

BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION

IN RE: STATE ROUTE 82
SUNNYSIDE VICINITY;
GAP ROAD TO PUTERBAUGH ROAD FINDINGS AND ORDER
M.P. 64.94 to M.P. 71.73

HEARING ON LIMITED ACCESS

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Wednesday, June 30, 1976, in the Lincoln Elementary School Gymnasium at the intersection of South Sixth Street and Jackson Avenue, Sunnyside, Washington, before Charles C. Countryman, Hearing Examiner, and Commissioners A.H. Parker, Howard Sorensen, Lorna Ream, and Virginia Gunby.

The interested persons and organizations were represented as follows:

DEPARTMENT OF HIGHWAYS, by Tom Garlington, Assistant Attorney General, Temple of Justice, Olympia, Washington;

MARGARET W. ETULAIN, by self, 6720 East Green Lake Way North, Seattle, Washington 98103;

JIM CASTLE, by self, Route 1, Box 1338, Sunnyside, Washington 98944;

PACIFIC POWER & LIGHT COMPANY, P.O. Box 479, Sunnyside, Washington 98944;

LESLIE O. AMUNDSON, by self, Route 1, Box 1032, Sunnyside, Washington 98944;

GEORGE W. DAPPING, by self, Route 1, Box 1006, Sunnyside, Washington 98944;

EDITH CONKLIN, by Leslie O. Amundson, Route 1, Box 1032, Sunnyside, Washington 98944.

ANDERSON ENGINEERING, by Vernon L. Anderson, 607 Lookout Drive, Sunnyside, Washington 98944

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 Commissioner A.H. Parker, 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 May 21, 1976, 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 County. Such plan was prepared and entitled "SR 82, SUNNYSIDE VICINITY: GAP RD. TO PUTERBAUGH RD., M.P. 64.94 to M.P. 71.73, YAKIMA COUNTY", and sheets 1 through 21 of 36 sheets of said plan were introduced into evidence marked as Exhibit Nos. 9-1 through 9-21, 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 and 5.

By letter dated June 9, 1976, the Yakima County Board of County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 6.

By letter dated June 21, 1976, the City of Sunnyside approved the Access Report with certain considerations, and said letter was introduced into evidence marked Exhibit No. 7.

III

On May 28, 1976, 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 June 9, 1976 an exact copy of the aforesaid notice was mailed to Yakima County and the City of Sunnyside 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 Yakima Herald-Republic on June 10, 1976,

as shown by the affidavit of Olaf Elze, the Publisher 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 June 10, 1976, 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 Tri-City Herald on June 10, 1976, as shown by the affidavit of Phyllis Perry, the Principal Clerk 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 Sunnyside between Station L^E 1851+99.78 and Station L^E 2210+66.27, as shown on sheets 1 through 21 of 36 sheets entitled "SR 82, SUNNYSIDE VICINITY: GAP RD. TO PUTERBAUGH RD., M.P. 64.94 to M.P. 71.73, YAKIMA COUNTY".

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 12,700 vehicles between Gap Road and the Midvale Road Interchange. Between the Midvale

Road Interchange and the Waneta Road Interchange the projected traffic volume is 16,800 vehicles and easterly from the Waneta Road Interchange the projected traffic volume is 17,800 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 1973 through 1975 accident history for the section of State Route 12 that is equivalent in length to the section of State Route 82 herein concerned indicates that there were a total of 150 accidents with 120 persons injured and 3 fatalities. This figures into a fatality rate of 5.8 fatalities per one hundred million vehicle miles of travel and an accident rate of 2.9 accidents per million vehicle miles. The estimated fatality rate for proposed State Route 82 would be 1.6 fatalities per one hundred million miles of travel, and the estimated accident rate would be 0.9 accidents per 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 County introduced into evidence marked Exhibit Nos. 9-1 through 9-21 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. 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 MP 84.27.
- Exhibit No. 8-C Final Environmental/Section 4(f) Statement for Interstate 82/182 Prosser, Washington, to Interstate 80N in Oregon.
- Exhibit No. 10 Letter, June 24, 1976, signed by Mr. V.W. Gustafson, requesting changes to the intersection of Gap Road and Lester Road.
- Exhibit No. 11 Reserved Exhibit, the Department of Highways response to Exhibit No. 10.
- Exhibit No. 12 Letter, June 29, 1976, signed by Mr. W.D. Quesinberry regarding the impact of the Mabton Road Undercrossing on his parcel.
- Exhibit No. 13 Reserved Exhibit, the Department of Highways response to Exhibit No. 12.
- Exhibit No. 14A Reserved Exhibit, the Department of Highways response to comments made by Mr. George Dapping regarding the need for the cul-de-sac on the north portion of severed Wells Road.
- Exhibit No. 14B Reserved Exhibit, the Department of Highways response to comments made by Mr. Les Amundson regarding the need for the cul-de-sac on the south portion of severed Wells Road and also comments regarding the design of the Midvale Road Interchange.

VIII

The Commission finds that the plan introduced into evidence marked Exhibit Nos. 9-1 through 9-21 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise the intersection of Gap and Lester Roads to provide a safer intersection as requested by Mr. V.W. Gustafson in Exhibit No. 10 and as recommended by the Department of Highways in Reserved Exhibit No. 11 (Plan Sheets 1 and 4).
2. Revise plan sheets to make minor plan revisions, to correct ownership and parcel details, area computation, and right of way details as recommended by Mr. Hordan on Page 20 of the hearing transcript (Plan Sheets 5, 7, 9, and 10).

IX

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

1. Mr. George Dapping (Parcel No. 5-03452) requested that the cul-de-sac on the north portion of severed Wells Road be eliminated.

The elimination of the cul-de-sac would require that Wells Road be vacated and responsibilities of maintenance of the road would revert from the County to each of the adjacent property owners. Each of the property owners was contacted and consensus was to not abandon Wells Road. For this reason the cul-de-sac will be retained. If in the future there is a change of mind among the property owners they can petition the County for vacation of Wells Road.

2. Mr. Les Amundson (Parcel No. 5-03453) requested that the cul-de-sac on the south portion of severed Wells Road be eliminated.

For the same reasons mentioned in (1) above, the cul-de-sac will be retained on the plan.

3. Mr. Les Amundson requested that the Midvale Road Interchange be changed to a simple "diamond" type design rather than the proposed loop plan.

The Commission finds that the Department of Highways in reserved Exhibit No. 14B has adequately responded to the question regarding design of the interchange. Traffic service and cost dictate the retention of the present loop plan.

4. Mr. W.D. Quesinberry (Parcel No. 5-03482) requested that consideration be made to lessen the impact of the Mabton Road Undercrossing on his parcel.

The Commission finds that the Department of Highways has looked at all possibilities to lessen the impact and because of vertical clearances needed between Mabton Road and Interstate 82 the grade of Mabton Road cannot be lowered enough to significantly reduce the impact on the parcel.

X

The Commission also considered the following request made at the hearing and makes the following finding:

The City Council of Sunnyside in Exhibit No. 7 has asked for assistance in updating Midvale Road from Midvale Interchange to Lincoln and 4th Street, also for an opportunity to review landscaping and lighting on Outlook, Midvale and Wanita Road Interchanges.

The Commission finds that the Department of Highways will cooperate with the City of Sunnyside by considering their comments about the landscape and illumination plans for the Sunnyside area and will provide normal assistance in updating the Midvale road.

XI

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 county described as follows, is hereby designated as a limited access highway of the

fully controlled type:

Between Station L^E 1851+99.78 and Station L^E 2210+66.27, as shown on sheets 1 through 21 of 36 sheets entitled "SR 82, SUNNYSIDE VICINITY: GAP RD. TO PUTERBAUSH RD., M.P. 64.94 to M.P. 71.73, YAKIMA COUNTY".

II

That the plan set forth in Exhibit Nos. 9-1 through 9-21 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 the intersection of Gap and Lester Roads (Plan Sheets 1 and 4).
2. Revise plan sheets to make minor plan revisions to correct ownership and parcel details, area computation, and right of way details (Plan Sheets 5, 7, 9, and 10).

III

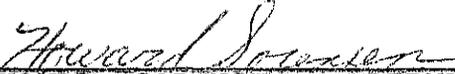
That the Department of Highways will cooperate with the City of Sunnyside by considering their comments about the landscape and illumination plans for the Sunnyside area and will provide normal assistance in updating the Midvale Road.

IV

That the plan entitled "SR 82, SUNNYSIDE VICINITY: GAP RD. TO PUTERBAUGH RD., M.P. 64.94 to M.P. 71.73, YAKIMA COUNTY:", sheets 1 through 21 of 36 sheets, dated May 21, 1976, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

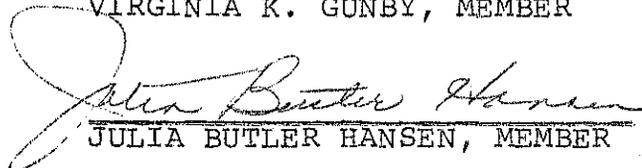
ADOPTED this 28th day of September, 1976

WASHINGTON STATE HIGHWAY COMMISSION


HOWARD SORENSEN, CHAIRMAN


A. H. PARKER, MEMBER

VIRGINIA K. GUNBY, MEMBER

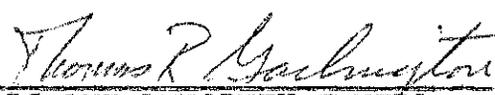

JULIA BUTLER HANSEN, MEMBER


LORNA REAM, MEMBER

ATTEST:


HAROLD L. BOULAC, SECRETARY

APPROVED AS TO FORM:


ASSISTANT ATTORNEY GENERAL