

BEFORE THE DEPARTMENT OF TRANSPORTATION.

IN RE: STATE ROUTE 82, KIONA)
INTERCHANGE VICINITY TO GOOSE)
GAP ROAD VICINITY, M.P. 97.51)
TO M.P. 100.66)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 9:12 A.M., Friday, December 8, 1972, in the Kennewick City Hall Council Chambers, 210 West Sixth Avenue, Kennewick, Washington, before Charles C. Countryman, Hearing Examiner, and before Commissioner Mrs. Lorna Ream.

The interested persons and organizations were represented as follows:

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

THELMA P. ABRAHAM, by self, 22122 - 103 Pl. S.E., Kent, Washington 98031;

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

AMERICAN ASSOCIATION UNIVERSITY WOMEN, Richland Branch, Richland, Washington, by Wilma Bullington, 388 Wright Avenue, Richland, Washington 99352;

ERICK G. ERICKSON, by self, Route 1, Box 18, Valley View Road, Richland, Washington 99352;

R. D. and J. E. and R. E. NAILOR and BETTY POTEStIO, 1112 S. Baker, Moses Lake, Washington, by R. D. Nailor, 1112 S. Baker, Moses Lake, Washington 98837;

PACIFIC POWER & LIGHT COMPANY, P. O. Box 479, Sunnyside, Washington 98944, by J. K. Ness, District Manager, P. O. Box 479, Sunnyside, Washington 98944;

AUDUBON SOCIETY, Lower Columbia Basin, by Darryl C. Bullington, Treasurer, 388 Wright Avenue, Richland, Washington 99352;

L-C RANCH, INC., Route 1, Badger Canyon, Kiona, Washington 99340, by Ted Desallier, Vice President, Route 1, Badger Canyon, Kiona, Washington 99340;

BETTIE and RON GARBE, by selves, Route 1, Box 19-A, Pasco, Washington 99301.

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 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. Evidence was taken by a stenographer 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 September 15, 1972 a plan for the establishment of a limited access highway over a portion of State Route 182 in Benton County, Washington was ordered under Resolution No. 95.

Such plan was prepared and entitled "SR 182, KIONA INTERCHANGE VICINITY TO GOOSE GAP ROAD (M.P. 15.43 TO M.P. 21.15), BENTON COUNTY," Sheets 1 through 13 of 19 Sheets. These sheets were introduced into evidence marked as Exhibit Nos. 6-1 through 6-13, which were made a 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 as required, and thereafter prepared and submitted to the appropriate local officials an Access Report showing how those factors had been taken into account, together with the other matters required by RCW 47.52.131, et seq. A copy of the Access Report was introduced into evidence marked Exhibit No. 4.

By letter dated October 7, 1971, the Benton County Board of County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5.

III

On November 3, 1972, said plan was proposed and a hearing date set in accordance with the provisions of RCW 47.52.131, et seq., said Order being introduced into evidence marked Exhibit No. 1.

IV

On November 14, 1972, an exact copy of the Notice of Hearing was mailed to Benton County and to each of those record owners of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2-1. On November 21, 1972, an exact copy of the aforesaid notice was mailed to that record owner of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2-2. An exact copy of the aforesaid notice was published in the Tri-City Herald, November 21, 1972, as shown by the affidavit of Phyllis A. Kirkpatrick, the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-1. An exact copy of the aforesaid notice was published in the Prosser Record - Bulletin, November 23, 1972, as shown by the affidavit of Richard W. Gay, the Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-2. An exact copy of the aforesaid notice was also published in The Benton County Times, November 23, 1972, as shown by the Affidavit of Leslie R. Kuehl, the Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-3.

V

The plan proposed the establishment of fully controlled, limited access highway facilities for State Route 182 from Kiona Interchange Vicinity to Goose Gap Road. The project limits were between Station LE 814+66.98 and Station LE 1116+56.84, as shown on sheets 1 through 13 of 19 sheets, entitled "SR 182, KIONA INTERCHANGE VICINITY TO GOOSE GAP ROAD, M.P. 15.43 TO M.P. 21.15, BENTON COUNTY".

VI

Evidence was heard on the entire portion of the above entitled highway. During the course of this public hearing, however, it was stated that issuance of the Findings and Order would be withheld until a final selection of the route corridor for SR 82 between Prosser and the Oregon State Line was made, because of its possible impact on this project.

On October 16, 1973, Resolution No. 2624 was adopted revising the routes of Interstate 82, Prosser to Oregon State Line, and Interstate 182 Spur. The newly adopted corridor for SR 82 coincides with a portion of the project hereinbefore described within the following limits: Between Station LE 814+66.98 and Station LE 981+23.05, as shown on Sheets 1 through 8 of 19 sheets, entitled "SR 182, KIONA INTERCHANGE VICINITY TO GOOSE GAP ROAD, M.P. 15.43 TO M.P. 21.15, BENTON COUNTY". Beyond this point, the newly adopted corridor for SR 82 diverges from the alignment specified in these plans.

The Washington State Deputy Secretary of Transportation finds that the plans introduced into evidence marked 6-1 through 6-8 are suitable and adoptable for the adopted route for State Route 82. The Deputy Secretary further finds that the plans introduced into evidence marked 6-9 through 6-13 are not now suitable for use either as a part of State Route 82 or State Route 182.

VII

On March 30, 1978, and April 6, 1978, notices were published in both the Prosser Record-Bulletin and the Tri-City Herald to afford interested persons the opportunity to request a public hearing on that portion of the design which is suitable for the adopted route of SR 82. In addition, each abutting property owner was advised of this hearing opportunity by letter dated March 27, 1978. The design is identical to that which was presented at the Limited Access Hearing from the beginning of the plan at Highway Engineer Station (HES) LE 814+66.98 (milepost 97.51) to HES LE 981+23.05 (milepost 100.66), a distance of 3.15 miles. Beyond that point, the previously planned highway alignment is void, and will be the subject of further engineering planning and public hearings.

There were no requests for a public hearing as a result of the aforementioned notice. The plan for establishment of limited access control as presented at the public hearing will be modified and the title corrected to include only the portion within the following limits:

Between HES LE 814+66.98 and LE 981+23.05, as shown on sheets 1 through 8 of 19 sheets, entitled "SR 82, KIONA INTERCHANGE VICINITY TO GOOSE GAP ROAD VICINITY, M.P. 97.51 TO MP 100.66, BENTON COUNTY."

VIII

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. It is functionally classified as an Interstate Highway and Department of Transportation 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 volumes for the design year of 1995 indicates that there will be approximately 12,300 vehicles on this section of SR 82. 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.

An accident history and projection has not been prepared for this segment of highway. This is a new facility and cannot be compared to anything that is functioning similarly in this area.

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 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 plan for the establishment of fully controlled limited access facilities for State Route 182 in Benton County introduced into evidence marked Exhibit Nos. 6-1 through 6-13 will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

IX

In addition to those exhibits previously mentioned, the following exhibits were entered into evidence during the hearing and by this reference are made a part of these findings:

- Exhibit 7-1 A copy of a letter of transmittal to the State Department of Ecology with respect to the previously forwarded Draft Environmental Statement.
- Exhibit 7-2 A copy of a letter from the State Department of Ecology with respect to the Draft Environmental Statement for Kiona Interchange Vicinity to Goose Gap Road.
- Exhibit 7-3 A copy of a letter transmitting the Final Environmental Statement to the State Office of Program Planning and Fiscal Management.
- Exhibit 7-4 A copy of a letter transmitting the Final Environmental Statement to the State Department of Ecology.
- Exhibit 7-5 A copy of a letter transmitting the Final Environmental Statement to the State Ecological Commission, Department of Ecology.

X

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 6-1 through 6-13 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise the plan to indicate the deletion of Parcel No. 5-04023 (Egbert) and show the addition of Parcel No. 5-04035 (Boatman) as requested at the public hearing. (Plan sheets 1, 5, 6).
2. Void that portion of sheet 2 between Station LE 981+23.05 and Station LE 1116+56.84, and void sheets 9 through 13 in their entirety. This will allow the remaining portion of the plan to be incorporated into the adopted corridor for SR 82. (Plan sheets 2, 9-13).
3. Revise the plan to indicate a frontage road to be constructed by the State along the south side of SR 82 between the Kiona Interchange and the east line of Section 14, T. 9 N., R. 27 E.W.M.
4. Revise plan sheets to note revised SR, mileposts, plan title and control stationing (plan sheets 1 through 8 of 19 sheets).

XI

The Deputy Secretary of Transportation particularly finds in the case of each abutting ownership that the adoption of the plan "SR 82, Kiona Interchange Vicinity to Goose Gap Road Vicinity", 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 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:

Between Highway Engineer's Station LE 814+66.98 and Station LE 981+23.05, as shown on sheets 1 through 8 of 19 sheets of the Access Hearing Plan entitled "SR 82, Kiona Interchange Vicinity to Goose Gap Road Vicinity, M.P. 97.51 to M.P. 100.66, Benton County".

II

That the plan set forth in Exhibit No. 6-1 through 6-8 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.

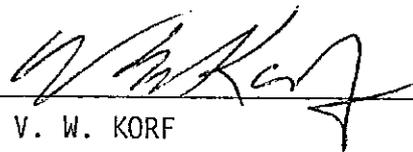
1. Revise plan sheets 1, 5 and 6 to reflect the deletion of Parcel No. 5-04023 (Egbert) and the addition of Parcel No. 5-04035 (Boatman).
2. Void that portion of sheet 2 between Station LE 981+23.05 and Station LE 1116+56.84, and void sheets 9 through 13 in their entirety.
3. Revise the plan to include a frontage road to be constructed by the State along the south side of SR 82 between the Kiona Interchange and east line of Section 14, T. 9 N., R. 27 E.W.M.
4. Revise plan sheets 1 through 8 to note revised SR, mileposts, plan title and control stationing.

III

That the plan entitled "SR 82, Kiona Interchange Vicinity to Goose Gap Road Vicinity, M.P. 97.51 to M.P. 100.66, Benton County", sheets 1 through 8 of 19 sheets, dated September 15, 1972, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

ADOPTED this 12 day of September, 1978.

DEPUTY SECRETARY OF TRANSPORTATION


V. W. KORF

APPROVED AS TO FORM:


Assistant Attorney General