

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 405
N.E. 4th Street Interchange
MP 13.03 to MP 13.82
Hearing on Limited Access

FINDINGS AND ORDER

The hearing on the above entitled project was held, upon due notice to interested parties, beginning at 7:30 p.m., Tuesday, July 17, 1984 in the Bellevue Public Library, located at 11501 Main Street, Bellevue, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

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

WASHINGTON STATE PATROL, by Sergeant T.W. Ketcham, 2803-156th Avenue S.E., Bellevue, Washington 98007;

CITY OF BELLEVUE, Planning Department, by Tom Noguchi, Transportation Planner, P.O. Box 1768, Bellevue, Washington 98009;

CITY OF BELLEVUE, Fire Department, by Ronald Pedee, Battalion Chief, 666 Bellevue Way S.E., Bellevue, Washington 98004;

112TH STREET ASSOCIATES, by Stanley Erickson, Attorney, Suite 900 ONB Plaza, Bellevue, Washington 98009;

BELLEVUE CHAMBER OF COMMERCE, by John Dickinson, Executive Director, 100-116th Avenue S.E., Bellevue, Washington 98005;

DANIEL J. BRAY, by self, 1400-92nd Avenue N.E., Bellevue, Washington 98004;

EMILIO CANTU, 41st District Representative, 4416-138th Avenue S.E., Bellevue, Washington 98006;

WINIFRED D. CARLSON, by self, 12218 S.E. 12th, Bellevue, Washington 98005;

BILL DUDLEY, by self, 2037-139th Place S.E., Bellevue, Washington 98005;

MR. AND MRS. JAMES D. GILLIGAN, by selves, 1401-121st Avenue S.E., Bellevue, Washington 98005;

J. K. GODFREY AND D. L. JOHNSON, by James K. Godfrey, partner, 917-111th Avenue N.E., Bellevue, Washington 98004;

JOHN GOWDY, by self, 14403 S.W. 46th Street, Bellevue, Washington 98006;

J. K. GODFREY AND D. L. JOHNSON, by David L. Johnson, partner, 917-111th Avenue N.E., Bellevue, Washington 98004;

THE JOURNAL-AMERICAN, by Christopher Villiers, P.O. Box 1930, Bellevue, Washington 98033-1930;

KENNEDY ASSOCIATES, INC., by Egil Krogh, Attorney, Culp, Dwyer, Guterson and Grader, Attorneys at Law, 27th Floor, One Union Square, Seattle, Washington 98101;

MICHAEL R. MARIANO, by self, 1500-114th Avenue S.E., Bellevue, Washington 98004;

PUGET WESTERN, INC., by Dick Causey, Manager Development Planning, Puget Power Building, Bellevue, Washington 98009;

THE RICHARDS BUILDING, by Richard Mah, Jr., Attorney, P.O. Box B, Bellevue, Washington 98009;

DAVID A. SABEY, by self, 3216-142nd Place N.E., Bellevue, Washington 98007;

DAVID A. SABEY AND SANDRA L. SABEY, by Sandy Erickson, Attorney, P.O. Box C 90016, Inslee, Best, Chapin, Uhlman and Doezie, Attorneys at Law, Bellevue, Washington 98009-9016;

ROBERT P. SAGER, by self, 1421-121st Avenue S.E., Bellevue, Washington 98005;

STERLING RECREATION ORGANIZATION, by David Schooler, P.O. Box 1723, Bellevue, Washington 98009;

TOCHTERMAN INVESTMENT COMPANY, INC., by Denis Tochterman, President, 606-110th Avenue N.E., Bellevue, Washington 98004;

GENEVIEVE M. WAHAM, by Melvena Taylor, Real Estate Trust Officer, First Interstate Bank of Washington, 999 Third Avenue, Seattle, Washington 98104;

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 hearing was called to order by Ron Bockstruck, District Administrator, 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 June 18, 1984, a plan for the establishment of a limited access highway over a portion of State Route 405 in King County, Washington, was ordered under Commission Resolution No. 95, and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 405, BELLEVUE: N.E. 4TH ST. INTERCHANGE, MP 13.03 TO MP 13.82, KING COUNTY," sheets 1 through 3 of 3 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 6-1 through 6-3, 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 No. 4.

By letter dated July 11, 1984, the City of Bellevue approved the Access Report and Access Hearing Plan, and said letter was introduced into evidence marked Exhibit No. 7.

III

On June 18, 1984, 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.

IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On July 2, 1984, an exact copy of this notice and an exact copy of the Limited Access Hearing Plans were mailed to each of those record owners of property listed on the King County tax roll as depicted in the Affidavit of Service by Mailing, introduced into evidence at the hearing and marked Exhibit No. 3.

An exact copy of the notice was published in the Seattle Times on July 2, 1984 shown by the Affidavit of Publication of D. Smith, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit 2-A. An exact copy of the notice was published in the Daily Journal-American on July 2, 1984, as shown by the Affidavit of Publication of Mary Ann Anderson, Principle Clerk of said newspaper was introduced into evidence marked Exhibit 2-B. An exact copy of the notice was published in the Daily Journal of Commerce on July 2, 1984 as shown by the Affidavit of Publication of B. Blair, Authorized Representative of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-C.

V

The plan proposed establishment of fully controlled limited access facilities for State Route 405, N.E. 4th Street Interchange between Station 296+31.30 and 337+66.38, as shown on sheets 1 through 3 of 3 sheets entitled "SR 405, BELLEVUE: N.E. 4th ST. INTERCHANGE, MP 13.03 to MP 13.82, KING COUNTY."

VI

The N.E. 4th Street Interchange on State Route 405 will be an important part of the highway system of the State of Washington. State Route 405 is functionally classified as an Interstate highway and Commission policy provides for access control on highways of this type. In doing so, 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 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 designed intersections and approaches.

The plan for the establishment of fully controlled limited access highway facilities for this interchange on State Route 405 in King County, introduced into evidence marked Exhibit Nos. 6-1 through 6-3, will facilitate travel, reduce accident rates, serve 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. 5 - A Draft Environmental Impact Statement for Interstate 405, High Occupancy Vehicle Project, I-90 Factoria Interchange to SR-520 Northup Interchange, King County, approved and adopted by the FHWA on July 14, 1982.
- Exhibit No. 5 - B Final Environmental Impact Statement for Interstate 405, High Occupancy Vehicle Project, I-90 Factoria Interchange to SR-520 Northup Interchange, King County, approved and adopted by the FHWA on June 4, 1984.
- Exhibit No. 8 A letter dated July 7, 1984 to Richard F. Johnson, District Design Engineer, from Daniel J. Bray.
- Exhibit No. 9 A letter dated July 16, 1984 to R.E. Bockstruck, District Administrator, from David Mozer, Chairperson, Bicycle Action Committee.
- Exhibit No. 10 A letter dated July 17, 1984 to R.E. Bockstruck, District Administrator, from Winifred D. Carlson.
- Exhibit No. 11 A letter dated July 17, 1984 from Charles Palmerton, President of Bellevue

Chamber of Commerce, submitted at the hearing.

Exhibit No. 12 A letter dated July 13, 1984 to R.F. Johnson, District Design Engineer, from Ronald J. Tober, Director of Transit, Metro, submitted at the hearing.

Exhibit No. 13 Reserved Exhibit - Department of Transportation's response to comments received at the hearing.

VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 6-1 through 6-3 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheets 2 of 3 and 3 of 3 sheets to provide a 10-foot sewer easement for transfer to the City of Bellevue from station 313+00 to 330+05. This easement is required for the realignment of the sewer on the east side of SR 405. The plan revision is recommended by the Department of Transportation.
2. Revise plan sheet 3 of 3 sheets to provide a 10-foot construction permit on the east end of parcel 1-12184 as recommended by the Department of Transportation on page 24 of the hearing transcript.
3. Revise 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.

IX

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

1. Mr. Daniel Bray in a written statement (Exhibit No. 8) submitted prior to the hearing, requested an explanation for choosing N.E. 4th Street rather than Main Street or N.E. 12th Street for the location of the interchange. He also asked if there were plans to convert I-405 High Occupancy Vehicle (HOV) lanes back to general use should HOV usage not reach adequate levels.

In Exhibit 5-B, the Final Environmental Impact Statement, the Department addressed constructing interchanges at Main Street and N.E. 12th Street and has conducted traffic studies to determine how many high occupancy vehicles would use the exclusive lanes. The decision to select N.E. 4th Street as a site for a new interchange was based on studies done by an interdisciplinary team. The team originally studied at least 14 alternatives, including interchange sites at N.E. 12th Street and Main Street.

The location of N.E. 4th Street made it the preferred choice because the plan gives direct access to the center of the Central Business District (CBD) of Bellevue, as well as direct access to I-405 for the planned METRO Transit Center on N.E. 6th Street between 108th Avenue N.E. and 110th Avenue N.E. Modification to the existing N.E. 8th Street interchange, construction of an interchange at Main Street or construction of an interchange at N.E. 12th Street would not provide the time savings that would best serve HOV access to the proposed transit center and pedestrian mall facilities. Because N.E. 4th Street is closer to the center of the CBD and because it is an additional crossing over I-405, it should help to divert traffic from the already

congested N.E. 8th Street Interchange. An interchange at Main Street or N.E. 12th Street being located on the periphery of the Central Business District, would also adversely impact adjacent residential property by shifting additional traffic and would not directly serve the needs of the downtown area.

The Department is currently constructing or planning to construct exclusive lanes on sections of Interstate 5, Interstate 90, Interstate 405 and SR 520. Transit/carpool vehicles using I-405 will be able to connect with HOV lanes on those sections of highway. Thus, HOV usage of these lanes is projected to increase as more sections of the system are completed along with the additional bus service and park and ride lot expansions proposed by the Municipality of Metropolitan Seattle.

2. Winifred Carlson, Bill Dudley and David Mozer, members of the Cascade Bicycle Club, expressed concern that the project would 1) eliminate a relatively safe east-west bicycle route from the frontage road west of Interstate 405 to downtown Bellevue and 2) adversely effect the east-west bicycle trail through Factoria Interchange and the north-south bicycle trail in the Coal Creek Interchange.

As stated in Exhibit No. 13, the issues raised by the Cascade Bicycle Club which require mitigation can be dealt with in a normal manner during the final design and contract preparation phase of the project.

3. Egil Krogh, representing Kennedy Associates, Inc., on pages 30 through 34 of the hearing transcript, and Sandy Erickson, representing Dave Sabey and Sandra L. Sabey, on page 45 of the transcript expressed concerns about the elimination of parking on their parcels.

The Department has attempted to design this interchange providing minimal impact to adjacent property owners. Compensation and/or damages will be handled with each affected property owner at the time right of way negotiations are made.

4. A number of other comments and letters were received at the hearing which dealt with design features and possible mitigation of impacts associated with the project.

The Department has evaluated these comments and determined that design and mitigation issues can be addressed in a normal manner during the property acquisition, relocation and contract preparation phases of the project.

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 SR 405 in King County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station 296+31.30 and Station 337+66.38, as shown on sheets 1 through 3 of 3 sheets entitled "SR 405, BELLEVUE: N.E. 4TH ST. INTERCHANGE, MP 13.03 TO MP 13.82, KING COUNTY, " dated June 18, 1984.

II

That the plan set forth in Exhibit Nos. 6-1 through 6-3 for the establishment of access control on said highways be revised as follows and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Revise plan sheets 2 and 3 of 3 sheets to provide a 10-foot sewer easement for transfer to the City of Bellevue, from station 313+00 to 330+05.
2. Revise plan sheet 3 of 3 sheets to provide a 10-foot construction permit on the east end of parcel 1-12184.
3. Revise 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.

III

That the plan entitled "SR 405, BELLEVUE: N.E. 4TH ST. INTERCHANGE, MP 13.03 TO MP 13.82, KING COUNTY," sheets 1 through 3 of 3 sheets, dated June 18, 1984 as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

The following plans are superseded:

"SR 405 MID LAKES TO KIRKLAND, KING COUNTY," right of way sheets 1 and 2(pt.) of 27 sheets approved July 1, 1952.

"SR 405 MID LAKES TO KIRKLAND, PLANS SHOWING ACCESS,
KING COUNTY," sheet 1(pt.) of 3 sheets approved
November 13, 1957.

ADOPTED this 6th day of September, 1984.

WASHINGTON STATE TRANSPORTATION COMMISSION

Pat Wanamaker
PAT WANAMAKER, Chairman

Bernice Stern
BERNICE STERN, Vice Chairman

Vaughn Hubbard
VAUGHN HUBBARD, Member

Richard Odabashian
RICHARD ODABASHIAN, Member

Albert B. Rosellini
ALBERT B. ROSELLINI, Member

Jerry Overton
JERRY OVERTON, Member

Leo B. Sweeney
LEO B. SWEENEY, Member

ATTEST:

Lue Clarkson
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Thomas R. Garlington
Assistant Attorney General