

BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION

In Re: State Route 5,  
Koontz Road to Thurston County Line  
MP 69.65 to MP 85.51  
Hearing on Limited Access

FINDINGS AND ORDER

Hearing in the above entitled matter was held upon due notice to all interested parties beginning at 9:00 a.m., December 5, 1969, in the Carpenter Hall at 417 South Pearl Street, Centralia, Washington, before Commissioners George Zahn, Harold Walsh and Robert Mikalson with Howard C. Kafer acting as Examiner.

The parties were represented as follows:

DEPARTMENT OF HIGHWAYS, by JIM HUEY, Assistant Attorney General, 5800 Capitol Boulevard, Olympia, Washington, 98501.

WILLIS M. ADAMS, by self, 522 Maryland Avenue, Chehalis, Washington, 98532.

ATLANTIC RICHFIELD COMPANY, by LEONARD W. DAVIS, c/o Atlantic Richfield Co., 2326 6th Avenue, Seattle, Washington, 98111.

CHARLES BOND, by self, Route 3, Box 1199, Sumner, Washington, 98390.

S. C. BREEN, Route 3, Box 82, Chehalis, Washington, by self and JERRY MOORE, Attorney, and by WALTER WINTERS, 4702 Glenhaven, Everett, Washington, 98201.

BERTHA M. CLARK, by CLARK BROS., 625 St. Helens Avenue, Chehalis, Washington, 98532.

JAMES R. CLARK, by self, 1506 Riverside Road, Chehalis, Washington, 98532.

C. D. CLARK, by self, Route 3, Box 54, Chehalis, Washington, 98532.

ROBERT P. COLUCCIO and DON COLEMAN, by ROBERT P. COLUCCIO, Route 1, Box 314, Centralia, Washington, 98531.

ERVING'S HATCHERY, INC., P.O. Box 9, Winlock, Washington, by JOHN W. WARE,  
603 Hall Road, Silver Lake, Washington.

ELMER W. EVANS, by self, Route 3, Box 576, Chehalis, Washington, 98532.

RICHARD D. EVANS, by self, 590 Frontage Road, Chehalis, Washington, 98532.

MRS. ELSIE M. GAYLORD, 1495 Riverside Road, Chehalis, Washington, 98532, by  
DUDLEY E. GAYLORD, JR., 2235 S.E. 89th Street, Portland, Oregon, 97216.

CHRISTINE F. GIBSON, by self, 261 20th Avenue, Apt. 4., Longview, Washington,  
98632.

MRS. PAUL GIBSON, 261 20th Avenue, Apt. 4, Longview, Washington, 98632 by  
WILLIAM SEIBOLD, Box 101, Route 3, Centralia, Washington, 98531.

BETTY ANN HAMILTON (NEISWANGER), Route 5, Box 512, Chehalis, Washington, 98532,  
by LEE CAMPBELL, Security Bank Building, Chehalis, Washington, 98532.

FRANK HAMILTON, Route 3, Box 86, Chehalis, Washington, 98532, by LEE J. CAMPBELL,  
Security Bank Building, Chehalis, Washington, 98532.

F. O. HAMILTON, Chehalis, Washington, by C. J. FLANAGAN, Union Oil Co. of  
California, Box 76, Seattle, Washington, 98119.

W. L. and V. E. HEDGERS, by self, 587 Prindle St., Chehalis, Washington, 98532.

INVESTMENT SYNDICATES, INC., by DIRCK E. MINKIEWITZ, c/o Investment Syndicates,  
Inc., 910 Tower Building, Seattle, Washington, 98101.

WILLIAM K. KIRCH, et ux, by JOHN C. O'ROURKE, 714 Securities Building, Seattle,  
Washington, 98101.

JACK L. CHARLTON, et ux, by JOHN C. O'ROURKE, 714 Securities Building, Seattle,  
Washington, 98101.

J. E. LANGFORD and DOLORES F. LANGFORD, 1888 Kelly Avenue, Chehalis, Washington,  
98532, by GRANT ARMSTRONG, 1117 Boistfort St., Box 867, Chehalis, Washington, 98532.

LOUIS LEGAT, by self, 609 K., Centralia, Washington, 98531.

NORTHERN PACIFIC RAILWAY COMPANY, by R. G. BROHAUGH, c/o Northern Pacific Railway Company, 181 South King Street, Seattle, Washington, 98104.

C. G. POTTER, by self, Box 348, Ridgefield, Washington, 98642.

JAMES T. REED, by MRS. JAMES T. REED, 110 Shirlee Avenue, Centralia, Washington, 98531.

REPRO COMPANY, c/o Phillips Petroleum Co., c/o J. J. O'Connell, P.O. Box 3786, Seattle, Washington, 98124, by LARRY MURRAY, Box 183, Olympia, Washington, 98501.

JOHN H. ROBINSON, 1211 Kelly Avenue, Chehalis, Washington, 98532, by J. E. LANGFORD, 1888 Kelly Avenue, Chehalis, Washington, 98532.

DR. ROBERT J. TIPLER, by self, 123 W. Magnolia St., Centralia, Washington, 98531.

WEST COAST SERVICE COMPANY, 2471 S.W. Sunset Blvd., Portland, Oregon, 97201, by GERALD V. MILLER, 2471 S.W. Sunset Blvd., Portland, Oregon, 97201.

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

Heretofore and prior to November 6, 1969, 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 5 located in Lewis County, Washington. That such plan was prepared and entitled "Koontz Road to Thurston County Line." That Sheets 1 and 10 through 38 of 51 sheets of said plan were introduced into evidence marked as Exhibit No. 8, which exhibit is by this reference made part of these findings.

## II

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 June, 1969 prepared and submitted to the appropriate local officials a report showing how those factors had been taken into account and the other matters required by RCW 47.52.131, et seq., and that a copy of the aforementioned Access Report was introduced into evidence marked Exhibit No. 4.

By letter dated August 18, 1969, the Commissioners of Lewis County, Washington consented to the establishment of limited access on State Route 5 in Lewis County in accordance with the plan contained in said Access Report, and said letter was introduced into evidence marked Exhibit No. 5-A.

By letters dated July 29, 1969 and August 19, 1969, the City Councils of Centralia and Chehalis, Washington, respectively, consented to the establishment of limited access on State Route 5 in the Cities of Centralia and Chehalis in accordance with the plan contained in said Access Report, and that said letters were introduced into evidence marked Exhibit No. 5-B and 5-C, respectively.

### III

On November 6, 1969, the Assistant Director for Highway Development by Order tentatively approved said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq., a copy of said Order being introduced into evidence marked Exhibit No. 1.

### IV

Lorenz Goetz, Secretary of the Washington State Highway Commission, prepared and issued a Notice of Hearing. On November 18, 1969, an exact copy of the aforesaid notice was mailed to Lewis County, the Cities of Centralia and Chehalis, and to each of those record owners of property listed in the affidavit of service by mailing introduced into evidence marked Exhibit No. 2. An exact copy of the aforesaid notice was published in The Daily Chronicle on November 17, 1969, as shown by the affidavit of the Principal Clerk, which affidavit was introduced into evidence marked Exhibit No. 3.

### V

The plan hereinbefore referred to proposes to improve State Route 5 in Lewis County and the Cities of Centralia and Chehalis by imposing fully controlled limited access between HES 1217+14.1 on the south line of the Northeast Quarter, Southwest Quarter, Section 36, Township 13 North, Range 2 West, W.M., just north of the Koontz Road and HES 1996+02.56 on the north line of Lot 1, Section 30, Township 15 North, Range 2 West, W.M., at the Lewis-Thurston County Line, a distance of 15.86 miles.

### VI

The section of State Route 5 herein concerned is an important part of the highway system of the State of Washington because it forms a part of the interstate system.

The estimated average daily traffic volume on this highway in the year 1975 is 12,000. 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 5 herein concerned represents a substantial expenditure in construction costs. Since this highway is a part of the interstate system, it is anticipated that federal funds will be available for its construction, and it is a requirement of the federal government that before such funds can be allocated, the state shall have prepared plans for the ultimate full control of access on the highway section in question, in order to provide a safe and convenient network of highways across the nation for military, commercial, tourist and other transportation purposes. In addition, the investment of public funds is protected by preserving the highway for future use.

During the year 1968, there were 64 accidents on this stretch of road, which is approximately 16 miles in length, including 4 fatalities and 58 injuries, with an accident rate of 1.0 per million vehicle miles. The statewide rate on traveled way interstate facilities is 3.2 per million vehicle miles. The improvements proposed for this facility, which is presently access controlled, are designed to maintain the low accident rate on this section.

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 5 in Lewis County and the Cities of Centralia and Chehalis, introduced into evidence marked Exhibit No. 8 as hereinafter modified, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

The following exhibits were entered in evidence, subsequent to the hearing and by this reference are made a part of these findings:

- Exhibit 23 - Letter from Daniel B. Ward.
- Exhibit 24 - Letter from Robert M. Schaefer.
- Exhibit 25 - Reply to Robert M. Schaefer's letter.

## VII

The Commission further finds that the plan introduced in evidence marked Exhibit No. 8 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached:

1. Several property owners and the Department of Highways requested that the Bishop Road Connection alignment be revised between HES B Rd. 7+85 and B Rd. 56+43.36 by shifting the alignment westerly, contiguous and parallel to the SR 5 right of way line between HES 1537+00+ and 1567+00+ on right, and then westerly of and parallel to the west property lines of Parcels No. 4-3067, 4-3068, 4-3072, 4-3073, 4-3074, 4-3075, and 4-3076 to eliminate or reduce damages to the properties served by said connection.

The Bishop Road connection should be relocated between HES B Rd. 7+85 and B Rd. 56+43.36 to a more westerly location.

2. The Department of Highways requested that the Riverside Road in the southwest quadrant of the SR 6 Interchange be terminated approximately fifty (50) feet short of the terminus shown to eliminate damages to an adjacent property.

The Riverside Road frontage road should be terminated at HES R Rd. 9+40.

3. The Department of Highways requested that the right of way - limited access line in the southeast quadrant of the SR 6 Interchange be moved approximately ten (10) feet westerly to allow Parcel 4-3082 access to the C line, and delete the excess right of way shown for the C line to allow this portion to be relinquished to the city for public use.

The right of way - limited access line between HES NM 7+67.95 and NM 11+10+ on right should be moved westerly approximately ten (10) feet, and the C line right of way be deleted as excess right of way and added for relinquishment to City.

4. The Department of Highways requested that the portion of Lum Road, lying south of the southerly right of way line of Haviland Avenue in the northwest quadrant of the Borst Park Interchange, be declared as excess right of way to allow the land to be returned to private useage.

The portion of Lum Road, lying south of the southerly right of way line of Haviland Avenue, should be shown as excess right of way.

5. Mr. E. Barber and the Department of Highways requested that Parcels 4-3147 and 4-3148 be added to the plan and that a frontage road be provided southerly from the Lewis-Thurston County line on the easterly side of the highway to provide access to these parcels.

Parcels 4-3147 and 4-3148 should be added to the plan and a frontage road added between HES 1982+20 and 1996+02.56 on the right.

6. Mr. Robert M. Schaefer requested that the right of way shown for the Eckerson Road in the northeast quadrant of the Borst Park Interchange be moved to take required right of way from the other side of said road or that the right of way taking be reduced, to reduce damages to Parcel 4-3127.

The City of Centralia has agreed to accept a fifty (50) foot right of way for Eckerson Road in lieu of the standard sixty (60) feet; therefore, the right of way should be reduced by ten (10) feet. It would not be proper to move the road easterly, thereby damaging one property to mitigate the damages to another property, as suggested.

#### VIII

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

1. Walter Winters, representing S. C. Breen; and others, requested that an interchange be provided at the LaBree Road to serve the industrial developments in this area.

This request must be denied as this matter was carefully reviewed by representatives of the Chehalis Industries, the Lewis County Commission and the Department of Highways in 1967. The consensus was that the interchanges, as planned, would adequately and safely serve the needs of the community. In a letter dated September 25, 1967 and again on August 18, 1969, the Lewis County Commission approved the plan as proposed.

The reasons that an interchange cannot be constructed at the LaBree Road remain unchanged. Basically, these are:

- a. The Interstate Highway System is developed to transport vehicles between major metropolitan centers, not to provide for short trips and local industrial routes.
- b. Interstate standards require adequate spacing between interchanges to provide safe and efficient movement of traffic without conflict. To add an interchange at the LaBree Road would increase mainline weaving movements and reduce the capacity and safety of the freeway.
- c. The industrial developments near the LaBree Road will be served adequately with access to Interstate 5 for long trips via the complete frontage road system as proposed. Access to SR 5 is available at the Hamilton Road Interchange, which is 1.9 miles to the south, and the 13th Street Interchange, 1.9 miles to the north of the LaBree Road Undercrossing.

There was no additional information presented by Mr. Winters or Mr. Breen to warrant an additional interchange.

The Commission also considered the following:

1. Mr. Lee Campbell, representing Mr. and Mrs. Frank Hamilton and B. A. Neiswanger questioned that more right of way was being taken in the vicinity of the Hamilton Road Interchange than required for the proposed construction.

As stated at the hearing, the Department of Highways acquires only the right of way required to contain the highways, auxiliary roadways, separation structures and other necessary appurtenances thereto. The right of way shown on the plan is the minimum required to contain the slopes attendant to the interchange ramps, crossroads and frontage roads.

2. Mr. S. C. Breen requested that guardrail be provided along the embankments leading to the GN-NP-UP Railway and Dillenhough Creek overcrossing.

This was investigated and it was found that the installation of guard rail in this area had already been recommended and will be included in the contract planning.

3. Mr. Fred Overly, representing the Bureau of Outdoor Recreation, questioned compliance with Section 4 (f) of the Department of Transportation Act in connection with the 0.43 acres required from the Centralia Parks.

Careful attention is given to compliance with all federal and state statutes. The Department is aware of the required taking from the park and is considering acquiring replacement land to retain present park acreage. This will be resolved as a part of the right of way negotiations.

4. Mr. Oscar Mills, Mayor of Chehalis, inquired about improvement of the visibility (sight distance) at the Mellen Street Interchange.

The proposed construction at Mellen Street will alleviate the problem to some extent. To completely eliminate the sight distance problem would, however, require replacement of the overcrossing structure. Consideration may be given to signalization of a ramp if traffic volumes warrant this measure.

## IX

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 5 over an existing state highway in Lewis County and the Cities of Centralia and Chehalis described as follows is hereby

designated as a limited access highway of the fully controlled type:

Between HES 1217+14.1 on the south line of the Northeast Quarter, Southwest Quarter, Section 36, Township 13 North, Range 2 West, W.M., just north of the Koontz Road and HES 1996+02.56 on the north line of Lot 1, Section 30, Township 15 North, Range 2 West, W.M., at the Lewis-Thurston County Line, a distance of 15.86 miles.

## II

That the plan set forth in Exhibit No. 8 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 Bishop Road connection between HES B Rd 7+85 and B Rd. 56+43.36.
2. Terminate the Riverside Road frontage road at HES R Rd 9+40.
3. Move the right of way - limited access line between HES NM 7+67.95 and NM 11+10+ on right approximately ten (10) feet westerly, and delete the C line as excess right of way and show for relinquishment to the city.
4. Show that portion of the Lum Road right of way lying south of the south right of way line of Haviland Avenue as excess right of way.
5. Add Parcels 4-3147 and 4-3148 to the plan and add a frontage road between HES 1982+20 and 1996+02.56 on the right.
6. Reduce the right of way for the Eckerson Road to a fifty (50) foot width.

## III

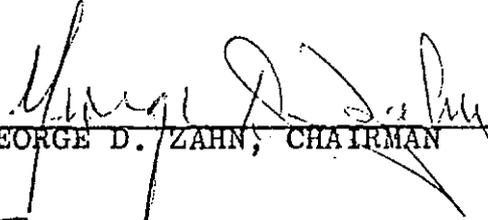
That the plan entitled "SR 5 Koontz Road to Thurston County Line, (MP 69.65 to MP 85.51)," Sheets 1 and 10 through 38 of 51 sheets, dated November 6, 1969, as revised above, be and the same is hereby adopted.

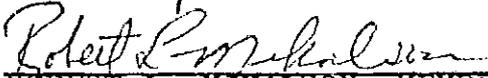
## IV

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.

ADOPTED this 19th day of January, 1970.

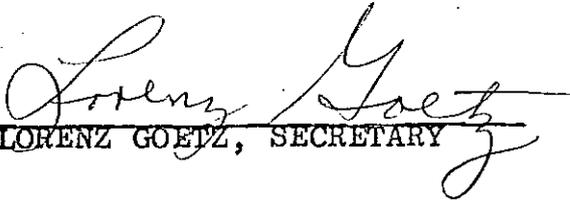
WASHINGTON STATE HIGHWAY COMMISSION

  
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GEORGE D. ZAHN, CHAIRMAN

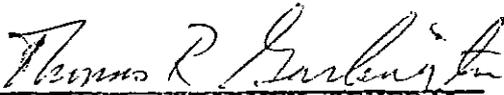
  
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ROBERT L. MIKALSON, MEMBER

  
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HAROLD WALSH, MEMBER

ATTEST:

  
\_\_\_\_\_  
LORENZ GOETZ, SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL