BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE:	STATE ROUTE 520)	
	NORTHEAST 40TH STREET)	
	INTERCHANGE)	FINDINGS AND ORDER
	MP 9.91 to MP 10.34)	
	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., Thursday, July 25, 1996 in the Redmond Library's Meeting Room, Redmond, Washington before Leslie Wagner, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph Sloan, Senior Assistant Attorney General, P.O. Box 40113, Olympia, Washington 98504;

CITY OF REDMOND, by Dennis Apland, Project Engineer, P.O. Box 97010, Redmond, Washington 98073-9710;

EDDIE BAUER, by Jim Noetzelman, 15010 Northeast 36th Street, Redmond, Washington;

ENTRANCO ENGINEERS, by Cynthia M. Dasoich, 10900 NE 8th St., Suite 300, Bellevue, Washington 98004-4405;

SAFCO LIFE INSURANCE, by Tyler D. Munger, 15411 NE 51st. Street, Redmond, Washington 98057;

SPACELABS MEDICAL, by Gene DeFelice, P.O. Box 97013, Redmond, Washington 98053;

SPACELABS MEDICAL INC., by Robert I. Heller, Attorney, Graham & James, 1001 Fourth Avenue Plaza, Suite 4400, Seattle, Washington 98154;

SPACELABS MEDICAL, by Clarence F. West, Associate General Counsel, 15220 NE 40th Street, Redmond, Washington 98053;

SPACELABS MEDICAL, by John Maurer, Facilities Manager, 11013 248th Ave. NE, Redmond, Washington 98053;

STATE FARM MUTUAL INSURANCE COMPANY, by Dan Sullivan, Facility Supervisor, 1000 Wilmington Drive, DuPont, Washington 98383;

JAMES RIVER CORPORATION, by Stanley Erickson, 10801 Main Street, Bellevue, Washington 98004.

As a courtesy to interested citizens, the Department of Transportation 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 Department, 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, under the provisions of RCW 47.52 *et seq.*, by Bill Carter, Assistant Regional Administrator for Development, after which witnesses were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into evidence. Based upon the oral evidence and the exhibits introduced into evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary of Environment and Engineering makes the following findings:

I

Prior to February 19, 1968 a plan for the establishment of a limited access highway over a portion of State Route 520 in King County, Washington, was ordered under Commission Resolution No. 1928 and its amendments.

Such a plan was prepared and entitled "SR 520, NE 40TH ST. INTERCHANGE, MP 9.91 to MP 10.34, KING COUNTY" sheets 1 through 5 of 5 sheets. These plan sheets were introduced into evidence marked Exhibit No. 5, which was made 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 required, and thereafter prepared and submitted to appropriate officials an Access Report showing how those factors have been taken into account and covering other matters required by RCW 47.52, *et seq.* A copy of that report was introduced into evidence marked Exhibit No. 4.

III

On June 25, 1996, the State Design Engineer by Order proposed said plan and set a hearing date

in accordance with the provisions of RCW 47.52, *et seq.* The Order of Hearing was introduced into evidence marked Exhibit No. 1.

IV

Dale Morimoto, NW Region Environmental Program Manager, Washington State Department of Transportation issued a Notice of Hearing. On July 10, 1996 an exact copy of this notice was mailed to the City of Redmond, the City of Bellevue, various agencies and other interested parties and to each of the owners listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in the Seattle Post Intelligencer on July 10, 1996, as shown by the Affidavit of Publication of Tom Egan, Authorized Agent of the Seattle Post Intelligencer, which affidavit was introduced into evidence marked Exhibit No. 3-A, and in the Redmond Sammamish Valley News on July 10, 1996, as shown by the Affidavit of Publication of Jeanette Wellner, Production Manager, which affidavit was introduced into evidence marked Exhibit No. 3-B.

V

The plan proposes the establishment of a limited access facility with full access control for SR 520 at the NE 40th Street Interchange between Sta. L 515+00 and Sta. L 537+50, as shown on sheets 1 through 5 of 5 sheets entitled "SR 520, NE 40TH ST. INTERCHANGE, MP 9.91 TO MP 10.34, KING COUNTY."

VI

This section of State Route 520 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 Highway and Department of Transportation Policy provides for full access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in a safe manner 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 business enterprise, the safe operation of the facility is jeopardized 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 and intersections.

The Right of Way and Limited Access Plan for the establishment of limited access control on SR 520, NE 40th St. Interchange, introduced into evidence marked Exhibit No. 5, and as modified in section VIII 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 exhibits were entered into evidence at or subsequent to the hearing and made part of the record:

Exhibit No. 6	Reserved Exhibit, Notices of Appearance
Exhibit No. 6A	Reserved Exhibit, additional Notices of Appearance.
Exhibit No. 7	Presentation Transparencies.
Exhibit No. 8	Letter, dated June 17, 1996 from Dennis Apland, City of Redmond, responding to a letter that requested comments.
Exhibit No. 9	Limited Access Plan Revision, sheet 3 of 5.
Exhibit Nos. 10A - 10B	Photographs from Spacelabs Medical
Exhibit Nos. 10C - 10L	Photographs from Washington State Department of Transportation
Exhibit No. 11	Traffic anaylsis for State Farm and Space Labs approach
Exhibit No. 12	Reserved Exhibit, Departments response to comments made at the hearing regarding the A Line alignment.

VIII

The Assistant Secretary of Environment and Engineering also considered the following requests and makes the following findings:

1. Mr. Jim Noetzelman at the hearing on pages 33 through 36 of the hearing transcript expressed concerns the A Line would have on the Eddie Bauer property (Parcel No. 1-15816) and that access to this area would be provided off of NE 36th St.

   The A Line has been further north avoiding Parcel No. 1-15816. There will be no access off of NE 36th St.

2. Mr. Clay West at the hearing on pages 51 through 55 of the hearing transcript requested the bikepath be relocated to another area, possibly east of SR 520, to avoid impacts to Parcel No. 1-15823.

   The right of way and limited access has been relocated to avoid impacts to Parcel 1-15823. The bike path will remain on the west side of SR 520 for the entire length.

3. Mr. Robert Heller, Daniel Sullivan, Gene DeFelice, and Stanley Erickson at the hearing on pages 25 through 46 expressed concerns and requested information on the traffic/safety impacts to the proposed access to State Farm, Space Labs, and Ridgeway Packaging Corp. properties.

   The traffic analysis has been entered into hearing record as Exhibit No. 11. Left-turn movements will be prohibited to and from Parcel 1-15822(State Farm) and (Ridgeway Packaging Corp.).

IX

The Assistant Secretary of Environment and Engineering has considered evidence on the entire portion of the above entitled highway and finds the plans as presented should be modified as heareafter set forth.

Plan sheets 1 through 5 of 5 sheets dated June 25, 1996 will be replaced with new plan sheets with the same title. Sheets 1 through 5 of 5 sheets will include the following changes:

1. Parcel No. 1-15819 has been deleted from the plan as shown on sheets 1, 2 and 3 of 5 sheets. This revision reflects the donation of the right of way and limited access to construct this portion of the project by the Microsoft Corporation.

2. The proposed access road desiginated as the A Line has been relocated from its intersection on the B Line at Sta. L 518+43.24 (179.38' Lt) to intersect the B Line at Sta. L 520+52.03 (175.98' Lt.) as shown on sheets 1, 2 and 5 of 5 sheets. The new A Line has been redesignated as a private access easement to be aquired, constructed and maintained by others. The A Line has been realigned between Sta. A 10+00.00 and Sta. A 19+26.71, as shown on sheets 1, 2 and 5 of 5 sheets. The B Line has been redesignated as a private access easement to be acquired, constructed, and maintained by others as shown on sheets 1, 2, and 3 of 5 sheets. Parcel Nos. 1-15816, 1-15817, and 1-15818 have been deleted from the plan as aquisition by the Department is no longer neccessary. These revisions were the result of concerns the impact the A Line would have on Parcel No. 1-15816 expressed at the hearing on pages 33 through 36 of the hearing transcript by Mr. Jim Noetzelman representing Eddie Bauer. These plan changes were recommended by the Department in Reserved Exhibit No. 12.

3. The limited access control on NE 40th St. has been revised from Full access control to Modified access control between Sta. N 4+83.37 and Sta. N 6+10 on the left and between Sta. N 4+83.37 and Sta. N 6+18.00 on the right; the limited access control has been deleted between Sta. N 4+83.37 and Sta. N 4+90.54 on the left and right; add a Type D* approach at Sta. N 5+93 Rt. to provide access to Parcel No. 1-15820; add a Type C-5 * approach at Sta. N 5+70 Lt. to provide access for Puget Sound Power and Light Company; the limited access control on NE 40th St. has been revised from full access control to Modified access control between at Sta. N 14+00 to Sta. N 14+54 on the right; add a joint use Type D* approach at Sta. N 14+36 Rt. for Parcel Nos. 1-15822 and 1-15823, this approach will be restricted to right and right out only, as shown on sheet 3 of 5 sheets. These plan revisions were entered into the record by the Department as Exhibit No. 9 at the hearing.

4. The limited access control has been deleted between Sta. 14+28.50 and Sta. 15+00 on the left and between Sta. 14+54 and Sta. 15+00 on the right as shown on sheet 3 of 5 sheets.

5. The right of way and limited access line has been relocated between Sta. L 528+47.99 and Sta. L 535+83.87. This revision was requested by representatives of Space Labs (Parcel No.1-15823) on pages 42 through 55 of the hearing transcript.

6. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 5 of 5 sheets)

X

The Assistant Secretary of Environment and Engineering specifically finds in the case of each abutting ownership that the adoption of the plan 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 evidence supporting them, The Assistant Secretary of Environment and Engineering for the Department of Transportation, State of Washington

ORDERS:

I

That the section of State Route 520 in King County, Washington is hereby designated as a limited access highway of the full and modified controlled type:

Between Sta. L 515+00 and Sta. L 537+50, as shown on sheets 1 through 5 of 5 sheets entitled "SR 520, NE 40TH ST. INTERCHANGE, MP 9.91 TO MP 10.34, KING COUNTY"

II

That the plan set forth in Exhibit No. 5 for the establishment of access control of said highway be revised as reflected in Exhibit "A" as follows:

1. Show that Parcel No. 1-15819 has been deleted from the plan as shown on sheets 1, 2 and 3 of 5 sheets.

2. Show that the proposed access road desiginated as the A Line has been relocated from its intersection on the B Line at Sta. L 518+43.24 (179.38' Lt) to intersect the B Line at Sta. L 520+52.03 (175.98' Lt.) as shown on sheets 1, 2 and 5 of 5 sheets; that the new A Line has been redesignated as a private access easement to be aquired, constructed and maintained by others; that the A Line has been realigned between Sta. A 10+00.00 and Sta. A 19+26.71, as shown on sheets 1, 2 and 5 of 5 sheets; that the B Line has been redesignated as a private access easement to be acquired, constructed, and maintained by others as shown on sheets 1, 2, and 3 of 5 sheets; that Parcel Nos. 1-15816, 1-15817, and 1-15818 have been deleted from the plan.

3. Show that the limited access control on NE 40th St. has been revised from Full access control to Modified access control between Sta. N 4+83.37 and Sta. N 6+10 on the left and between Sta. N 4+83.37 and Sta. N 6+18.00 on the right; that the limited access control has been deleted between Sta. N 4+83.37 and Sta. N 4+90.54 on the left and right; the addition of a Type D* approach at Sta. N 5+93 Rt. to provide access to Parcel No. 1-15820; the addition of a Type C-5 * approach at Sta. N 5+70 Lt. to provide access for Puget Sound Power and Light Company; that the limited access control on NE 40th St. has been revised from full access control to Modified access control between at Sta. N 14+00 to Sta. N 14+54 on the right;the addition of a joint use Type D* approach at Sta. N 14+36 Rt. for Parcel Nos. 1-15822 and 1-15823, and that this approach will be restricted to right and right out only, as shown on sheet 3 of 5 sheets.

4. Show that the limited access control has been deleted between Sta. 14+28.50 and Sta. 15+00 on the left and between Sta. 14+54 and Sta. 15+00 on the right as shown on sheet 3 of 5 sheets.

5. Show that the right of way and limited access line has been relocated between Sta. L 528+47.99 and Sta. L 535+83.87.

6. Show minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 5 of 5 sheets).

III

That the Plan entitled "SR 520, NE 40TH ST. INTERCHANGE, MP 9.91 TO MP 10.34, KING COUNTY," sheets 1 through 5 of 5 sheets, as revised and reflected in Exhibit "A", is hereby adopted, and further

That the following plans are hereby superseded:

"SR 520, NORTHRUP INTERCHANGE TO JCT. SR 202" Right of Way and Limited Access plan sheets 9 and 10 of 16, approved February 6, 1969.

ADOPTED THIS 27th DAY OF October, 1998

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING

Approved as to form:

Assistant Attorney General