TRENT AVENUE, MP 0.74 to MP 1.21, SPOKANE COUNTY," sheets 1 through 2 of 2 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7a and 7b. Sheet 3 of 8 sheets of the plan entitled "PSH 2 (SR 90), SPOKANE: GARFIELD ST. TO HELENA ST., SPOKANE COUNTY," was introduced into evidence marked as Exhibit No. 7c. Exhibits 7a through 7c 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 No. 4.

By letter dated October 29, 1980, the Manager for Engineering conveyed the City of Spokane approval of the Access Report, and said letter was introduced into evidence marked Exhibit No. 5a. By letter dated October 29, 1980, the Traffic Engineering Director of the City of Spokane conveyed comments regarding the Access Report and said letter was introduced into evidence marked Exhibit No. 5b.

## III

On September 26, 1980, 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 October 14, 1980, an exact copy of this notice was mailed to Spokane County, the City of Spokane, various agencies, other interested parties and to each of those property owners listed on the County Tax Roll as depicted in the Affidavits of Service by Mailing introduced into evidence marked Exhibit Nos. 3a and 3b. An exact copy of the notice was published in the Spokesman Review and the Spokane Daily Chronicle on October 15, 1980, as shown by the Affidavit of Publication of Terri Warrington, Principal Clerk of said newspapers, which affidavit was introduced into evidence marked Exhibit Nos. 2a and 2b.

#### V

The plan proposes the establishment of fully controlled limited access highway facilities for State Route 290 Spur from SR 90 to Trent Avenue between Station 9+52.82 and Station 34+30.52 as shown on sheets 1 and 2 of 2 sheets entitled "SR 290 SPUR, SR 90 TO TRENT AVENUE, MP 0.74 to MP 1.21, SPOKANE COUNTY."

The plan also proposes to revise the fully controlled limited access highway facilities on SR 90 in the vicinity of the Liberty Park Interchange on sheet 3 of 8 sheets of the right of way plan entitled "PSH 2 (SR 90) SPOKANE: GARFIELD ST. TO HELENA ST., SPOKANE COUNTY," dated October 20, 1964.

#### VI

This section of State Route 290 Spur 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 Principal Arterial and Commission policy provides for full control of access on

Principal Arterial highways. In so doing, 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 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 problem becomes increasingly great 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, intersections and approaches.

The plan for the establishment of fully controlled limited access facilities for this section of SR 290 Spur in Spokane County introduced into evidence marked Exhibit Nos. 7a through 7c 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 exhibit was entered into evidence at or subsequent to the hearing and made part of the hearing record.

### Exhibit No. 6

Draft Environmental Impact Statement for SR 290 Spur, Hamilton Street to SR 90 dated December 5, 1979.

## VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 7a through 7c should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 2 of 2 sheets to add a Type C\* approach to parcel 6-02129 at Station TA 7+80 left as recommended by the Department of Transportation on page 27 of the hearing transcript.
2. Revise plan sheet 2 of 2 sheets to relocate the Type C\* approach to parcel 6-02129 from Station HS 34+95 to Station HS 35+55 on the left as requested by Mr. Crabtree on pages 28 and 29 of the transcript.
3. Revise plan sheet 2 of 2 sheets to add a Type D approach to parcel 6-02128 at Station TA 6+30 Lt. as requested by Mr. Standall.
4. Revise plan sheet 2 of 2 sheets to relocate two Type D approaches from Station HS 37+15 lt. and HS 38+52 lt. to Stations 36+60 lt. and HS 38+50 lt. respectively and add two additional Type D approaches at Station HS 37+00 lt. and HS 37+80 lt. to parcel 6-02130 as recommended by the Department on pages 30 and 31 of the transcript.
5. Revise plan sheet 2 of 2 sheets to add a Type D approach to parcel 6-02127 as requested by Mr. Ray Flaherty on page 46 of the transcript and recommended by the Department on page 47 of the hearing transcript.
6. Revise plan sheet 3 of 8 sheets to relocate the limited access line 15 feet further south on Second Avenue. This was presented as a recommended plan change by the Department at the hearing on pages 17 and 18 of the hearing transcript.

#### IX

As an administrative action, the Department has added parcel details, areas of ownership and other right of way data necessary to complete the plan.

#### X

The Commission 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 Transportation Commission of the State of Washington,

ORDERS:

I

That the section of State Route 290 Spur in Spokane County as described  
as follows is hereby designated as a limited access highway of the fully con-  
trolled type:

Between Station 9+52.82 and Station 34+30.52 as shown on sheets  
1 through 2 of 2 sheets entitled, "SR 290 SPUR, SR 90 TO TRENT  
AVENUE, MP 0.74 TO MP 1.21, SPOKANE COUNTY", dated September 26,  
1980.

II

That the fully controlled limited access facilities on SR 90 in the  
vicinity of the Liberty Park Interchange be revised as shown on sheet 3 of  
8 sheets entitled "PSH 2 (SR 90) SPOKANE: GARFIELD ST. TO HELENA ST.,  
SPOKANE COUNTY", dated October 20, 1964 revised September 26, 1980.

III

That the plan set forth in Exhibit Nos. 7a through 7c for the 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 2 of 2 sheets to add a Type C\* approach  
to parcel 6-02129 at Station TA 7+80 lt.
2. Revise plan sheet 2 of 2 sheets to relocate the Type C\*  
approach to parcel 6-02129 from Station HS 34+95 to Station  
HS 35+35 lt.
3. Revise plan sheet 2 of 2 sheets to add a Type D approach  
to parcel 6-02128 at Station TA 6+30 lt.
4. Revise plan sheet 2 of 2 sheets to relocate two Type D  
approaches from Station HS 37+15 left and HS 38+52 left to  
Stations HS 36+60 left and HS 38+50 left respectively, and  
add two additional Type D approaches at Stations HS 37+00 lt.  
and HS 37+80 lt. to parcel 6-02130.

5. Revise plan sheet 2 of 2 sheets to add a Type D approach to parcel 6-02127.
6. Revise plan sheet 3 of 8 sheets to relocate the limited access line 15 feet further south on Second Avenue.
7. Revise plan sheets 1 through 2 of 2 sheets and plan sheet 3 of 8 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way.

#### IV

That the plan entitled "SR 290 SPUR, SR 90 TO TRENT AVENUE, MP 0.74 TO MP 1.21, SPOKANE COUNTY," sheets 1 through 2 of 2 sheets, dated September 26, 1980, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

#### V

That the following revision to existing established limited access plans be adopted:

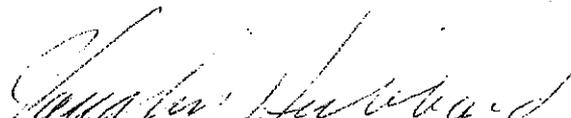
"PSH 2 (SR 90), SPOKANE: GARFIELD ST. TO HELENA ST., SPOKANE COUNTY" sheet 3 of 8 sheets approved October 20, 1964, revised September 26, 1980.

That the following plans are hereby superseded:

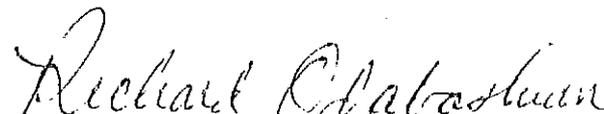
"PSH 2 (SR 90), SPOKANE: GARFIELD ST. TO HELENA ST.", Right of Way, Spokane County, sheet 1 of 8 sheets approved October 20, 1964.

ADOPTED this 9<sup>th</sup> day of February, 1982

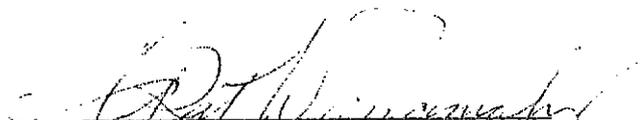
WASHINGTON STATE TRANSPORTATION COMMISSION

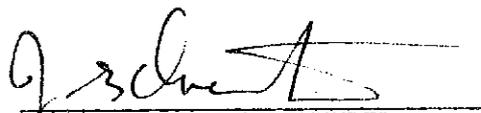
  
VAUGHN HUBBARD, CHAIRMAN

  
ROBERT L. MIKALSON, MEMBER

  
RICHARD ODABASHIAN, MEMBER

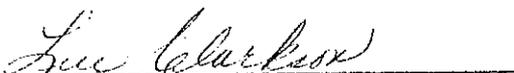
  
ALBERT D. ROSELLINI, MEMBER

  
PAT WANAMAKER, MEMBER

  
JERRY B. OVERTON, MEMBER

  
BERNICE STERN, MEMBER

ATTEST:

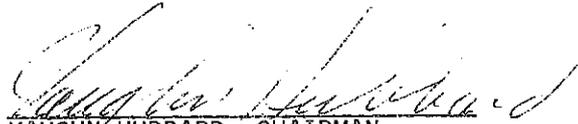
  
LUE CLARKSON, SECRETARY

APPROVED AS TO FORM:

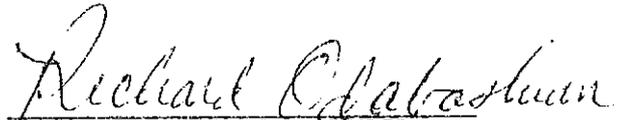
  
ASSISTANT ATTORNEY GENERAL

ADOPTED this 9<sup>th</sup> day of February, 1982

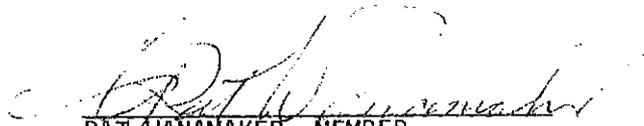
WASHINGTON STATE TRANSPORTATION COMMISSION

  
VAUGHN HUBBARD, CHAIRMAN

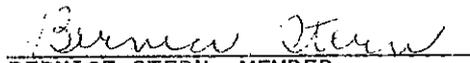
  
ROBERT L. MIKALSON, MEMBER

  
RICHARD ODABASHIAN, MEMBER

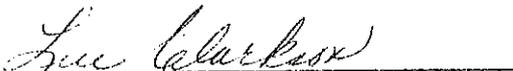
  
ALBERT D. ROSELLINI, MEMBER

  
PAT WANAMAKER, MEMBER

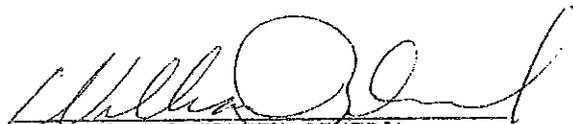
  
JERRY B. OVERTON, MEMBER

  
BERNICE STERN, MEMBER

ATTEST:

  
LUE CLARKSON, SECRETARY

APPROVED AS TO FORM:

  
ASSISTANT ATTORNEY GENERAL