

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 82, M.P. 129.40)
TO M.P. 132.36 PLYMOUTH ROAD TO)
OREGON STATE LINE AND STATE ROUTE)
14, M.P. 176.54 TO M.P. 179.96)
FOUR MILE CANYON TO SR 143,)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Thursday, June 1, 1978, in the Benton County P.U.D. Auditorium, 524 Auburn, Kennewick, Washington, before Charles C. Countryman, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Thomas R. Garlington, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

BUCK BEELER, by self, 3 Lazy B Ranch, Plymouth, Washington 99346;

HORSE HEAVEN FARMS, INC., by Dean Howe, Project Engineer, 520 Road 38, Pasco, Washington 99302;

U AND I INCORPORATED, by Dean Howe, Project Engineer, 520 Road 38, Pasco, Washington 99302;

E. J. PAHL, by self, P. O. Box 110, Prosser, Washington 99350;

PLYMOUTH COMMUNITY COUNCILS AND MEMBER, by Ronald Keller, General Delivery, Plymouth, Washington 99346;

STATE DEPARTMENT OF NATURAL RESOURCES, by Fred L. Richman, Land Manager, Route 2, Box 1, Prosser, Washington 99350.

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 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 October 16, 1973 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 and on July 23, 1953 for State Route 14 under Resolution No. 95.

Such plans were prepared and entitled "SR 82, PLYMOUTH ROAD TO COLUMBIA RIVER, M.P. 129.40 TO M.P. 132.36, BENTON COUNTY", sheet 1 through 9 of 15 sheets and "SR 14, FOUR MILE CANYON TO PLYMOUTH ROAD, M.P. 176.54 TO M.P. 179.96, BENTON COUNTY", sheets 1 through 7 of 10 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7-1 through 7-9 and 8-1 through 8-7, 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 as well as other matters required by RCW 47.52.131, et seq. A copy of the Access Report was introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated April 3, 1978, the Benton County Commissioners requested certain changes, as noted, after review of the Access Report. This letter was introduced into evidence marked Exhibit No. 5A. By letter dated May 22, 1978, the Benton County Commissioners stated that their request of April 3, 1978 appeared to have been accommodated. This letter was also introduced into evidence marked Exhibit No. 5B.

III

On April 21, 1978, the Deputy Secretary of Transportation by Order proposed a plan and set a hearing date for State Route 82 and State Route 14 in accordance with the provisions of RCW 47.52.131 et seq. Said Order was introduced into evidence marked Exhibit No. 1.

Mr. V. W. Korf, Washington State Deputy Secretary of Transportation, issued a Notice of Hearing. On May 12, 1978, an exact copy of this notice was mailed to Benton County, Corps of Engineers, and to each of those record owners of property listed in the Affidavits of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Tri-City Herald on May 15, 1978 as shown by the affidavit of Phyllis Graves, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

IV

The plan for State Route 82 proposes the establishment of fully controlled, limited access highway facilities from Plymouth Road to Columbia River between Station L^S 3736+50.00 to Station L^S 3892+67.00 as shown on sheets 1 through 9 of 15 sheets entitled, "SR 82, PLYMOUTH ROAD TO COLUMBIA RIVER, M.P. 129.40 TO M.P. 132.36, BENTON COUNTY".

The plan for State Route 14 proposes the establishment of partial controlled, limited access highway facilities from Four Mile Canyon to SR 143 between Station

1279+50.00 to Station 0+00.00 as shown on sheets 1 through 7 of 10 sheets entitled, "SR 14, FOUR MILE CANYON TO PLYMOUTH ROAD, M.P. 176.54 TO M.P. 179.96, BENTON COUNTY".

V

These sections of State Route 82 and State Route 14 are 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 this portion of State Route 14 is classified as a Principal Arterial Highway. The Department of Transportation policy provides for full control of access on Interstate Highways and partial control of access on Principal Arterial Highways. 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 2001 indicated there will be approximately 12,300 vehicles traveling State Route 82 between the beginning of the project and the SR 14 Interchange; 14,700 vehicles south of the interchange. Also for the design year of 2001, the projected average daily traffic volume for State Route 14 indicated there will be 6,300 vehicles traveling between the interchange and the Plymouth Road grade intersection and 5,350 vehicles west of Plymouth Road. 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 1975 through 1977 accident history for those sections of State Routes 14 and 143, which will be replaced by this section of State Route 82, indicates that there were a total of 49 accidents with 46 people injured and 2 fatalities. This is equal to a fatality rate of 10.6 fatalities per one hundred million vehicle miles of travel and an accident rate of 2.6 accidents per million vehicle miles. The estimated fatality rate for proposed State Route 82 would be 1.6 fatalities per one hundred million vehicle miles of travel, which is roughly one seventh of the present rate.

The estimated accident rate for proposed State Route 82 would be 0.9 accidents per million vehicle miles or approximately one third of the present rate.

Existing State Route 14 within the project area of Four Mile Canyon to Plymouth Road has less than the statewide average number of accidents when it is compared with other highways of the same classification and, therefore, with establishment of partial access control State Route 14 could be expected to have about the same number of total accidents.

The efficiency of the highways as a means of moving a maximum volume of traffic in safety can be directly related to the number of access points. It has been demonstrated in the past that as additional approaches to the highway are added, accident potential is increased, capacity is reduced and the highway gradually becomes inefficient. 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 plan for the establishment of access control for State Route 82, marked as Exhibit Nos. 7-1 through 7-9, and for State Route 14, marked as Exhibit Nos. 8-1 through 8-7, will facilitate travel, reduce accident rates, preserve the public investment and sustain these highways as modern transportation facilities.

VI

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:

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|----------------|---|
| 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. 9 | Letter from U and I, Inc., Dean Howe, Project Engineer, dated April 7, 1978. |
| Exhibit No. 10 | Written statement from George Chopper, Washington State D.O.T. Relocation Assistance Officer relating to relocation assistance on SR 82 and SR 14. |

- Exhibit No. 11 Letter, received at hearing, signed by Dean Howe, U and I, Inc., dated May 25, 1978.
- Exhibit No. 12 Reserved Exhibit, the Department of Transportation's response to Exhibit No. 11.

VII

The Deputy Secretary of Transportation has considered evidence on the entire portion of each of the above entitled highways and finds the plans introduced into evidence marked Exhibit Nos. 7-1 through 7-9 and 8-1 through 8-7 should be revised as hereinafter set forth and as shown on Exhibit "A" hereto attached.

STATE ROUTE 82, PLYMOUTH ROAD TO COLUMBIA RIVER

1. Revise plan sheets 1 and 8 of 15 sheets to allow and include right of way for the construction of a grade intersection for McNary Road at Station F 19+45 (Rt.) as requested by Benton County (Exhibit No. 5A).
2. Revise plan sheets 1 and 8 of 15 sheets to include right of way for the construction of a cul-de-sac for McNary Road as requested by Benton County. (Exhibit No. 5A).
3. Revise plan sheet 3 of 15 sheets to show those changes in right of way required for the future construction of a rest area.
4. Assurance is given that the existing access approach into both Section 4 and 5, T. 5 N., R. 28 E., W.M. that are no longer usable because of the McNary Road (F Line) realignment will be reinstated from the F Line to the Horse Heaven Farms, Inc. ownership (Exhibit No. 11).
5. Revise plan sheets (Exhibit Nos. 7-2 and 7-5) to make minor plan revisions, to correct ownership and parcel details, area computations and right of way details. (Plan sheets 2 and 5 of 15 sheets).

STATE ROUTE 14, FOUR MILE CANYON TO PLYMOUTH ROAD

1. Revise plan sheet 2 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 26+65 (Lt. and Rt.). (Exhibit Nos. 9, 11 and 12)
2. Revise plan sheet 3 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 53+35 (Lt. and Rt.). (Exhibit Nos. 9, 11 and 12)
3. Revise plan sheet 4 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 80+20 (Lt. and Rt.). (Exhibit Nos. 9, 11 and 12)
4. Revise plan sheet 5 of 10 sheets to indicate Type B approaches to Parcel No. 5-04328, not to exceed 40 feet in width for special farm equipment between Stations 113+00 to 130+00 (Lt. and Rt.). (Exhibit Nos. 9, 11 and 12)

5. Revise plan sheets 6 and 7 of 10 sheets to indicate Type B approaches to Parcel No. 5-04328, not to exceed 40 feet in width for special farm equipment between Stations 155+00 to 1278+00 (Lt. and Rt.). (Exhibit Nos. 9, 11 and 12).

VIII

The Deputy Secretary of Transportation also considered the following requests for a change in the plan, but denies them for the following reasons.

1. Mr. Dean Howe, U and I, Inc. requested by letter (Exhibit No. 11) that certain remaining parts of their ownership in Section 32, T. 6 N., R. 28 E.W.M. be purchased by the State of Washington.

The Washington State Department of Transportation can purchase property outside that which is required for the right of way and construction of State Highway when warranted. For any parcels found to be landlocked, compensation and/or damages will be handled with the affected property owner at the time right-of-way negotiations are made. (Exhibit No. 12)

2. Mr. Dean Howe, U and I, Inc. requested by letter (Exhibit No. 11) that those access approaches to their ownership along SR 14 be situated at legal subdivisions to accommodate more than one party in cases where lands are later subdivided. Mr. Howe also felt that the designated use of these approaches will restrict future development of certain portions of their property to its highest and best use and requests assurance that the approach designations can be changed should that circumstance arise.

Access control on partially controlled highways is exercised to a degree that, in addition to connections with selected public roads, some crossings and private driveway connections may be permitted at grade. Commercial approaches are not allowed within the limits of access control. Road approaches on highways with partial control must be held to a minimum.

Except for very large ownerships, or where terrain features will not allow, only one approach should be allowed for each parcel.

Access for U & I, Inc. lands to and from SR 14, for future commercial uses other than farm use, can be obtained via the construction of public road intersections. Public intersection establishment is the responsibility of the local County authority and must be coordinated through them.

IX

The Deputy Secretary of Transportation particularly finds in the case of each abutting ownership that the adoption of the plans for making said highways limited access facilities, said plans being attached hereto and marked Exhibit "A", is requested for public convenience and necessity.

Based upon the foregoing findings and the supportive evidence, 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 3736+50.00 to Station LS 3892+67.00 as shown on sheets 1 through 9 of 15 sheets entitled, "SR 82, PLYMOUTH ROAD TO COLUMBIA RIVER, M.P. 129.40 TO M.P. 132.36, BENTON COUNTY".

II

That the section of State Route 14 in Benton County described as follows is hereby designated as a limited access highway of the partial controlled type:

Between Station 1279+50.00 to Station 0+00.00 as shown on sheets 1 through 7 of 10 sheets entitled, "SR 14, FOUR MILE CANYON TO PLYMOUTH ROAD, M.P. 176.54 TO M.P. 179.96, BENTON COUNTY".

III

That the plans set forth in Exhibit Nos. 7-1 through 7-9 and 8-1 through 8-7 for establishment of access control on said highways be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

STATE ROUTE 82, PLYMOUTH ROAD TO COLUMBIA RIVER

1. Revise Plan Sheets 1 and 8 of 15 sheets to allow for a grade intersection, including right of way, at Station F 19+45 (Rt.).
2. Revise Plan Sheets 1 and 8 of 15 sheets to include right of way for the construction of a cul-de-sac for McNary Road.
3. Revise Plan Sheet 3 of 15 sheets to include those changes required for the future construction of a rest area.
4. Assurance is given that the existing access approach into Section 4 and 5, T. 5 N., R. 28 E.W.M that are no longer usable because of the McNary Road (F Line) realignment will be reinstated from the F Line to the Horse Heaven Farms, Inc. ownership.
5. Revise Plan Sheets 2 and 5 of 15 sheets to make minor plan revisions, to correct ownership and parcel details, area computations and right of way details.

STATE ROUTE 14, FOUR MILE CANYON TO PLYMOUTH ROAD

1. Revise Plan Sheet 2 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 26+65 (Lt. and Rt.).
2. Revise Plan Sheet 3 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 53+35 (Lt. and Rt.).
3. Revise Plan Sheet 4 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment at Station 80+20 (Lt. and Rt.).
4. Revise Plan Sheet 5 of 10 sheets to indicate Type B approaches to Parcel No. 5-04328, not to exceed 40 feet in width for special farm equipment between Stations 113+00 to 130+00 (Lt. and Rt.).
5. Revise Plan Sheets 6 and 7 of 10 sheets to indicate Type B approaches to Parcel No. 5-04327, not to exceed 40 feet in width for special farm equipment between Stations 155+00 to 1278+00 (Lt. and Rt.).

IV

That the plan entitled "SR 82, PLYMOUTH ROAD TO COLUMBIA RIVER, M.P. 129,40 TO M.P. 132.36, BENTON COUNTY". sheets 1 through 9 of 15 sheets dated April 7, 1978,

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, sheet 2 (pt.) of 18 sheets, approved December 29, 1964.

"SR 14, Jct. SR 143 to Plymouth Road", right of way, sheet 2 (pt.) of 5 sheets, approved July 25, 1975.

"SR 143, Columbia River Bridge at Umatilla to Jct. SR 14", right of way, sheets 2 (pt.) and 4 (pt.) of 6 sheets, approved July 25, 1975.

That the plan entitled "SR 14, FOUR MILE CANYON TO PLYMOUTH ROAD, M.P. 176.54 TO M.P. 179.96, BENTON COUNTY", sheets 1 through 7 of 10 sheets dated April 7, 1978, 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, Paterson to Plymouth", right of way, sheets 1 through 5 of 22 sheets, approved October 25, 1955 and sheets 6 and 7 (pt.) of 22 sheets, approved August 9, 1955.

"SR 14, Paterson to Plymouth", Plan Showing Access, sheets 2 (pt.) and 3 (pt.) of 6 sheets, approved June 28, 1955.

"SR 14, Jct. SR 143 to Plymouth Road", right of way, sheet 2 (pt.) of 5 sheets, approved July 25, 1975.

"SR 143, Columbia River Bridge at Umatilla to Jct. SR 14", right of way, sheet 4 (pt.) of 6 sheets, approved July 25, 1975.

ADOPTED this 4th day of August, 1978.

DEPUTY SECRETARY OF TRANSPORTATION


V. W. KORF

APPROVED AS TO FORM:


Assistant Attorney General