

BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION

IN RE: STATE ROUTE 82)
GRANDVIEW VICINITY: PUTERBAUGH ROAD)
TO ALBRO ROAD)
M.P. 71.80 to M.P. 79.48)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:40 P.M., Thursday, November 6, 1975, in the Harriett Thompson School multi-purpose room at West 2nd and Euclid in Grandview, Washington, before Charles C. Countryman, Hearing Examiner, and Commissioner Howard Sorensen.

The interested persons and organizations were represented as follows:

DEPARTMENT OF HIGHWAYS, by Joseph B. Loonam, Assistant Attorney General, Olympia, Washington, 98504;

BENTON COUNTY, by Dale E. Bean, County Engineer, P. O. Box 110, Prosser, Washington, 99350;

YAKIMA COUNTY, by Harold R. Sweet, Director of Public Works, Room 408, Courthouse, Yakima, Washington, 98901;

LANGE, GILMER A., by self, Route 2, Box 2810, Grandview, Washington, 98930;

LANGE, AUDREY, by self, Route 2, Box 2810, Grandview,
Washington, 98930;

PACIFIC POWER & LIGHT COMPANY, P. O. Box 627, Grandview,
Washington, 98930;

ANDREWS, S. L., by self, Route 1, Box 23, Prosser, Washing-
ton, 99350;

FISHER, N. R., by self, Route 2, Box 2748, Grandview,
Washington, 98930;

NEERGAARD, CHRISTINE A., by self, 5728 17th Avenue N.E.,
Seattle, Washington, 98105;

FUERST, MRS. LEONARD, by self, Route 1, Box 1890, Grandview,
Washington, 98930;

NORTHWEST PIPELINE CORPORATION, by Frankie Schmuck, 315 East
200th South, Salt Lake City, Utah, 84107;

PARRISH, CHARLES M., by self, 109 Cedar, Grandview, Washing-
ton, 98930;

ALEXANDER, DAN, by self, Yakima Chief Ranches, Mabton,
Washington, 98935;

MILLER, LOUIS T., by self, Route 2, Box 2585, Grandview,
Washington, 98930;

JIM'S VALLEY APIARIES, INC., P. O. Box 457, Sunnyside,
Washington, 98944;

SMITH, TIM, by self, Route 1, Box 1158, Grandview, Washing-
ton, 98930;

HARWOOD, LEON, by self, P. O. Box 293, Grandview, Washington,
98930;

MICHELS, JIMMIE, by self, Box 1202, Grandview, Washington,
98930;

KLUTH, LUVERN, by self, Route 2, Box 2860, Grandview, Washing-
ton, 98930;

DIXON, JOSEPH V., by self, Route 1, Box 1629, Grandview,
Washington, 98930;

LOWER VALLEY REALTY, by Milford Noten Shadwick, Salesman,
P. O. Box 566, Grandview, Washington, 98930;

BARTRAM, BILL, by Kenneth Hawkins, P. O. Box 541, Yakima,
Washington, 98907.

As a courtesy to interested citizens, the Commission furni-
shes 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 Commissioner Howard
Sorensen, after which witnesses were called. The evidence was
taken by a stenographer and thereafter transcribed. Certain

exhibits were duly introduced as 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 October 10, 1975, the Commission in its Resolution No. 95 and its amendments and supplements thereto instructed the Director of Highways to prepare a plan for the establishment of a limited access highway over a portion of State Route 82 in Yakima and Benton Counties. Such plan was prepared and entitled "SR 82, GRANDVIEW VICINITY: PUTERBAUGH ROAD TO ALBRO ROAD, M.P. 71.80 to M.P. 79.48, YAKIMA and BENTON COUNTIES", and sheets 1 through 19 of 40 sheets of said plan were introduced into evidence marked as Exhibit Nos. 9-1 through 9-19, which exhibits were made a part of the hearing record.

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 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 a copy of the aforementioned Access Report was introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated October 2, 1975, the Benton County Board of County Commissioners concurred with the Access Report, with a request that a certain modification to the plan be considered at a later date, and said letter was introduced into evidence marked Exhibit No. 5.

By letter dated October 20, 1975, the Yakima County Board of County Commissioners concurred with the Access Report, subject to certain modifications to the plan, and said letter was introduced into evidence marked Exhibit No. 6.

III

On October 10, 1975, the Assistant Director for Highway Development by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq., said Order being introduced into evidence marked Exhibit No. 1.

IV

Harold L. Boulac, Secretary, Washington State Highway Commission, prepared and issued a Notice of Hearing. On October 16, 1975 and October 17, 1975 an exact copy of the aforesaid notice was mailed to Yakima and Benton Counties and to each of

those record owners of property listed in the two Affidavits of Service by Mailing introduced into evidence marked Exhibit Nos. 3-A and 3-B. An exact copy of the aforesaid notice was published in the Yakima Herald-Republic on October 16, 1975, as shown by the affidavit of S. W. Watt, the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-A. An exact copy of the aforesaid notice was published in the Tri-City Herald on October 16, 1975, as shown by the affidavit of Rhoda E. Lobdell, the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-B. An exact copy of the aforesaid notice was published in the Grandview Herald on October 16, 1975, as shown by the affidavit of Doris Colburn, the Office Manager of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-C. An exact copy of the aforesaid notice was published in the Prosser Record-Bulletin on October 16, 1975, as shown by the affidavit of Richard W. Gay, the Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-D.

V

The plan hereinbefore referred to proposes the establishment of fully controlled, limited access highway facilities for State Route 82 in the vicinity of Grandview between Station L^E 754+22.93 and Station L^E 1159+59.38, as shown on sheets 1 through 19 of

40 sheets entitled "SR 82, GRANDVIEW VICINITY: PUTERBAUGH ROAD TO ALBRO ROAD, M.P. 71.80 to M.P. 79.48, YAKIMA and BENTON COUNTIES".

VI

The section of State Route 82 herein concerned 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 an Interstate highway and Highway Commission policy provides for full control of access on all highways of this type. In so doing, the investment of public funds is protected by preserving the highway for future use.

The projected average daily traffic volume for the design year of 1995 indicates that there will be 17,800 vehicles northwesterly of the West Grandview Interchange. Between the West Grandview Interchange and the County Line Interchange the projected traffic volume is 13,700 vehicles and easterly from the County Line Interchange the projected traffic volume is 15,300 vehicles. 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 three-year 1972 through 1974 accident rate for the section of State Route 12 that is equivalent in length to the section of

State Route 82 herein concerned is 3.0 per million vehicle miles, with a fatality rate of 9.8 per one hundred million vehicle miles. The estimated accident rate for proposed State Route 82 would be 0.9 per million vehicle miles, with a fatality rate of 1.6 per hundred million vehicle miles. It is anticipated that the accident and fatality rates would be reduced substantially by the construction of this project.

The efficiency of the highways 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 the establishment of fully controlled limited access facilities for State Route 82 in Yakima and Benton Counties introduced into evidence marked Exhibit Nos. 9-1 through 9-19 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 a part of the hearing record:

- Exhibit No. 7 Letter, September 29, 1975, to the Benton County Board of County Commissioners, signed by Robert C. Schuster, District Engineer, Department of Highways.
- Exhibit No. 8-A Advance Planning Study and Environmental Report, Parker to Prosser.
- Exhibit No. 8-B Final Supplemental Environmental Impact Statement for State Route 82, Union Gap to Prosser and Final Environmental Impact Statement for State Route 82, Prosser Vicinity: Albro Road to M.P. 84.27.
- Exhibit No. 10 Reserved Exhibit, the Department of Highways response to a request by Leon Harwood regarding access to Parcel No. 5-03903.
- Exhibit No. 11 Reserved Exhibit, the Department of Highways response to a question by Mrs. Fuerst regarding the loss of crop production.

VIII

The Commission finds that the plan introduced into evidence marked Exhibit Nos. 9-1 through 9-19 should be modified to make minor corrections to ownership and parcel details, as proposed by the Department of Highways at the hearing (Plan Sheets 2,8,9,10,16).

IX

The Commission also considered the following requests made at the hearing and makes the following findings:

1. The Board of Benton County Commissioners in Exhibit No. 5 have requested that a grade separation at Griffin Road be considered if traffic volumes and/or land use significantly change in the Griffin Road area prior to actual construction.

The Commission finds that the Department of Highways should re-evaluate conditions in the Griffin Road area at the time of construction to see if conditions have changed to warrant a separation.

2. The Board of Yakima County Commissioners in Exhibit No. 6 have insisted that the portion of Stover Road, from Puterbaugh Road to the beginning of relocation, be included for reconstruction to Yakima County standards.

As acknowledged by the Department of Highways at the hearing, Stover Road will be constructed in accordance with the wishes of Yakima County and is included in the hearing plans.

3. The Board of Yakima County Commissioners in Exhibit No. 6 are concerned about adequate sight distance for vehicles turning from the ramps onto the over pass at the East Grandview Interchange (County Line Interchange).

The Commission finds that the design for the section of State Route 82 herein concerned complies with State and Federal design standards for Interstate highways and will provide adequate sight distance.

4. Mr. Leon Harwood, pages 32 and 33 of the hearing transcript, requested a change in the location of the proposed access easement to serve his parcel (Parcel No. 5-03903).

The Department of Highways in reserved Exhibit No. 10, has recommended that a study be made to determine the engineering and economic feasibility of relocating the proposed access easement.

The Commission finds that the alternate location requested by Mr. Harwood for the access easement crosses

land owned by other parties who were not notified of the Limited Access Hearing. If the owners of the newly involved parcel do not object to the proposal, and if the alternate location is found to be feasible based on engineering and cost, this request should be granted.

5. Mrs. Leonard Fuerst, page 42 of the hearing transcript, requested information as to the number of acres being taken out of production and the value of the crops and produce to be lost by the construction of Interstate 82 from Union Gap to Prosser.

The Commission finds that the Department of Highways in reserved Exhibit No. 11 has adequately responded to Mrs. Fuerst's request with a tabulation of crops grown on land to be displaced by Interstate 82 and the total yearly value thereof as follows:

Orchards, hops and vineyards	300 acres
Cultivated row crops	546 acres
Pasture land	644 acres
Undeveloped and miscellaneous land	318 acres
Total yearly value of produce	\$576,000

6. Mr. Kenneth Hawkins, representing Bill Bartram, page 51 of the hearing transcript, requested that the limitation of access, the alignment and the corridor

be reconsidered.

The Commission finds that the matter of alignment and corridor location have been thoroughly studied, discussed and reviewed through numerous meetings and public hearings over the past several years, and that reconsideration at this time is not warranted. In regards to the limitation of access, this is a high volume Interstate highway and Commission policy requires full control of access, as explained in Section VI of these Findings.

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 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 82 in Yakima and Benton Counties described as follows, is hereby designated as a limited access highway of the fully controlled type:

Between Station L^E 754+22.93 and Station L^E 1159+59.38, as shown on sheets 1 through 19 of 40 sheets entitled, "SR 82, GRANDVIEW VICINITY: PUTERBAUGH ROAD TO ALBRO ROAD, M.P. 71.80 to M.P. 79.48, YAKIMA and BENTON COUNTIES".

II

That the plan set forth in Exhibit Nos. 9-1 through 9-19 for establishment of access control on said highway be revised as follows and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

Revise Plan Sheets (2,8,9,10, and 16) to make minor corrections to ownership and parcel details.

III

That the Department of Highways re-evaluate conditions in the Griffin Road area at the time of construction to see if there is sufficient change to warrant a grade separation at Griffin Road.

IV

That the Department of Highways study the engineering and economic feasibility of relocating the proposed access easement to serve Parcel No. 5-03903 to a position paralleling and adjacent to the centerline of Section 28, and if that location is found to be feasible, and if the owners of any property thereby affected are agreeable, to make the necessary

plan changes and to move the access easement to that location
(Plan Sheet 3).

V

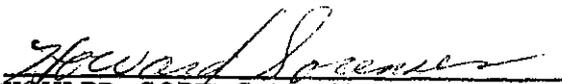
That the plan entitled "SR 82, GRANDVIEW VICINITY: PUTER-
BAUGH ROAD TO ALBRO ROAD, M.P. 71.80 to M.P. 79.48, YAKIMA and
BENTON COUNTIES", sheets 1 through 19 of 40 sheets, dated
October 10, 1975, as revised above and as shown on Exhibit
"A", be and the same is hereby adopted.

ADOPTED this 17th day of February, 1976.

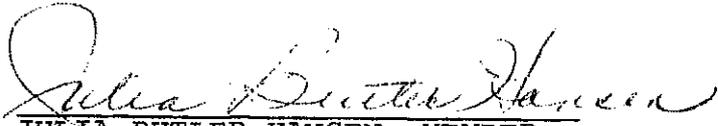
WASHINGTON STATE HIGHWAY COMMISSION


A. H. PARKER, CHAIRMAN

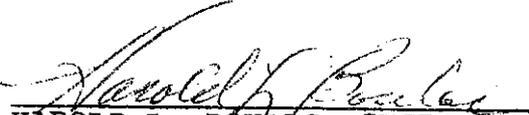
BAKER FERGUSON, MEMBER


HOWARD SORENSEN, MEMBER

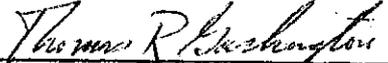
VIRGINIA K. GUNBY, MEMBER


JULIA BUTLER HANSEN, MEMBER

ATTEST:


HAROLD L. BOULAC, SECRETARY

APPROVED AS TO FORM:


ASSISTANT ATTORNEY GENERAL