

BEFORE THE SECRETARY OF TRANSPORTATION

IN RE: STATE ROUTE 97, SR 97/
SR 82 CONNECTION: UNION GAP
VICINITY, M.P. 74.60 to M.P.
76.42 and STATE ROUTE 82,
UNION GAP TO AHTANUM CREEK.
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., Tuesday, October 4, 1977, in the Union Gap City Hall Meeting Room, located at 102 West Ahtanum Road in Union Gap, 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;

CITY OF UNION GAP, by John P. Hodkinson, Jr., Mayor, Union Gap, Washington;

EARL L. JOHNSON, by self, 4809 West Lincoln, Yakima, Washington;

BILL SEMMLER, by self, 34 Crest Circle, Yakima, Washington;

MR. and MRS. WALTER FLOYD, by selves, 4515 Main Street, Union Gap, Washington, 98903.

As a courtesy to interested citizens, the Secretary 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 Secretary 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 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 Secretary of Transportation of the State of Washington makes the following findings:

I

Heretofore and prior to August 19, 1977, the Washington State Highway Commission in its Resoultion 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 97 in Yakima County, Washington.

Such plan was prepared and shown on plans entitled "SR 97, SR 97/SR 82 Connection: Union Gap Vicinity, M.P. 74.60 to M.P. 76.42, Yakima County," sheets 1 through 5 of 9 sheets, and "SR 82, Union Gap to Ahtanum Creek, Yakima, County," sheets 1, 3, 4 and 5 of 8 sheets. The above mentioned sheets were introduced into evidence marked as Exhibits Nos. 8-1 through 8-14, which exhibits 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 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 47.52.121, et seq., and a copy of the aforementioned Access Report was introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated August 10, 1977, the Yakima County Board of County Commissioners approved the Access Report and said letter was introduced into evidence marked Exhibit No. 5.

By letters dated June 12, 1977 and September 27, 1977, the City of Union Gap approved the Access Report subject to adequate access being provided to Fullbright Park from SR 97. Provisions for this access were provided and agreed to by the Department of Transportation and are shown on the Hearing Plan identified as Exhibit 8-4 as an allowance for a future public grade intersection at Station UL 185+00 (Rt). The City's letters were introduced into evidence and marked Exhibit Nos. 6-A and 6-B.

III

On August 19, 1977, 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

Mr. William A. Bulley, Washington State Director of Highways, issued a Notice of Hearing. On September 9, 1977 an exact copy of the aforesaid notice was mailed to Yakima County and the City of Union Gap 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 September 8, 1977 as shown by the affidavit of S. W. Watt, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-A. An exact copy of the aforesaid notice was published in The Wapato Independent on September 7, 1977, as shown by the affidavit of Betty L. Heinl, editor of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-B.

V

The plan hereinbefore referred to proposes the establishment of modified, partial and fully controlled limited access facilities on portions of State Route 97 between Station LR 10+00.00 and Station UL 165+76.2 as shown on sheets 1 through 5 of 9 sheets of the limited access plan entitled "SR 97, SR 97/SR 82 Connection: Union Gap Vicinity, M.P. 74.60 to M.P. 76.42, Yakima County," and between Station LN 16+00 and Station L 390+00 as shown on sheets 1, 3, 4 and 5 of 8 sheets of the limited access plan entitled "SR 82, Union Gap to Ahtanum Creek, Yakima County."

VI

The section of State Route 97 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 a Major highway and Department of Transportation policy provides for 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 approximately 13,400 vehicles traveling this section each day. 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 six-year 1971 through 1976 accident history for the section of State Route 97 which will be replaced by this project indicates that there were a total of 490 accidents with 294 people injured and 1 fatality. This figures into an accident rate of 3.98 accidents per million vehicle miles of travel. The estimated accident rate based on state-wide averages for proposed State Route 97 is 1.2 accidents per million vehicle miles for the portion of the project that is fully access

controlled. For the portion that is partially access controlled the accident rate per million vehicle miles is estimated to be 2.5. Using the composite of these figures, it is estimated the accident rate will be reduced approximately 50%.

The efficiency of the highway 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 personnel 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, intersections, and approaches.

The plan for the establishment of modified, partial and fully controlled limited access facilities for State Route 97 in Yakima County introduced into evidence marked Exhibit Nos. 8-1 through 8-14 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:

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|----------------|---|
| Exhibit No. 7A | Draft Environmental Impact Statement, SR 82, Union Gap Vicinity: SR 97 Connection. |
| Exhibit No. 7B | Final Environmental Impact Statement and Section 4(f) Statement, SR 82, Union Gap Vicinity: SR 97 Connection |
| Exhibit No. 9 | Letter, October 3, 1977, signed by Neil A. Salset, Terminal Manager, Consolidated Freightways. |
| Exhibit No. 10 | Reserved Exhibit, the Department of Transportation's study regarding the addition of a Type D joint use approach at Station A 169+50, sheet 5 of 9 sheets. |
| Exhibit No. 11 | Resolution No. D-3784, signed by Betty L. Edmondson, Mayor, affirming the support of the City of Yakima for this project and urging the Washington State Highway Commission to implement the project without undue delay. |

VIII

The 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. 8-1 through 8-14 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise plan sheet 4 of 9 sheets to allow for a future grade intersection at Station UL 185+00(Rt.) as requested by the City of Union Gap and agreed to by the Department of Transportation. (Exhibit 6-A and 6-B.)
2. Revise plan sheets 4 and 5 of 9 sheets to indicate the realignment of the LU Line, which was required to provide additional vehicle storage space for the grade intersection located at Station UL 169+20 and recommended by the Department of Transportation.
3. Revise plan sheet 4 of 9 sheets to indicate Type B approaches to Parcel 5-04178 at Station A 172+80(Lt.) and Station A 173+25(Lt.)
4. Revise plan sheets (Exhibit Nos. 8-1 through 8-14) to make minor plan revisions, to correct ownership and parcel details, area computation and right of way details.

IX

The Secretary of Transportation also considered the following request for a change in the plan, but denies it for the following reason:

Mr. Jay Olson requested that a Type D approach be added at Station A 169+50 on the left to serve Parcel 5-04180. This requested approach is located and would be used jointly with the existing access to the City of Union Gap Sewage Treatment Plant (Parcel 5-04185).

The plan as presented at the hearing allows a Type C-5 approach at Station A 169+50 on the left for the exclusive use of the City of Union

Gap for access to the Sewage Treatment Plant. Mr. Olson has no recorded right of ingress and egress over the City of Union Gap Sewage Treatment Plant property (Parcel 5-04185) nor does the City recognize their access road as a legal access point to Mr. Olson's property. Since Mr. Olson has no apparent legal access via the Sewage Treatment Plant access road the Type C-5 approach will remain as presented at the hearing.

X

The 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 by the public convenience and necessity.

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

ORDERS,

I

That the section of State Route 97 in Yakima County described as follows is hereby designated as a limited access highway of the partial and modified controlled type:

Between Station LR 10+00.00 and Station UL 165+76.2, as shown on sheets 1 through 5 of 9 sheets of the limited access plan entitled "SR 97, SR 97/SR 82 Connection: Union Gap Vicinity, M.P. 74.60 to M.P. 76.42, Yakima County."

That the section of State Route 97 in Yakima County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station LN 16+00 and Station L 390+00 as shown on sheets 1, 3, 4, and 5 of 8 sheets of the limited access plan entitled "SR 82, Union Gap to Ahtanum Creek, Yakima County."

II

That the plan set forth in Exhibit Nos. 8-1 through 8-14 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 sheet 4 of 9 sheets to allow a future grade intersection on the UL Line at Station UL 185+00 on the right.
2. Revise plan sheets 4 and 5 of 9 sheets for an alignment change to the LU Line.
3. Revise plan sheet 4 of 9 sheets to indicate Type B approaches to Parcel 5-04178 at Station A 172+80(Lt.) and at Station A 173+25(Lt.).
4. Revise plan sheets (Exhibit Nos. 8-1 through 8-14) to make minor plan revisions, to correct ownership and parcel details, area computation and right of way details.

III

That the plan entitled "SR 97, SR 97/SR 82 Connection: Union Gap Vicinity, M.P. 74.60 to M.P. 76.42, Yakima County," sheets 1 through 5 of 9 sheets dated August 19, 1977 and "SR 82, Union Gap to Ahtanum Creek, Yakima County," sheets 1, 3, 4 and 5 of 8 sheets, dated August 6, 1963, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the plan entitled "SR 97, Parker to Toppenish, Plan Showing Access", sheet 1 (pt.) of 7 sheets, approved December 8, 1953, established by Commission Findings May 27, 1954, is hereby superseded.

ADOPTED this 23rd day of January, 1978.

WASHINGTON STATE SECRETARY OF TRANSPORTATION

William A. Bulley
WILLIAM A. BULLEY

APPROVED AS TO FORM:

Thomas R. Burlington
ASSISTANT ATTORNEY GENERAL