

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 82)
JCT. SR 14 TO PLYMOUTH ROAD)
M.P. 113.64 to M.P. 129.57) FINDINGS AND ORDER
HEARING ON LIMITED ACCESS)

The hearing on the above entitled matter was held upon due notice to interested parties beginning at 2:00 P.M., Monday, March 17, 1980, in the Benton County P.U.D. Auditorium, located at 524 South Auburn, Kennewick, Washington, before Charles C. Countryman, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph B. Loonam, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

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

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES, by Arthur D. McCoy, Snake River District Manager, 3902 West Clearwater, No. 18, Kennewick, Washington 99336;

PLYMOUTH WATER DISTRICT, by self, P.O. Box 499, Plymouth, Washington 99346;

BATEMAN BROS., by Wendell Bateman, partner, 6029 West Quinault, Kennewick, Washington 99336;

KAREN BENNETT, by self, 7514 West Yellowstone, Kennewick, Washington 99336;

CLARENCE T. BUMGARDNER, by self, 7514 West Yellowstone, Kennewick, Washington 99336;

C. JOHN CHRISTENSEN, by self, 2322 West 16th Avenue, Kennewick, Washington 99336;

CHARLIE J. CHRISTENSEN, by self, P.O. Box 6993, Kennewick, Washington 99336;

FLORENCE A. FARSE, by self, P.O. Box 762, Green Valley, Arizona 85614;

VERNON C. GRAMLING, by John A. Wilkins, Attorney at Law, P.O. Box 1829,
Sequim, Washington 98382;

VERNON C. GRAMLING, by self, 1901 West 45th, Kennewick, Washington 99336;

JACK HSIEH, by John B. Quarles, consultant, 1776 Fowler, Richland, Washington
99352;

KENNEWICK GENERAL HOSPITAL, by Benton S. Clark, Jr., of Horton, Wilkins &
Faurholt, Attorneys at Law, P.O. Box 7000, Kennewick, Washington 99336;

KEPR-TV NEWS, by self, 2807 West Lewis, P.O. Box 2648, Pasco, Washington
99302;

KONA RADIO NEWS, by self, Box 2623, Tri-Cities, Washington 99302;

K. L. LOW, by Edwin Wilkerson, manager, P.O. Box 6001 Kennewick, Washington
99336;

CHARLES MADSEN, by self, 1506 S.E. Ogden, Richland, Washington 99352;

NINE CANYON RANCH, Allen Deffenbaugh, by Van A. Deffenbaugh, Operations
Manager, 4704 South Kent, Kennewick, Washington 99336;

EDWARD NOWAK, by H. H. Hayner of Minnick, Hayner & Zagelow, P.S., Attorneys
at Law, P.O. Box 1757, Fifth and Alder Streets, Walla Walla, Washington 99362;

J. W. OWENS, J. SUNDVIK and LELA OWENS, by Thomas B. Gess, Attorney at
Law, 10 South Auburn, P.O. Box 6958, Kennewick, Washington 99336;

BILL OWENS, by self, P.O. Box 6864, Kennewick, Washington 99336;

THEODORE L. POTTER, by Charles Madsen, 1506 S.E. Ogden, Richland, Washington
99352;

EDWARD E. SMITH, by Charles Madsen, Partner, 1506 S.E. Ogden, Richland,
Washington 99352;

JOE SVATONSKY and MRS. SECHLER, by selves, Route 3, Box 3332, Hermiston,
Oregon 97838;

WALLA WALLA FARMERS CO-OP, INC., by Michael K. Eby, Kennewick Branch Manager, Route 12, Box 405, Kennewick, Washington 99336;

ESTATE OF CATHERINE WILKINS, by John A. Wilkins, Attorney at Law, P.O. Box 1829, Sequim, Washington 98382;

ESTATE OF CATHERINE WILKINS, by Vernon C. Gramling, co-personal representative, 1901 West 45th, Kennewick, Washington 99336;

BOB WOEHLER, by self, P.O. Box 2608, Pasco, Washington 99302;

JAMES C. GO, by self, P.O. Box 344, Richland, Washington 99352;

DAVID P. CHAN, by self, 324 Snyder Road, Richland, Washington 99352;

As a courtesy to interested citizens, the Department of Transportation 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 Department of Transportation, 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 by Charles C. Countryman, Hearing Examiner, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in evidence, and acting under the authority of the Secretary of Transportation, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to January 18, 1980, a plan for the establishment of a limited access highway over a portion of State Route 82 in Benton County, Washington, was ordered under Resolution No. 2624.

Suchaplan was prepared and entitled "SR 82, JCT. SR 14 TO PLYMOUTH ROAD, M.P. 113.64 TO M.P. 129.57, BENTON COUNTY," sheets 1 through 38 of 70 sheets dated January 18, 1980. These sheets were introduced into evidence marked as Exhibit Nos. 7-1 through 7-38, which were made a part of the hearing record.

II

The Department of Transportation received from the public agency 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 had been taken into account and covering other matters required by RCW 47.52.131, et seq. A copy of that report was introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated December 20, 1979, the Board of Benton County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5.

III

On February 1, 1980, the Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked Exhibit No. 1.

IV

Mr. V. W. Korf, Deputy Secretary of Transportation, issued a Notice of Hearing. On February 15, 1980, an exact copy of this notice was mailed to Benton County, the Cities of Kennewick and Pasco, various agencies and other interested parties, and to each of those record owners of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the aforesaid notice was published in the Tri-City Herald on February 28, 1980, as shown by the affidavit of Phyllis Graves, Principal Clerk

of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

V

The plan proposes the establishment of fully controlled limited access highway facilities for State Route 82 from Junction State Route 14 to Plymouth Road between Sta. LS 2895+00.00 and Sta. LS 3736+50 as shown on sheets 1 through 38 of 70 sheets entitled "SR 82, JCT. SR 14 TO PLYMOUTH ROAD, M.P. 113.64 to M.P. 129.57, BENTON COUNTY".

VI

This section of State Route 82 is an important part of the highway system of the State of Washington and represents a substantial expenditure in construction costs. State Route 82 is functionally classified as an Interstate Highway, and Department of Transportation policy provides for full control of access. In establishing access control, the investment of public funds is protected by preserving the highway for future use.

The projected average daily traffic volumes for the design year of 2002 indicate that there will be approximately 15,000 vehicles per day traveling State Route 82 between Junction State Route 14 and the Locust Grove Interchange; 14,350 vehicles daily traveling between Locust Grove Interchange and Coffin Road Interchange; and 14,400 vehicles per day traveling between Coffin Road Interchange and the State Route 14 Interchange near Plymouth. It is vital in planning highways to provide adequate capacity for increased traffic demands in order to prevent the facility from becoming obsolete within a short period of time.

The two-year 1977 and 1978 accident history for this section of State Route 14, which will be replaced by State Route 82, indicates that there were a total of 67 accidents, with 51 persons injured and 4 fatalities. This is

equal to a fatality rate of 5.9 fatalities per one hundred million vehicle miles of travel and an accident rate of 1.0 accidents per million vehicle miles. The fatality rate after completion of this project is estimated at 1.16 fatalities per one hundred million vehicle miles of travel, which is roughly one fifth of the present rate. The estimated accident rate after project completion would be 0.6 accidents per million vehicle miles or 60 percent of the present rate.

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 for their personal use or for business enterprise, the problems of increased accident potential and lowered capacity, due to interference from these roadside approaches, become 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 interchanges.

The plans for the establishment of fully controlled limited access facilities for State Route 82 in Benton County introduced into evidence marked Exhibit Nos. 7-1 through 7-38 will facilitate travel, reduce accident and fatality rates, preserve the public investment, and sustain this 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. 6 Final Environmental/Section 4(f) Statement for Interstate 82/182, Prosser, Washington, to Interstate 80N in Oregon, approved and adopted by the FHWA October 22, 1976.

Exhibit No. 8

Letter, dated March 3, 1980, submitted at hearing by Charles Madsen, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 9

Letter, dated March 4, 1980, submitted at hearing by Dan Sanders, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 10

Letter, dated March 4, 1980, submitted at hearing by Wendell E. Robinson, M.D., regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 11

Letter, dated March 4, 1980, submitted at hearing by Mike Rastovich, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 12

Letter, dated March 7, 1980, submitted at hearing by Art and Jackie Blum, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 13

Letter, dated March 1, 1980, submitted at hearing by R. C. Schrotke, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 14

Letter, dated March 14, 1980, submitted at hearing by Michael R. Eby, Branch Manager, Walla Walla Farmers Co-op, Inc., indicating the need for frontage roads on both sides of SR 82 from Jct. SR 14 to Beck Road.

Exhibit No. 15

Written statement, submitted at hearing by Theodore L. Potter, regarding need for frontage road access to the west half of Section 8, T. 7 N., R. 29 E.

Exhibit No. 16

Letter, dated March 3, 1980, signed by Florence A. Farsje, questioning acreages of acquisition and remainders of Parcel No. 5-04696.

Exhibit No. 17

Reserved Exhibit, the Department of Transportation's response to Exhibit Nos. 8 through 16, 18 through 21, 26 and 27.

Exhibit No. 18

Written statement, submitted at hearing by John B. Quarles, requesting consideration of a west side frontage road from SR 14 Interchange south through Locust Grove Road Interchange.

- Exhibit No. 19 Letter, dated March 27, 1980, signed by Vernon C. Gramling, expressing concern for loss of direct highway access for farming operations.
- Exhibit No. 20 Letter and attachments, dated March 21, 1980, signed by Charles John Christensen, expressing concern for loss of direct highway access for farming operations and proposing a west side frontage road from Christensen Road south to Coffin Road Interchange.
- Exhibit No. 21 Letter, with attachment, dated March 22, 1980, signed by Charlie John Christensen, requesting extension of the F¹ Line northerly to Christensen Road.
- Exhibit No. 22 Letter dated March 26, 1980, signed by M. Keith Ellis, Vice President, U & I, Inc., indicating the necessity of perpetuation of the cattle pass under the highway and the need to place an irrigation penstock under SR 82 in Section 22, T. 6 N., R. 28 E.
- Exhibit No. 23 Reserved Exhibit, the Department's response to Exhibit No. 22.
- Exhibit No. 24 Letter, with attachments, dated April 3, 1980, signed by Len Harms, Hawker-Harms Enterprises, proposing northerly extension of the F¹ Line to grade intersect into ramps of the SR 14 Interchange.
- Exhibit No. 25 Reserved Exhibit, the Department's response to Exhibit No. 24.
- Exhibit No. 26 Letter, dated March 26, 1980, signed by Allen C. Deffenbaugh, Owner, Nine Canyon Ranch, requesting an east side frontage road from Beck Road to Coffin Road Interchange.
- Exhibit No. 27 Letter, dated March 26, 1980, signed by Thomas B. Gess, Attorney for Lela Owens, John W. Owens, and Jacqueline Sundvik, indicating the need for a 40-foot roadway width on Beck Road, requesting gravel stockpiles for building their own access roads, recommending a west side frontage road from Locust Grove Road south to Station LS 3116+00, and favoring the west side F⁵ Line but opposing any frontage road on the east side from Beck Road to Coffin Road.
- Exhibit No. 28 Map, submitted at the hearing, signed by Mr. Joseph V. Svatonsky, showing alternate routes

studied by the Department of Transportation in early planning phases of this project.

Letter and attachments, dated March 25, 1980, signed by Edward H. McKinlay, Attorney for Mr. Svatonsky, opposing further severance of Parcel No. 5-04711, proposing an alternate alignment to miss that parcel, opposing the F⁵ Line frontage road, proposing an east side frontage road extending one mile south from Beck Road, and proposing a west side frontage road from Coffin Road Interchange south to Parcel No. 5-04711.

Exhibit No. 29

Reserved Exhibit, the Department's response to Exhibit No. 28.

VIII

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds that the plan introduced into evidence marked Exhibit Nos. 7-1 through 7-38 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheets 1, 9 and 10 of 70 sheets to connect an east side frontage road (FK Line) from Station LS 2895+00.00 southerly to the LG Line of the Locust Grove Road Interchange. This plan change was requested by Mr. Benton Clark on page 52 of the hearing transcript and is recommended by the Department in Reserved Exhibit No. 17.
2. Revise plan sheets 1 and 9 of 70 sheets to extend the F¹ Line northerly through Parcel No. 5-04673 to Station LS 2895+00.00 as requested by Mr. John B. Quarles (Exhibit No. 18), Mr. Charles John Christensen (on page 44 and 45 of the hearing transcript and in Exhibit No. 20), and Mr. Charlie John Christensen (Exhibit No. 21) and recommended by the Department in Reserved Exhibit No. 17.
3. Revise plan sheets 3, 4, 20 through 25 and 38 of 70 sheets to extend the F² Line from Beck Road to Coffin Road, to delete the F⁵ Line, to add an access easement from Beck Road southerly one-half mile through the westerly edge of Parcel No. 5-04703 for transfer to Parcel No. 5-04705, and to add a Type B road approach at Coffin Road Interchange for joint use by Parcel Nos. 5-04706 and 5-04708.

These plan changes are in response to comments by Mr. Van Deffenbaugh (hearing transcript, pages 36 and 37), Mr. Allen Deffenbaugh (Exhibit No. 26), Mr. Joseph V. Svatonsky (Exhibit No. 28), Mr. M. Keith Ellis (transcript, page 41) and Mr. John W. Owens (Exhibit No. 27). These revisions are recommended by the Department in Reserved Exhibit Nos. 17 and 29.

4. Revise plan sheets 9 and 10 of 70 sheets to relocate the pedestrian/bicycle path from the west side of SR 82 between Station LS 2895+00.00 and Station LS 2903+00.00 to the east side of SR 82 on the FK Line from SR 14 to the Locust Grove Road Interchange as recommended by the Department in Reserved Exhibit No. 17.
5. Revise plan sheets 1 through 38 of 70 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details.

IX

The Deputy Secretary of Transportation also considered the following requests for changes in the plan, but denies them for the following reasons:

1. Mr. Charles Madsen (Exhibit No. 8), Mr. Dan Sanders (Exhibit No. 9), Mr. Wendell Robinson, M.D. (Exhibit No. 10), Mr. Mike Rastovich (Exhibit No. 11), Art and Jacki Blum (Exhibit No. 12), Mr. R.C. Schrotke (Exhibit No. 13) and Mr. Theodore L. Potter (Exhibit No. 15), requested a west side frontage road southerly from the Locust Grove Road Interchange to serve their ownerships which presently have access from SR 14 through Parcel No. 5-04696. Mr. Thomas B. Gess, Attorney representing Lela and John W. Owens and Jacqueline Sundvik (Exhibit No. 27), also requested a west side frontage road to obtain access to Parcel No. 5-04703.

The Department of Transportation, in Reserved Exhibit No. 17, has shown that access from SR 14 to Parcel No. 5-04696 is limited to a special width farm approach to serve that property. Owners of other properties have no legal right for access to SR 14 at this location.

The Department reanalyzed a west side frontage road from Locust Grove Road southerly through Section 8 to Beck Road or segments thereof. The analysis determined that the costs of a frontage road exceed any benefits to be derived and that it is not economically justified to provide a frontage road in this area.

2. Mr. Vernon C. Gramling, pages 25 through 28 and 32 of the hearing transcript and in Exhibit No. 19, representing the Estate of Catherine Wilkins (Parcel No. 5-04690), requested that a vehicular undercrossing be constructed in the vicinity of the SE $\frac{1}{4}$ section of Section 5 and that emergency vehicle accesses be allowed through the right of way fencing for use in case of fire.

The Department in Reserved Exhibit No. 17 determined that construction of a vehicular undercrossing cannot be economically justified. Damages, if any, to the Wilkins property and other parcels in the area, due to loss of direct access to the highway will be mitigated at the time right of way negotiations are made.

The Department does not intend to provide accesses through the right of way fences for fire and/or other emergency vehicles or personnel.

Emergency access gates generally lead to abusive use by adjacent property owners and others. Emergency access for fire and other emergency vehicles can be attained at the discretion of the emergency personnel.

3. Mr. Michael R. Eby, Branch Manager, Walla Walla Farmers Co-op, Inc., in Exhibit No. 14, requested continuous frontage roads on both sides of SR 82 from the SR 14 Interchange area south to Beck Road.

The Department stated in Reserved Exhibit No. 17 that detailed frontage road feasibility studies were conducted in conjunction with this SR 82 project and the adjoining project from Goose Gap Road Vicinity to Jct. SR 14. Continuous frontage roads on both sides of SR 82 from the SR 14 Interchange area southerly to Beck Road cannot be economically justified.

4. Mr. Evan Hawker of Hawker-Harms Enterprises, on pages 41 through 43 of the hearing transcript, and Mr. Len Harms, in Exhibit No. 24, requested a frontage road extending off the SR 14 Interchange WK Line southerly to the Locust Grove Road Interchange and reanalysis of the capacity of the Locust Grove Road Interchange.

The Department determined in Reserved Exhibit No. 25 that the diamond configuration of the Locust Grove Road Interchange is adequate to facilitate expected traffic volumes associated with the projected development. The interchange design will allow for future land additions to the crossroad and ramps to accommodate increased traffic loads, if and when conditions warrant.

The function of the SR 14 Interchange is to facilitate free-flowing movement of traffic between State Routes 14 and 82. No local access will be allowed from this directional interchange. Local access will be provided to SR 14 slightly north of the interchange and to SR 82 via the Locust Grove Road Interchange about two miles to the south. A grade intersection of the KE Line of the SR 14 Interchange with a local roadway would not meet nationwide highway engineering design practices and would violate driver expectancy of conflict-free traffic movement on Interstate highways. Considerable accidents and most likely fatalities would be the result.

5. Mr. Thomas B. Gess, Attorney representing Lela and John W. Owens, and Jacqueline Sundvik, requested, in Exhibit No. 27, a minimum width of 40 feet be provided on the Beck Road structure to facilitate cross movement of farm machinery and that stockpiles of aggregate be provided at the southwest and northwest corners of the Beck Road crossing to allow farmers to construct their own access roads.

The Department determined in Reserved Exhibit No. 17 that the Beck Road undercrossing structure is presently planned for a standard county road width of 28 feet. Widening the crossing to 40 feet to accommodate transportation of intact farm equipment cannot be economically justified.

As discussed in Reserved Exhibit No. 17, the F⁵ Line frontage road is being deleted from the plan in favor of a more feasible east side extension of the F² Line from Beck Road southerly to Coffin Road. Since the Department is recommending the F² Line extension, a private access road is not needed. Possible need for private road construction on the west side will be considered during right of way negotiations. The Department will provide monetary compensation, where justified, rather than construct private roads or furnish aggregate stockpiles. Property owners will then be able to arrange for any necessary construction or materials at their convenience.

Compensation and/or damages for the disruption of farming operations through loss of direct highway access or equipment crossings and the necessity to partially disassemble equipment for transport will be handled with the affected property owners at the time right of way negotiations are made.

6. Mr. Joseph V. Svatonsky, on pages 37 through 40, 51 and 54 through 61 of the hearing transcript and accompanying map (Exhibit No. 28), expressed opposition to further severance and landlocking of Parcel No. 5-04711 and proposed an alternate southerly alignment that would avoid his property. Subsequent to the hearing, Mr. Edward H. McKinlay, Attorney for Mr. Svatonsky, submitted a letter and attachment also marked Exhibit No. 28. They indicated that in the after condition Parcel No. 5-04711 will have been severed by SR 14 and SR 82 into three virtually unusable and inaccessible tracts. Establishment of an irrigation circle on the remainders would be impossible and the value for grazing would be greatly diminished. They indicated that their proposed alternate southerly alignment was not a major plan change and would not cause any inconvenience or loss to other property owners. Mr. Svatonsky also requested a west side frontage road from Coffin Road south to Parcel No. 5-04711.

The Department determined in Reserved Exhibit No. 29 that there is no feasible or prudent alternative to severance of Parcel No. 5-04711 as presented on the plan at the access hearing. Their alternate southerly alignment would severely increase severance of Parcel No. 5-04708 and complicate access to the vast southerly remainder of that parcel, necessitating in excess of one mile of frontage road to replace that access. Their proposal is approximately 1,700 feet longer than the hearing plan, resulting in considerable increases in highway construction and maintenance costs. The added highway length would result in excess of one million additional vehicular miles annually, at considerable cost to the road user. In-depth feasibility studies cannot justify a west side frontage road from Coffin Road southerly to Parcel No. 5-04711.

Compensation and/or damages for the disruption of farming operations through loss of direct highway access or equipment crossings will be handled with the affected property owners at the time right of way negotiations are made.

7. Mr. Charles John Christensen in Exhibit No. 20 and his father, Charlie John Christensen in Exhibit No. 21 requested a frontage road from

Christensen Road south to Locust Grove Road Interchange to replace approximately one and one-half miles of field accesses from SR 14 into Parcel Nos. 5-04670 and 5-04671 and also to avoid landlocking Parcel No. 5-04671. They also indicated support for a cul-de-sac on Union Loop Road, as presented by the Department at the access hearing for the adjoining SR 82 project. Although their ownerships are within the Goose Gap Road to Jct. SR 14 project, from their point of view the projects are interrelated.

Mr. John B. Quarles in Exhibit No. 18 also requested consideration of a west side frontage road from SR 14 Interchange south to Locust Grove Road.

The Department has stated in Reserved Exhibit No. 17 that access to Parcel No. 5-04670 is provided from Christensen Road along the north boundary and from Union Loop Road along the northeast boundary. There is no legal access to SR 14 from that parcel. Parcel No. 5-04671 has one Type B approach to SR 14 at the southeast corner of the property. The plan presented at the access hearing for the adjoining SR 82 project would negate the Type B approach, thus landlocking the parcel.

In-depth feasibility studies cannot justify a frontage road from Christensen Road to Locust Grove Road; however, segmental analysis has resulted in a Departmental recommendation to add a northerly extension of the F¹ Line through Parcel No. 5-04673 to the south line of Parcel No. 5-04671.

The Department further indicated in Reserved Exhibit No. 17 that the cul-de-sac on Union Loop Road, as presented at the access hearing for the adjoining project, has been removed from that plan in compliance with a request by the Benton County Engineer.

X

The Deputy Secretary of Transportation also considered the following evidence presented at the hearing and makes the following findings:

1. Mr. Vernon C. Gramling, on pages 25 through 28 and 32 of the hearing transcript and in Exhibit No. 19, stated that he represented the Estate of Catherine Wilkins (Parcel No. 5-04690) and farmed that large ownership as well as other parcels in Sections 29, 32 and 8. His primary concern was for loss of farm access to SR 14 and the inadequacy of Nicoson Road to provide alternate access due to several large canyons through Sections 5 and 8. He indicated that he was not necessarily requesting a west side frontage road into the area.

The Department has determined, in Reserved Exhibit No. 17, that access to ownerships in Section 29 will be provided by the F¹ Line frontage road and Locust Grove Road. The F³ Line, Locust Grove Road and Nicoson Road will serve parcels in Section 32. Nicoson Road also provides access to the Wilkins property in Sections 5 and 7. Parcels in Section 8 lying east of the highway will have access via the F² Line. Parcels in Section 8, west of the highway, that are owned by others

but farmed by Mr. Gramling, will have no legal access; however, that would not preclude development of internal access roads suitable to his operational needs. The drainage draws within the Wilkins property could also be overcome by an internal road system. The Department further indicated that it is not economically justified to construct a public frontage road into this area.

2. Ms. Florence A. Farsje in Exhibit No. 16 questioned whether or not it was customary to place bicycle routes on Washington State highways. She thought the frontage roads would serve that purpose.

The Department stated in Reserved Exhibit No. 17 that bicycle routes generally follow adjacent frontage roads or other local roads or streets. When alternate roadways are not available, bike routes are designated on highway shoulders or separate adjacent pathways are constructed. From Coffin Road Interchange southerly to Plymouth vicinity, there are no local roads to facilitate bicycles. In view of limited expected use and the high costs of pathway construction, the decision has been made to utilize the freeway shoulder for that purpose.

3. Mr. M. Keith Ellis, Vice President, U & I, Inc., in Exhibit No. 22 stated that their irrigation development will require a 72-inch diameter penstock under SR 82 near Station LS 3627+50. He also referenced an existing cattle underpass on SR 14 in Section 22, T 6 N, R 28 E, and indicated need for a similar structure under SR 82 to facilitate livestock movement.

This portion of SR 82 can be designed to accommodate the proposed irrigation penstock and cattle pass. The Department will work with U and I, Inc., to coordinate planning for the irrigation crossing to assure compatibility with the highway. Determination of need for and location of a new cattle pass will be a part of the right of way negotiations.

4. Controversy arose at the access hearing regarding the F⁵ Line on the west side of SR 82 from Beck Road to Coffin Road as opposed to construction of a frontage road on the east side.

In light of the controversy of east versus west side frontage roads, the Department made a comparative analysis of both alternatives. As indicated in Reserved Exhibit No. 17, neither the F⁵ Line nor the east side F² Line extension is economically justified from an access standpoint. The deciding factor for inclusion of the F⁵ Line in the hearing plan was Benton County's desire for a north-south connection from Beck Road to Coffin Road.

When comparing the F² Line extension with the F⁵ Line, the F² Line emerges as being much less costly to construct, primarily due to less severe terrain. Either alternative would satisfy the County's need for a north-south roadway. The F² Line would abut and serve active wheat farming areas; whereas, the westerly abutting lands are presently uncultivated. In Reserved Exhibit No. 17 the Department recommended deletion from the plan of the F⁵ Line and extension of the F² Line southerly to Coffin Road.

XI

The Deputy Secretary of Transportation 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 for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Deputy Secretary of Transportation of the State of Washington

ORDERS:

I

That the section of State Route 82 in Benton County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station LS 2895+00.00 and Station LS 3736+50 as shown on sheets 1 through 38 of 70 sheets of the plan entitled "SR 82, JCT. SR 14 TO PLYMOUTH ROAD, M.P. 113.64 TO M.P. 129.57, BENTON COUNTY," dated January 18, 1980.

II

That the plan set forth in Exhibit Nos. 7-1 through 7-38 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:

1. Revise plan sheets 1, 9 and 10 of 70 sheets to connect an east side frontage road (FK Line) from Station LS 2895+00.00 southerly to the LG Line of the Locust Grove Road Interchange.
2. Revise plan sheets 1 and 9 of 70 sheets to extend the F¹ Line northerly through Parcel No. 5-04673 to Station LS 2895+00.00.
3. Revise plan sheets 3, 4, 20 through 25 and 38 of 70 sheets to extend the F² Line from the Beck Road to Coffin Road, to delete the F⁵ Line, to add an access easement from Beck Road southerly one-half mile through the westerly edge of Parcel No. 5-04703 for transfer to Parcel No. 5-04705, and to add a Type B road approach at Coffin Road Interchange for joint use by Parcels Nos. 5-04706 and 5-04708.
4. Revise plan sheets 9 and 10 of 70 sheets to relocate the pedestrian/bicycle path from the west side of SR 82 between Station LS 2895+00.00 and Station LS 2903+00.00 to the east side of SR 82 on the FK Line from SR 14 to the Locust Grove Road Interchange.

5. Revise plan sheets 1 through 38 of 70 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details.

III

That the plan entitled "SR 82, JCT. SR 14 TO PLYMOUTH ROAD, M.P. 113.64 TO M.P. 129.57, BENTON COUNTY," sheets 1 through 38 of 70 sheets, dated January 18, 1980, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plans are hereby superseded:

"SR 14, PLYMOUTH ROAD TO COFFIN ROAD," Right of Way and Limited Access, Benton County, sheets 2(pt.), 3 through 9, and 10(pt.) of 18 sheets, approved December 29, 1964.

"SR 14, COFFIN ROAD TO BECK ROAD," Right of Way and Limited Access, Benton County, sheets 2(pt.), 3 through 6 of 9 sheets, approved March 7, 1968.

"SR 14, BECK ROAD TO BATEMAN ROAD," Right of Way and Limited Access, Benton County, sheets 2 through 9 of 14 sheets, approved August 31, 1961.

"SR 14, BATEMAN ROAD TO CHRISTENSEN ROAD," Right of Way and Limited Access, Benton County, sheets 2 through 5 and 6(pt.) of 12 sheets, approved March 14, 1968.

ADOPTED THIS 26 day of NOV, 1980.

DEPUTY SECRETARY OF TRANSPORTATION

APPROVED AS TO FORM:

Thomas R. Garlington
Assistant Attorney General

V. W. Kofj