

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTES 509/99)	
South Cloverdale Interchange to)	
Highland Parkway)	FINDINGS AND ORDER
SR 509 - MP 29.45 to MP 29.75)	
SR 99 - MP 26.00 to MP 26.26)	
Hearing on Limited Access)	

The hearing on the above entitled project was held, upon due notice to interested parties, beginning at 7:40 p.m., Thursday, April 30, 1987, in the South Park Community Center, located at 8201 Tenth Avenue S., Seattle, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Ted Torve, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

WASHINGTON STATE PATROL, by Sergeant Terry Hurlbut, 15666 Pacific Highway S., Seattle, Washington 98188;

METRO, by Doug Johnson, Transit Planner, 821 Second Avenue, MS-52, Seattle, Washington 98104;

SEATTLE FIRE DEPARTMENT, by Captain Jeff Chikusa, 800 South Cloverdale Street, Seattle, Washington 98108;

CITY OF SEATTLE, South Park Community, by Jay Shanahan, Manager, 8201 Tenth Avenue S., Seattle, Washington 98108;

SOUTH PARK AREA REDEVELOPMENT COMMITTEE, by Margareta Roberts, President, 8201 Tenth Avenue S., Seattle, Washington 98108;

SOUTH PARK COMMUNITY CLUB, by George E. Cook, 1201 South Henderson, Seattle, Washington 98108;

SEATTLE ENGINEERING DEPARTMENT, by Ron Lewis, Dexter Horton Building, Room 650, Seattle, Washington 98104;

CITY OF SEATTLE, by Karen Brooks, 8100 Second Avenue South, Seattle, Washington 98108;

CITY OF SEATTLE, by Rich Gustav, Department of Community Development, 400 Yesler, Seattle, Washington 98104;

CITY OF SEATTLE, by Peter Lagerwey, Bicycle Program, Dexter Horton Building, Room 650, Seattle, Washington 98104;

KING COUNTY DEPARTMENT OF PUBLIC WORKS, by George Wannamaker, 900 King County Administration Building, Seattle, Washington 98104;

ALLIED DOOR COMPANY, by Gordon Hamilton, General Manager, 7901 Second Avenue S., Seattle, Washington 98108;

BRUCE J. LEVIN INC., by Dante E. Morelli, P.O. Box 46018, Seattle, Washington 98146;

BAYSIDE DISPOSAL COMPANY, by Dante E. Morelli, Manager, 7201 West Marginal Way S., Seattle, Washington 98106;

RONALD COOK, by self, 8814 - 14th Avenue S., Seattle, Washington 98108;

HUSSMAN CORPORATION, by Steven J. Medalia, Region Branch Manager, 7440 West Marginal Way S., Seattle, Washington 98108;

MURRAY PACIFIC STEEL DIVISION, by Jeffrey B. Manring, Purchasing/Office Manager, 7224 First Avenue S., Seattle, Washington 98108;

PACIFIC PLUMBING SUPPLY, by Ernest Sherman, 7500 West Marginal Way S., Seattle, Washington 98108;

PACO, by Paul DeBruyn, 7420 Second Avenue S., Seattle, Washington 98108;

NORTHWEST COOPERAGE, by Herman Trotsky, 7152 First Avenue S., Seattle, Washington 98108;

WAREHOUSE ASSOCIATES, 4503 - 52nd Avenue S., Seattle, Washington 98116;

DORRIS and DOUGLAS ADKINS, by self, 17259 - 13th NW, Seattle, Washington 98177;

POLLY BALL, by self, 8847 Second S., Seattle, Washington 98108;

JOHN A. BURKHEIMER TRUST, by Bob Burkheimer, 900 Madison, Seattle, Washington 98104;

ALEXANDER A. CARBON, by self, 8611 Eighth Avenue S., Seattle, Washington 98108;

JANICE FARRELL, by self, 4730 Thackeray Avenue NE, Seattle, Washington 98105;

ROBERT O. GEORGE, by Nancy L. George, Property Manager, 4132 Southwest Ida Street, Seattle, Washington 98136;

GLEENDA HICKS, by self, 8820 Fifth Avenue S., Seattle, Washington, 98108;

ERNST D. AND EDWARD SHERMAN, by selves, 7500 West Marginal Way S., Seattle, Washington 98108;

VIVIAN MATHEWS, by self, 2651 Southwest 164th Place, Seattle, Washington 98166;

G. LEE MORRIS, by self, 3053 - 63rd Avenue SW, Seattle, Washington 98166;

DOROTHY and LANCE SCHUBERT, 8305 Seventh Avenue S., Seattle, Washington 98108;

RAYMOND and SANDRA SHIVELY, 556 South Cloverdale, Seattle, Washington 98108;

A. H. SPEAR ESTATE, by Brad Spear, Property Manager/Co-Executor, P.O. Box 4263, Seattle, Washington 98104;

BRAD PEAR, 432 Pioneer Building, 600 First Avenue, Seattle, Washington 98104;

ROY H. SUNDQUIST, by self, 11827 Eleventh NW, Seattle, Washington 98177;

ELMER A. TONKIN, by self, 10254 - 34th SW, Seattle, Washington 98146;

ELMER J. WHITE, 13332 - 43rd NE, P.O. Box 3767, Seattle, Washington 98124;

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 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 John Stephenson, Assistant 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 and the exhibits introduced in evidence. The Transportation Commission makes the following findings:

I

Prior to April 3, 1987, a plan for the establishment of a limited access highway over a portion of State Route 99 in King County, Washington, was ordered under Commission Resolution Number 182, and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 99, S. KENYON ST. VICINITY, MP. 25.61 to MP 25.97, KING COUNTY," sheet 1 of 1 sheet.

This sheet was introduced into evidence marked as Exhibit No. 6-3. Sheets 2 and 3 of 3 sheets of the plan entitled "SR 99, SOUTH 118TH ST. TO JCT. S.S.H. NO. 1-K, PLANS SHOWING ACCESS, KING COUNTY," were introduced into evidence marked as Exhibit Nos. 6-1 and 6-2. Exhibits 6-1 through 6-3 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 were taken into account and covering other matters required by RCW 47.51.131, et seq. A copy of that report was introduced into evidence marked Exhibit No. 4.

By letter dated April 28, 1987, the City of Seattle approved the Access Report and Access Hearing Plan, and said letter was introduced into evidence marked Exhibit No. 7.

By letter dated April 16, 1987, King County Department of Public Works approved the Access Report and Access Hearing Plan, and said letter was introduced into evidence marked Exhibit No. 8.

By letters dated April 16 and April 30, 1987, METRO approved the Access Report and Access Hearing Plan, and said letters were introduced into evidence marked Exhibits 9-1 and 9-2, respectively.

III

On April 3, 1987, the Project Development Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 74.52.131, 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 April 15, 1987, an exact copy of the Notice and an exact copy of the Limited Access 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 marked as Exhibit Nos. 3-1, 3-2, and 3-3, respectively.

An exact copy of the Notice was published in the Daily Journal of Commerce on April 15, 1987, shown by the Affidavit of Publication of R. Spicuzza, authorized representative of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-1. An exact copy of the Notice was published in the Seattle Times on April 15, 1987, as shown by the Affidavit of Publication of Susan Grgurich, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-2.

V

The plan proposed the establishment of fully controlled limited access highway facilities on a portion of State Route 99 between Sta. 699+00 and Sta. 717+75 as shown on sheet 1 of 1 sheet entitled "SR 99, S. KENYON ST. VICINITY, MP 25.61 TO MP 25.97, KING COUNTY." The plan also proposed revisions of the fully controlled limited access facilities for State Route 99 between Sta. 648+00 and Sta. 699+00 and on State Route 509 at Sta. 64+00 as shown on sheets 2 and 3 of 3 sheets entitled "SR 99, SOUTH 118TH STREET TO JCT. S.S.H. NO. 1-K; PLAN SHOWING ACCESS, KING COUNTY."

VI

The Transit/Carpool Lane and Channelization will be an important part of the highway system of the State of Washington. State Route 99 and State Route 509 are functionally classified as Principal Arterial Highways 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, 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 portion of State Route 99 in King County, introduced into evidence marked Exhibit Nos. 6-1 through 6-3, will facilitate travel, reduce accidents, 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 part of the hearing record:

Exhibit No. 5-1	Determination of Non-Significance for SR 99 and SR 509 Transit/Carpool Lane
-----------------	---

and Channelization, issued on May 12, 1986.

- Exhibit No. 5-2 Environmental Checklist for said project, also issued on May 12, 1986.
- Exhibit No. 10 A letter dated April 30, 1987, from Ernest Sherman.
- Exhibit No. 11 A letter dated April 23, 1987, from Robert O. George.
- Exhibit No. 12 A letter dated April 20, 1987, from Elaine Watson.
- Exhibit No. 13 Vicinity map with aerial photo attachments.
- Exhibit No. 14 Reserved Exhibit - Department of Transportation's response to comments regarding the location of the Bike Path and safety information.
- Exhibit No. 15 A letter dated June 10, 1987, from Rich Gustav, City of Seattle Department of Community Development, in response to comments received at the hearing regarding project deviation from the South Park Community Proposal.

VIII

The Commission has considered evidence on the entire portion of the above entitled highways 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.

IX

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

1. Mr. George Cook, on page 26 of the hearing transcript, requested an explanation as to why South 96th Street was chosen for the southbound access to the industrial area rather than Tenth Avenue S., which was part of the South Park Community Plan.

The Department of Transportation did study the Tenth Avenue S. alternative but found that the ramp could not be constructed to design standards and be cost effective without purchasing substantial property on both sides of the street. The ramp at 96th would also allow for an access route to the north from the industrial area, which a ramp at Tenth Avenue S. would not. In Exhibit No. 15 the City of Seattle addresses the choice of ramp locations and discussions held with the South Park Community.

2. Mr. Herman Trotsky, on page 24 of the hearing transcript, wanted to know if businesses would have access to and from their property during and after construction.

The Department of Transportation will maintain traffic access for the businesses during construction and will design the street access to West Marginal Way to accommodate trucks.

3. Polly Ball, on page 29 of the hearing transcript, requested an explanation as to how the Department would allow right

turns from Kenyon to northbound SR 509 and at the same time prevent the right turn from northbound SR 509 to Kenyon.

The access from Kenyon to northbound SR 509 will be a single lane that will merge into the bus/carpool lane of SR 509. Access from SR 509 to Kenyon would be physically blocked.

4. Dante Morelli and Paul DeBruyn, on pages 30 through 33 of the hearing transcript, expressed concern that the elimination of the left turn access from southbound SR 509 to Kenyon would add considerable congestion, particularly trucks, to the traffic making the turn under the First Avenue S. Bridge onto West Marginal Way.

The Department of Transportation did study the numbers of left turn vehicles from SR 509 to Kenyon and found that the numbers would not be significant. The turn under First Avenue S. Bridge is difficult but would be improved with the larger turning radius and greater vertical clearance.

5. Douglas Adkins and Paul DeBruyn, on pages 33 to 36 of the hearing transcript, wanted to know the boundary of limited access on SR 99 at present and the future boundary.

The limited access boundary presently ends at Holden Street. If the proposed ultimate interchange is built, then the limited access boundary would be in the location shown on Exhibit 13, page D. There are no current plans to construct the interchange at this time.

6. Paul DeBruyn and Herman Trotsky (at the hearing on pages 39-42 of the hearing transcript), Ernest Sherman (in his letter dated April 30, 1987, marked Exhibit 10), and others expressed concern about the danger of locating the bike trail along the east shoulder of West Marginal Way. Locating the trail on this route would expose bicyclists and

pedestrians to truck and other business traffic entering and leaving the adjacent business properties.

As stated in Exhibit No. 14, the Department is deleting the bicycle trail from this project. The Department will consider construction of a bicycle trail after the issues raised at the hearing have been resolved by the business community and the City of Seattle.

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

The Department has evaluated these comments and determined that the design and mitigation issues can be addressed in a normal manner during the contract preparation phase 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 fully controlled 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 sections of State Route 99 described as follows are hereby designated as limited access

highways of the fully controlled type:

Between Sta. 699+00 and Sta. 717+75 as shown on sheet 1 of 1 sheet entitled "SR 99, S. KENYON ST. VICINITY, MP 25.61 TO MP 25.97, KING COUNTY," dated April 3, 1987.

II

That the fully controlled limited access facilities on SR 99 and SR 509 in the South Park vicinity be revised as shown on sheets 2 and 3 of 3 sheets entitled "SR 99, SOUTH 118TH ST. TO JCT. S.S.H. NO. 1-K, PLAN SHOWING ACCESS, KING COUNTY," dated December 18, 1956, revised April 3, 1987.

III

That the plan entitled "SR 99, S. KENYON ST. VICINITY, MP 25.61 to MP 25.97, KING COUNTY," sheet 1 of 1 sheet, dated April 23, 1987, as shown on Exhibit "A" is hereby adopted.

IV

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

"SR 99, SOUTH 118TH ST. TO JCT. S.S.H. NO. 1-K, PLAN SHOWING ACCESS," sheets 2 and 3 of 3 sheets, approved December 18, 1956, revised April 3, 1987.

The following plans are superseded:

"SR 99, SOUTH 118TH ST. TO JCT. S.S.H. NO. 1-K,
PLAN SHOWING ACCESS, KING COUNTY," sheet 3 (pt.)
of 3 sheets, approved December 18, 1956.

"SR 99, SOUTH 118TH ST. TO JCT. S.S.H. NO. 1-K,
KING COUNTY," right of way, sheet 6 (pt.) of 7
sheets, approved March 12, 1957.

ADOPTED this 16th day of July, 1987.

WASHINGTON STATE TRANSPORTATION COMMISSION

Leo B. Sweeney
LEO B. SWEENEY, Chairman

William J. Kamps
WILLIAM J. KAMPS, Vice Chairman

Jerry B. Overton
JERRY B. OVERTON, Member

VAUGHN HUBBARD, Member

Bernice Stern
BERNICE STERN, Member

RICHARD ODABASHIAN, Member

Albert D. Rosellini
ALBERT D. ROSELLINI, Member

ATTEST:

Lue Clarkson
for Lue Clarkson, Administrator

APPROVED AS TO FORM:

Madame Tome
Assistant Attorney General