

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

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IN RE: STATE ROUTE 90  
Connecticut Street Interchange  
MP 0.00 Vicinity  
Hearing on Limited Access

FINDINGS AND ORDER

The hearing on the above entitled project was held, upon due notice to interested parties, beginning at 7:30 p.m., Tuesday, November 29, 1983 in the Nippon Kan Theater, located at 628 South Washington Street, Seattle, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Michael A. Nicefaro, Jr., Assistant Attorney General, Temple of Justice, Olympia, Washington, 98504;

GENERAL SERVICES ADMINISTRATION, GSA Center, IOPEP, Auburn, Washington, 98001;

UNITED STATES POSTAL SERVICE, by Fred Warden, Room 100 Terminal Annex, Seattle, Washington, 98134;

CITY OF SEATTLE, Department of Administrative Services, by Dave Barber, Senior Management Analyst, 4th Floor 400 Yesler Building, Seattle, Washington, 98102;

CITY OF SEATTLE, Department of Administrative Services, by Gordon Cady, Supervisor, Charles Street Maintenance Shops, 805 South Charles Street, Seattle, Washington, 98134;

CITY OF SEATTLE, by George E. Cooley, Real Property Manager, 400 Yesler Building, Fifth Avenue and Yesler Way, Seattle, Washington, 98104;

METRO TRANSIT, by Rick Walsh, Operations Planning Supervisor, 821 2nd Avenue, Seattle, Washington, 98104;

ARCHIE ANDERSON, by self, 17004 Talbot Road, Edmonds, Washington, 98020;

BURLINGTON NORTHERN RAILROAD COMPANY, by Fred L. Branson, Property Development Specialist, 2100 First Interstate Center, 999 Third Avenue, Seattle, Washington, 98104;

CITIZENS TRANSIT ADVISORY COMMITTEE, by Larry B. Fogdall, Chairman, Metro Community Relations, Room 95, 821 2nd Avenue, Seattle, Washington, 98104;

FISHER PROPERTIES INC., by W. W. Kirppaehne, Jr., President, 3317 Seattle First National Bank Building, Seattle, Washington, 98154;

FISHER PROPERTIES INC., by Robert A. Medved, Attorney, Medved/Graham and Dunn, Attorneys at Law, 3400 Rainier Bank Tower, Seattle, Washington, 98101;

FRYE FREE PUBLIC ART MUSEUM, by Mark S. Clark, Attorney, 403 Columbia Street, Seattle, Washington, 98104;

INTER\*IM, by Bob Santos, 409 Maynard Avenue South, Seattle, Washington, 98104;

J. R. "BOB" NICHOLAS, by self, 1800 One Union Center, Seattle, Washington, 98101;

NORDAN COMPANY, 1404 - 1411 Fourth Avenue Building, Seattle, Washington, 98101;

PACIFIC INVESTMENT COMPANY, by Robert Stack, 2201 6th Avenue South, Seattle, Washington, 98134;

P. B. INVESTMENT COMPANY, INC., by James C. Edris, 307 Broad Street, Suite 222, Seattle, Washington, 98121;

P. B. INVESTMENT COMPANY INC., by Harvey S. Poll, General Manager, 307 Broad Street, Suite 222, Seattle, Washington, 98121;

ROSEN INVESTMENT COMPANY, by Donald Gjesdahl, Engineer, P. O. Box 3546, Seattle, Washington, 98124;

SALVATION ARMY, by Harold W. Hill, Member - Board of Directors, P. O. Box 700, Mercer Island, Washington, 98040;

SHELL OIL COMPANY, 400 108th Avenue N.E., Bellevue, Washington, 98004;

THE SQUIRE SHOP, by Robert L. Steil, President, Bob Moffatt, Warehouse Mgr., 830 4th Avenue South, Seattle, Washington, 98134;

STADIUM INN ASSOCIATES, 510 MacDonald Street, Saskatoon, Saskatchewan, Canada, 54M6E1;

STADIUM INN ASSOCIATES, by Edward L. Mueller, Attorney, 17th Floor, Park Place Building, Seattle, Washington, 98199;

UNION PACIFIC RAILROAD COMPANY, by Carolyn L. Larson, Assistant General Attorney, 1515 S.W. Fifth Avenue, Suite 400, Portland, Oregon, 97201;

BARBARA ZEPEDA, by self, 1937 25th Avenue East, Seattle, Washington, 98112;

As a courtesy to interested citizens, the Commission 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 Commission, 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 hearing was called to order by Ron Bockstruck, District Administrator, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The undersigned members of the Transportation Commission have personally considered the transcript of the hearing. Based upon the oral evidence and the exhibits introduced in evidence, the Transportation Commission of the State of Washington makes the following findings:

I

Prior to October 19, 1983, a plan for the establishment of a limited access highway over a portion of State Route 90 in King County, Washington, was ordered under Commission Resolution No. 95, and its amendments and supplements thereto.

Such a plan was prepared and entitled, "SR 90, CONNECTICUT ST. INTERCHANGE: 4TH AVE. S. AND TRANSIT RAMPS, MP 0.00 VICINITY, KING COUNTY," sheets 1 through 5 of 5 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 8-1 through 8-5. Sheet 5 and 7 of 8 sheets of the plan entitled, "SR 5, SEATTLE FREEWAY: PLUM STREET TO JACKSON STREET, KING COUNTY," was introduced into evidence marked as Exhibit Nos. 8-6 and 8-7. Exhibits 8-1 through 8-7 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 and covering other matters required by RCW 47.52.131, et seq. A copy of that report was introduced into evidence marked Exhibit No. 5.

By letter dated November 21, 1983, the City of Seattle approved the Access Report and Access Hearing Plan, and said letter was introduced into evidence marked Exhibit No. 6.

## III

On October 26, 1983, the Project 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 was introduced into evidence marked Exhibit No. 1.

## IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On November 10, 1983, an exact copy of this notice and an exact copy of the Limited Access Hearing Plans were mailed to each of those record owners of property listed on the King County tax roll as depicted in the Affidavit of Service by Mailing, introduced into evidence at the hearing and marked Exhibit No. 3. The lists of parties that received both the hearing notice and the limited access hearing plans were also introduced into evidence and marked Exhibit Nos. 4-1 through 4-4.

An exact copy of the notice was published in the Seattle Times and the Seattle Post-Intelligencer on November 14, 1983

shown by the Affidavit of Publication of S. Koenig, Principal Clerk and Representative of said newspapers, which affidavit was introduced into evidence marked Exhibit No. 2-1. An exact copy of the notice was published in the Daily Journal of Commerce on November 14, 1983, as shown by the Affidavit of Publication of L. Patterson, Authorized Representative of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-2.

## V

The plan proposed the establishment of fully controlled limited access highway facilities and transit lanes on a portion of State Route 90 between Sta. EB B-2 10+05.33 and Sta. B-2 32+16.89 as shown on sheets 1 through 5 of 5 sheets entitled, "SR 90, CONNECTICUT STREET INTERCHANGE: 4TH AVENUE S. AND TRANSIT RAMPS, MP 0.00 VICINITY, KING COUNTY." The plan also proposed revisions of the fully controlled limited access facilities for State Route 5 between Sta. B-2 32+16.89 and Sta. B-2 15+03.78 as shown on Sheets 5 and 7 of 8 sheets entitled, "SR 5, SEATTLE FREEWAY: PLUM STREET TO JACKSON STREET, KING COUNTY."

## VI

The Connecticut Street Interchange at the junction of State Route 5 and State Route 90 is an important part of the highway system of the State of Washington. Both State Route 5 and State Route 90 are functionally classified as Interstate highways and Commission policy provides for access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for future use.

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 problem of increased accident potential and lowered capacity, due to interference from these approaches, becomes 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 intersections and approaches.

The plan for the establishment of fully controlled limited access highway facilities for this interchange on State Route 5 and State Route 90 in King County, introduced into evidence marked Exhibit Nos. 8-1 through 8-7 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. 7-1      Draft Environmental Impact Statement for Interstate 5 and Interstate 90, Seattle Access, City of Seattle, King County, Washington, approved and adopted by the FHWA on September 16, 1982.

Exhibit No. 7-2      Final Environmental Impact Statement for Interstate 5 and Interstate 90, Seattle Access, City of Seattle, King County, Washington, approved and adopted by the FHWA on August 11, 1983.

- Exhibit No. 9            A letter dated November 29, 1983 submitted to the hearing examiner by Edward L. Mueller, Attorney, representing the Stadium Inn Associates.
- Exhibit No. 10          A copy of a letter dated September 26, 1983 to H. L. Morgan, District Design Engineer, from Edward L. Mueller.
- Exhibit No. 11          A copy of a letter dated October 25, 1983 to G. L. Gilbert, District Design Engineer, from Edward L. Mueller.
- Exhibit No. 12          A copy of a letter dated November 29, 1983 to G. L. Gilbert, District Design Engineer, from Edward L. Mueller.
- Exhibit No. 13          A development brochure for the Stadium Inn Associates property submitted by Edward L. Mueller at the hearing.
- Exhibit No. 14          Reserved Exhibit - Stadium Inn Associates comments on the access report, environmental impact statements and discipline studies for the project.
- Exhibit No. 15          Reserved Exhibit - Department of Transportation response to Stadium Inn Associates comments and exhibits.
- Exhibit No. 16          A letter dated November 29, 1983 to G. L. Gilbert, District Design Engineer, from Robert N. Santos, Executive Director of the International District Improvement Association, submitted at the hearing.

- Exhibit No. 17            A letter dated November 19, 1983 to J. D. Zirkle from Rodney Wong, Chairman of the International District Special Review District, submitted at the hearing.
- Exhibit No. 18            Reserved Exhibit - City of Seattle comments on the limited access plan.
- Exhibit No. 19            Reserved Exhibit - Department of Transportation response to City of Seattle comments and exhibits.
- Exhibit No. 20            A letter dated November 29, 1983 to G. L. Gilbert, District Design Engineer, from William W. Krippaehne, Jr., President of Fisher Properties, Inc. - submitted at the hearing.

#### VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 8-1 through 8-7 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheets 1 through 5 of 5 sheets and 7 of 8 sheets to relocate property and right-of-way lines from the centerline of platted city streets to the street margin to correspond to corrected legal descriptions provided to the Department following the hearing.
2. Revise plan sheet 2 of 5 sheets to delete the acquisition of right of way from Parcel Nos. 1-12140, 1-12141, 1-12148, and 1-12153 no longer necessary as a result of relocation of property lines as stated in revision number 1.

3. Revise plan sheet 2 of 5 sheets to relocate the right of way to reflect total acquisition of Parcel No. 1-12146, as recommended by the Department.
4. Revise plan sheet 2 of 5 sheets to relocate the right of way and limited access line to delete acquisition of right of way from Parcel No. 1-12149, as recommended by the Department.
5. Revise plan sheet 2 of 5 sheets to extend the limited access line on Parcel No. 1-12148 north on the east side of 4th Avenue South to Sta. 90+82.85 and south on the east side of 4th Avenue South to Sta 88+94.75 as recommended by the Department.
6. Revise plan sheet 2 of 5 sheets by access note to allow rail and vehicular access beneath the structures between EB-D-2 Sta. 13+50 and Sta. 20+00 as recommended by the Department.
7. Revise plan sheets 1 through 5 of 5 sheets and sheets 5 and 7 of 8 sheets to make minor plan revisions to correct ownership and parcel details, area computations and right-of-way details.

## IX

The Commission also considered the following requests and makes the following findings:

1. Mr. Harold W. Hill commented, on pages 38 through 41 of the hearing transcript, that the current ramp configuration would not allow sufficient access to Salvation Army property on the east side of 4th Avenue South.

Subsequent to the hearing, the Department re-evaluated the need for access control on the east side of 4th Avenue

South. The Department's standards require access control to be established a minimum of 300 feet beyond the centerline of the ramp terminal. Full control of access should be provided for the first 130 feet from the centerline of the ramp terminus. Partial or modified control may be provided for the remaining distance. If the Department applied the minimum standard of access control for 300 ft. from the centerline of the ramp terminus, access to the two parking lots would essentially be prohibited. By implementation of access control only from Sta 88+94.75 to Sta. 90+82.85 on the east side of 4th Avenue South, unrestricted access will be permitted to the two Salvation Army parking lots, while providing adequate protection to the ramp terminal. The Department will also provide a two-way left turn lane north of the ramp terminus on 4th Avenue South to allow for easier turning movement to and from the north parking lot.

2. The City of Seattle Department of Administrative Services on pages 46 through 56 and pages 84 through 89 of the hearing transcript and in Reserved Exhibit No. 18 expressed concern about the impacts of the Seattle Access project on the City's Charles Street Maintenance Complex.

As stated in Reserved Exhibit No. 19, the issues raised by the City and others that pertain to the project can be dealt with in a normal manner at the time right-of-way negotiations are made.

3. Robert H. Stack and other businesses fronting on the Fifth Avenue South rail corridor requested that existing access from the legally dedicated Street on Fifth Avenue South be maintained as publicly accessible right of way.

The Department of Transportation contacted the Municipality of Metropolitan Seattle (Metro) following the hearing to

determine if their operation of the busway could allow public access points along the Fifth Avenue South busway. Both Metro and the Department concluded that joint use of the corridor would reduce the function, utility and safety of the busway. The slow speeds associated with positioning trucks, queuing to unload and other truck operations would negate the travel time advantage provided to buses, cause severe safety problems and lead to unauthorized use of the busway.

Access to the businesses fronting the Fifth Avenue South corridor would still be allowed on facilities located between the proposed busway and their property line. Claims for compensation and/or damages by affected owners for limitations to existing access will be considered at the time right-of-way negotiations are made.

4. Mr. Edward L. Mueller, attorney representing the Stadium Inn Associates, presented testimony at the hearing and submitted a series of letters and documents identified as Exhibit Nos. 9 through 14 wherein he objected to the limited access hearing and the adequacy of the Final Environmental Impact for the project.

As stated in Reserved Exhibit No. 15, the Department's procedures ensure property owners and other interested persons or agencies every opportunity to present information and their concerns about the project through public meetings and formal hearings prior to its final approval of the environmental document and the design.

Notices of public meetings and hearings were sent to all property owners affected by the project and to other interested persons or agencies.

5. A number of other comments and letters were received at the hearing which dealt with design features and possible mitigation of impacts associated with the project.

The Department evaluated these comments and determined that design and mitigation issues can be addressed in a normal manner during the property acquisition, relocation and contract preparation phases of the project.

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 for public convenience and necessity.

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

ORDERS:

I

That the section of SR 90 in King County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. EB B-2 10+05.33 and Sta. B-2 32+16.89 as shown on sheets 1 through 5 of 5 sheets entitled "SR 90, CONNECTICUT STREET INTERCHANGE: 4TH AVENUE S. AND TRANSIT RAMPS, MP 0.00 VICINITY, KING COUNTY," dated October 19, 1983.

II

That the fully controlled limited access facilities on SR 5 in the vicinity of the Connecticut Street Interchange be revised as shown on sheets 5 and 7 of 8 sheets entitled "SR 5, SEATTLE FREEWAY: PLUM STREET TO JACKSON STREET, KING COUNTY," dated August 7, 1962 revised October 19, 1983.

### III

That the plan set forth in Exhibit Nos. 8-1 through 8-7 for the establishment and revision 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:

1. Revise plan sheets 1 through 5 of 5 sheets and 7 of 8 sheets to relocate property and right-of-way lines from the centerline of platted city streets to the street margin.
2. Revise plan sheet 2 of 5 sheets to delete the acquisition of right of way from Parcel Nos. 1-12140, 1-12141, 1-12148, and 1-12153.
3. Revise plan sheet 2 of 5 sheets, to relocate the right of way line to reflect total acquisition of Parcel No. 1-12146.
4. Revise plan sheet 2 of 5 sheets to relocate the right of way and limited access line to delete acquisition of right of way from Parcel No. 1-12149.
5. Revise plan sheet 2 of 5 sheets to extend limited access line north to Sta. 90+82.85 and south to Sta. 88+94.75 on Parcel No. 1-12148.
6. Revise plan sheet 2 of 5 sheets by access note to allow rail and vehicular access beneath the structures between EB-D-2 Sta. 13+50 and Sta. 20+00.

7. Revise plan sheets 2 of 5 sheets and sheet 5 and 7 of 8 sheets to make minor plan revisions to correct ownership and parcel details, area computations and right-of-way details.

IV

That the plan entitled, "SR 90, CONNECTICUT STREET INTERCHANGE: 4TH AVENUE S. TRANSIT RAMPS, MP 0.00 VICINITY, KING COUNTY," sheets 1 through 5 of 5 sheets, dated October 19, 1983, as revised above and as shown on Exhibit "A," be and the same is hereby adopted.

V

That the following revisions to existing established limited access plans be adopted:

"SR 5, SEATTLE FREEWAY: PLUM STREET TO JACKSON STREET, KING COUNTY," sheets 5 and 7 of 8 sheets, approved August 7, 1962, revised October 19, 1983."

ADOPTED this 19<sup>th</sup> day of March, 1984.

WASHINGTON STATE TRANSPORTATION COMMISSION

Richard Odabashian  
RICHARD ODABASHIAN, Chairman

Pat Wanamaker  
PAT WANAMAKER, Vice Chairman

Vaughn Hubbard  
VAUGHN HUBBARD, Member

Albert D. Rosellini  
ALBERT D. ROSELLINI, Member

Jerry B. Overton  
JERRY B. OVERTON, Member

Bernice Stern  
BERNICE STERN, Member

Leo B. Sweeney  
LEO B. SWEENEY, Member

ATTEST:

Lue Clarkson  
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Thomas R. Burlington  
Assistant Attorney General