BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION
DEPARTMENT OF HIGHWAYS

In Re: State Route 512, McEachron Road to 96th Street Hearing on Limited Access	FINDINGS AND ORDER

Hearing in the above entitled matter was held upon due notice to all interested parties beginning at 10:00 a.m., Thursday, September 7, 1967, in the War Memorial Building, Puyallup, Washington, before Commissioners Robert L. Mikalson and Harold Walsh with Howard C. Kafer acting as Examiner.

The parties were represented as follows:

DEPARTMENT OF HIGHWAYS, by DELBERT W. JOHNSON, Assistant Attorney General, Highways-Licenses Building, Olympia, Washington.

ROBERT B. ANDREWS, JR., by Bertil F. Johnson, Attorney, 1205 Rust Building, Tacoma, Washington 98402.

CHARLES J. BARTH, by FRANK AUGUST PETERS, Attorney, 705 South 9th, Tacoma, Washington 98405.

RAYMOND C. and SARAH BOTTKE, by selves, 4841 South 7th, Tacoma, Wash. 98405.

G. T. FARMER, by self, 10501 98th Avenue East, Puyallup, Washington 98371.

GARY S. HUNTER, by self, 10324 South Meridian, Puyallup, Washington 98371.

SAMUEL HUNTER, by self, 10405 98th Avenue East, Puyallup, Washington 98371.

KENNETH T. KEIL, by ROBERT P. MATTHEWS, Advisor, 155 - 152nd Place N.E., Bellevue, Washington.

PAUL L. and BETTY L. KING, 10719 83rd Avenue East, Puyallup, Washington.

ROY A. McDANIELS, by DOUG ALBERT, Attorney, 30640 Pacific Highway South, Federal Way, Washington.

CLAY J. McDONALD, by self, 10405 98th Avenue East, Puyallup, Washington 98371.

DONALD F. McKAY, M.D., by self, 10420 9th Avenue East, Puyallup, Wash. 98371.

DR. and MRS. THOMAS O. McKAY, by BERTIL F. JOHNSON, Attorney, 1205 Rust Building, Tacoma, Washington 98402.

STEPHEN L. POMEROY, by self, 10216 South Meridian, Puyallup, Washington 98371.

WESLEY H. WILLIAMS, by self, 10707 Fruitland Avenue, Puyallup, Washington 98371.

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 its 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 the Examiner, after which witnesses were called. The evidence was taken by a stenographer and thereafter transcribed. Certain exhibits were duly introduced in evidence. All witnesses testified under oath as in the Superior Court of the State of Washington. Based upon the oral evidence and the exhibits introduced in evidence, the Highway Commission of the State of Washington makes the following findings:

I

That heretofore and prior to July 26, 1967, the Commission in its Resolution No. 95 and the amendments and supplements thereto instructed the Director of Highways to prepare a plan for the establishment of a limited access highway over an existing portion of State Route 512 located in Pierce County, Washington. That such plan was prepared and entitled "State Route 512, McEachron Road to 96th Street." That Sheets 1 through 7 of 14 sheets of said plan were introduced into evidence marked as Exhibit No. 6, which exhibit is by this reference made part of these findings.

II

That the Department of Highways received from the public agencies concerned with the proposed plan their available data on planning, land use, local traffic and such other information required, and thereafter in February, 1965 and in July, 1965 prepared and submitted to the appropriate local officials Access Report No. 1 and Access Report No. 2 showing how those factors had been taken into account and the other matters required by Chapter 75, Laws of 1965 Extr. Session, and that copies of the aforementioned access reports were introduced into evidence marked Exhibits No. 4-A and No. 4-B.

That by Resolution No. 10802 adopted September 13, 1965, the Board of County Commissioners of Pierce County, Washington, consented to the establishment of limited access on State Route 512 in accordance with the plan contained in Access Report No. 2, and that a copy of said resolution was introduced into evidence marked Exhibit No. 5.

III

That on July 27, 1967 the Director of Highways by Order tentatively approved said plan and set a hearing date in accordance with the provisions of Chapter 75, Laws of 1965 Extr. Session, a copy of said Order being introduced into evidence marked Exhibit No. 1, which exhibit is by this reference made a part of these findings.

IV

That pursuant to the instructions of the Highway Commission, Delbert W. Johnson, Assistant Attorney General for the State of Washington, prepared and issued a Notice of Hearing. That on August 18, 1967, an exact copy of the aforesaid notice was mailed to Pierce County and to each of those record owners of property listed in the affidavit of service by mailing introduced into evidence marked Exhibit No. 2. That an exact copy of the aforesaid notice was published in The Tacoma News Tribune on August 21, 1967 and in the Puyallup Valley Tribune on August 23, 1967, as shown by the affidavits of Ida F. Medley, Chief Clerk, and Frank A. Franich, Publisher, respectively, which affidavits were introduced into evidence marked Exhibits No. 3-A and No. 3-B.

V

That the plan hereinbefore referred to proposes to improve State Route 512 in Pierce County by imposing fully controlled limited access between Highway Engineer's Station 334+79.1 in the Southeast Quarter, Southwest Quarter, Section 6, Township 19 North, Range 4 East, W.M. at McEachron Road (59th Avenue East) and Highway Engineer's Station 502+02.1 on the north line of Govt. Lot 1, Section 4, Township 19 North, Range 4 East, W.M. at 96th Street on the south corporate limits of the City of Puyallup, a distance of 3.167 miles.

VI

The Commission further finds as follows:

The section of State Route 512 herein concerned is a part of the principal highway system of the State of Washington and forms a connection between Federal Aid Interstate Highway 5 and main arteries of transportation in a rapidly developing section of the state.

An analysis of future traffic patterns developed by the Puget Sound Regional Transportation Study indicates the average daily traffic volume on the through lanes

of State Route 512 in 1985 will be 19,100 in the vicinity of McEachron Road on the westerly end and 21,200 at the SR 161 Interchange on the easterly end. 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 section of State Route 512 herein concerned represents a substantial expenditure in construction costs, and it is imperative to protect this investment of public funds by preserving the highway for future use.

During the year 1966 there were 38 accidents on this stretch of road with 41 injuries and no fatalities, resulting in an accident rate of 5.2 per million vehicle miles as compared to a state-wide rate of 2.6. Experience has shown that accidents can be reduced substantially by the control of access to the highway and it is expected that an accident rate of no higher than 1.3 per million vehicle miles can be achieved on this highway section with full control of access.

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.

The plan for limiting access on State Route 512 in Pierce County introduced into evidence marked Exhibit No. 6 as hereinafter modified will facilitate travel, preserve the public investment, reduce accident rates and sustain the highway as a modern transportation facility.

VIII

The Commission further finds that the plan introduced in evidence marked Exhibit No. 6 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached:

1. The type B approach at Highway Engineer's Station 5N 48+00 on right should be relocated to Highway Engineer's Station 49+70 on right and joint use of the approach allowed to serve two residences as requested by Mrs. Raymond C. Bottke.

2. A type B approach should be added at Highway Engineer's Station 5N 19+00 on right to serve a single property, as requested by Dr. Donald McKay.

3. The access control should be deleted across 104th Street on the east side of the Meridian Street Extension between Highway Engineer's Station MC 6+69 and MC 7+02 on right to provide a grade intersection to the east, as requested by the Department of Highways.

4. The access control should be deleted across the 5N line on the east side of 94th Avenue East to provide a full grade intersection, as requested by the Department of Highways.

5. The type B approach at Highway Engineer's Station 5N 40+00 should be deleted, as requested by the Department of Highways, since the construction of an approach would damage the property in its entirety.

6. Change the approaches at Highway Engineer's Stations 5N 43+30 on right to 5N 46+00 on right, a type B; 5N 43+00 on left to 5N 44+70 on left, a type B; 5N 43+30 on left to 5N 43+00 on left, a type B; 5N 43+30 on right to 5N 42+50 on right, a type B; MC 4+90 on left to MC 3+00 on left, a type B; MC 6+00 on left to MC 6+10 on left, a type B-2; and add a type B approach between Highway Engineer's Stations 5N 50+35 and 5N 52+25 on right, to serve the adjacent properties, as requested by the Department of Highways.

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

1. Mr. Robert B. Andrews, Jr., Dr. Charles J. Barth represented by Mr. Frank Peters, and Dr. Donald McKay requested that access control be deleted from portions of the 5N line. The access control cannot be deleted as requested because it is necessary to protect the capacity and safety of the highway facility.

2. Dr. Charles J. Barth represented by Mr. Frank Peters requested an unrestricted approach in the vicinity of Highway Engineer's Station 44+70 on left to serve a veterinary hospital. The request cannot be granted because it is necessary to prohibit unrestricted approaches within the access control in order to protect the capacity of the facility and the safety of the users.

3. Mr. Robert B. Andrews, Jr. requested that the 94th Avenue East Separation be eliminated, and Mr. Ray Zimmerman asked that it not be eliminated. This separation is an integral part of Pierce County's arterial system planning and will provide local service between connecting county roads and the City of Puyallup, and for that reason it cannot be eliminated.

4. Dr. Donald McKay requested that the 5N line be relocated northerly from the proposed alignment, but his request cannot be granted because a relocation of the 5N line to the north would adversely affect the safety and capacity of the interchange.

There were several requests concerning the type of fencing to be used on this highway section. The Department of Highways will review the proposed fencing before construction begins to ascertain that the optimum design requirements have been met.

Mr. and Mrs. R. A. McDaniels requested that all of Parcel 3-2876 be acquired. This is a matter for right of way negotiation and will be resolved at the time of property acquisition.

VIII

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 that hereto attached and marked Exhibit "A", is required by the public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Highway Commission of the State of Washington

ORDERS:

I

That the section of State Route 512 over existing county roads in Pierce County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Highway Engineer's Station 334+79.1 in the Southeast Quarter, Southwest Quarter, Section 6, Township 19 North, Range 4 East, W.M. at McEachron Road (59th Avenue East) and Highway Engineer's Station 502+02.1 on the north line of Govt. Lot 1, Section 4, Township 19 North, Range 4 East, W.M. at 96th Street on the south corporate limits of the City of Puyallup.

II

That the plan set forth in Exhibit No. 6 for establishment of access control on said highway section be revised as follows and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Relocate the type B approach from Highway Engineer's Station 5N 48+00 on right to Highway Engineer's Station 49+70 on right and allow joint use of the approach to serve two residences.

2. Add a type B approach at Highway Engineer's Station 5N 19+00 on right to serve a single property.

3. Delete the access control across 104th Street on the east side of the Meridian Street Extension between Highway Engineer's Stations MC 6+69 and MC 7+02 on right to provide a grade intersection to the east.

4. Delete the access control across the 5N line on the east side of 94th Avenue East to provide a full grade intersection.

5. Delete the type B approach at Highway Engineer's Station 5N 40+00.

6. Change the approaches at Highway Engineer's Stations 5N 43+30 on right to 5N 46+00 on right, a type B; 5N 43+00 on left to 5N 44+70 on left, a type B; 5N 43+30 on left to 5N 43+00 on left, a type B; 5N 43+30 on right to 5N 42+50 on right, a type B; MC 4+90 on left to MC 3+00 on left, a type B; MC 6+00 on left to MC 6+10 on left, a type B-2; and add a type B approach between Highway Engineer's Stations 5N 50+35 and 5N 52+25 on right, to serve the adjacent properties.

III

That the plan entitled "State Route 512, McEachron Road to 96th Street," Sheets 1 through 7 of 14 sheets, dated July 26, 1967, as revised above, be and the same is hereby adopted.

IV

That the Director of Highways be and is hereby directed to take the necessary steps to acquire the access rights in accordance with the plan outlined in Exhibit "A" together with such property as may be necessary to make said improvement, as provided by the laws of the State of Washington.

DATED this 24th day of October, 1967.

WASHINGTON STATE HIGHWAY COMMISSION

ROBERT L. NIKALSON, MEMBER

HAROLD WALSH, MEMBER

BAKER FERGUSON, MEMBER

ATTEST:

LORENZ GOETZ, SECRETARY

APPROVED AS TO FORM:

ASSISTANT ATTORNEY GENERAL