

Chapter 468-54 WAC

LIMITED ACCESS HEARINGS

WAC

| | |
|------------|--|
| 468-54-010 | Definitions. |
| 468-54-020 | Establishment of limited access facilities—Initiation. |
| 468-54-040 | Notice of hearing. |
| 468-54-050 | Conduct of hearing. |
| 468-54-065 | Hearing officer. |
| 468-54-070 | Hearing—Findings or order—Finality. |
| 468-54-080 | Copies of transcripts of limited access hearings. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 468-54-030 | Initiation of proposal by department of transportation. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-030, filed 12/20/78. Formerly WAC 252-06-040.] Repealed by WSR 81-19-088 (Order 27, Resolution No. 123), filed 9/17/81. Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. |
|------------|--|

WAC 468-54-010 Definitions. As used in these rules:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

(5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(8/27/91)

(6) "Party" is any person, county, city or town who is entitled to notice of a limited access hearing and who has entered a written appearance at the hearing.

[Statutory Authority: RCW 47.52.020. WSR 79-08-059 (Order 32), § 468-54-010, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-010, filed 12/20/78. Formerly WAC 252-06-010.]

WAC 468-54-020 Establishment of limited access facilities—Initiation. Proceedings to establish a limited access facility may be initiated by interested persons owning property in the vicinity of the proposed facility or by the department of transportation. If the secretary of transportation ascertains that there is merit in the proposal, he will prepare an order designating the portion of the highway, road or street where the limited access highway may be established. When a public hearing is required, the secretary shall by order fix the date and place where the proposal may be heard.

[Statutory Authority: RCW 47.01.071. WSR 91-18-023 (Order 73), § 468-54-020, filed 8/27/91, effective 9/27/91. Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. WSR 81-19-088 (Order 27, Resolution No. 123), § 468-54-020, filed 9/17/81. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-020, filed 12/20/78. Formerly WAC 252-06-030.]

WAC 468-54-040 Notice of hearing. Notice of the proposal to establish a limited access highway facility shall be given to the owners of property abutting the section of any existing highway being established as a limited access facility, as indicated in the tax rolls of the county and to the county and/or city or town in which the facility is proposed to be established. The notice shall be by United States mail setting forth a time and place for the hearing to be held not less than fifteen days after mailing the notice. Notice of such hearing shall also be published not less than fifteen days prior to the hearing in one or more newspapers of general circulation within such county, city or town. Such notice shall indicate a suitable location where plans for such proposal may be inspected. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located and to the county, city or town. A single hearing may be held for a proposed facility which is located in more than one county, city or town, provided that notice is given to each county, city or town.

[Statutory Authority: RCW 47.01.071. WSR 91-18-023 (Order 73), § 468-54-040, filed 8/27/91, effective 9/27/91. Statutory Authority: RCW 47.52.020. WSR 79-08-059 (Order 32), § 468-54-040, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-040, filed 12/20/78. Formerly WAC 252-06-050.]

WAC 468-54-050 Conduct of hearing. At such hearing the secretary of transportation shall preside, or the secretary may designate some suitable person to preside as exam-

[Ch. 468-54 WAC p. 1]

iner. The hearing may, at the option of the secretary, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced. Such evidence must be material to the issues before the secretary and shall be presented in an orderly manner. Any such evidence and statements or counterproposals shall receive reasonable consideration by the secretary before any proposal is adopted.

[Statutory Authority: RCW 47.01.071. WSR 91-18-023 (Order 73), § 468-54-050, filed 8/27/91, effective 9/27/91. Statutory Authority: RCW 47.52.-133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. WSR 81-19-088 (Order 27, Resolution No. 123), § 468-54-050, filed 9/17/81. Statutory Authority: RCW 47.52.020. WSR 79-08-059 (Order 32), § 468-54-050, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-050, filed 12/20/78. Formerly WAC 252-06-060.]

WAC 468-54-065 Hearing officer. The secretary of transportation may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the secretary, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and
- (8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

[Statutory Authority: RCW 47.01.071. WSR 91-18-023 (Order 73), § 468-54-065, filed 8/27/91, effective 9/27/91. Statutory Authority: RCW 47.52.-133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. WSR 81-19-088 (Order 27, Resolution No. 123), § 468-54-065, filed 9/17/81. Statutory Authority: RCW 47.52.020. WSR 79-08-059 (Order 32), § 468-54-065, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-065, filed 12/20/78. Formerly WAC 252-06-065.]

WAC 468-54-070 Hearing—Findings or order—Finality. At the conclusion of such hearing the secretary of transportation shall consider the evidence taken at such hearing and shall make specific findings in the case of each proposal or counterproposal and shall adopt a plan with such modifications, if any, he deems proper and necessary. The secretary may order the adoption of any proposal or counterproposal in its entirety or in part, or may modify or reject any

such proposal or counterproposal. The secretary's findings or order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing and upon the county commissioners of the county affected and/or the mayor of the city or town affected. The secretary shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the secretary shall become final within thirty days after such mailing unless a review is taken as by statute provided. In case of an appeal by any party the order shall be final as to all parties not appealing.

[Statutory Authority: RCW 47.01.071. WSR 91-18-023 (Order 73), § 468-54-070, filed 8/27/91, effective 9/27/91. Statutory Authority: RCW 47.52.-133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. WSR 81-19-088 (Order 27, Resolution No. 123), § 468-54-070, filed 9/17/81. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-070, filed 12/20/78. Formerly WAC 252-06-070.]

WAC 468-54-080 Copies of transcripts of limited access hearings. Copies of transcripts and other hearing documents may be obtained from the headquarters office of the department of transportation. Charges for such copies shall be at the rates established for copying other public records of the department, as authorized by RCW 42.17.300. An additional charge may be imposed for certifying to any copy furnished.

[Statutory Authority: RCW 47.52.020. WSR 79-08-059 (Order 32), § 468-54-080, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-080, filed 12/20/78. Formerly WAC 252-06-100.]