

# Moving Zoo Called Roadblock To I-40

A Tennessee Department of Transportation attorney told the Shelby County Court yesterday that moving the zoo from Overton Park to the penal farm would delay a proposed expressway through the park rather than help it.

Alan Hanover, special counsel to the Transportation Department, made his comments after Memphis Park Commission officials outlined a request that the 5,000-acre Shelby County Penal Farm site be utilized as a park and new site for the zoo.

Also yesterday, U.S. Solicitor Gen. Erwin Griswold authorized the federal Transportation Department to appeal the April 20 remand order in the Overton Park Expressway case, a Justice Department spokesman said.

Hanover told the court he was not expressing his feelings on whether or not the zoo should be moved to the penal farm, but he urged the squires to "not do anything on the idea of helping the expressway." He said he felt it would take "at least five years to accomplish moving the zoo" so construction on that portion of Interstate 40 could begin. He said it would just create another issue.

**"This shouldn't be decided on the basis that it would help the expressway,"** Hanover said. "Maybe the zoo should be moved, but it should not be moved with this as the reason."

Bert Ferguson, chairman of the park commission, and James E. Hadaway, parks superintendent, asked the court to create a park and zoo at the penal farm rather than allowing a model community to be built at the site. They said there is an increasing need for parks and greenways in Shelby County and that 30,000 additional acres are expected to be needed by 1990.

Hadaway said they were asking three things—move the zoo, not sell the penal farm property and re-route the expressway through the northern border of Overton Park.

After the presentation the squires voted to send the park commission proposal to the Shelby Farms Development Board for consideration.

Hanover said re-routing would not solve the problems of the expressway and that it would not change the complaints such as those against noise.

**"It doesn't change any of the problems that the state Highway Department has in meeting federal environmental requirements,"** he said.

After the meeting, Hanover told Ferguson he was not opposed to the zoo being moved.

"I just don't want you to use my lawsuit as an excuse to get this done, because all you're going to do is ruin the expressway," he said.

Ferguson earlier asked the court to "take a better look" at the penal farm property "even though it's late."

Hadaway said the zoo should be moved "whether it's to the penal farm or not." He said the new concept of zoos features open spaces with the animals in their natural habitat.

He said the park commission needed 250-500 acres to establish this type park and that it presently has only 33 acres at Overton Park. Hadaway said a "first class zoo—the best in the country—would cost about \$10 million . . . exclusive of land costs."

County Commission Chairman Jack Ramsay, also chairman of the Shelby Farms Development Board, announced earlier in the day that he expected to call a meeting within the next 10 days to consider a contract for development of a model community at the penal farm. Negotiations between the board and a combination of The Rouse Company, Boyle Investment Co. and

First Tennessee National Corp. on a contract for the development have been underway since mid-February.

**Ramsay was present to hear the park commission proposal and said he felt it "came late" but could be incorporated with the model community.**

"I think we've been discussing this thing for at least six years and if they were interested in this (setting the land aside for park and zoo purposes) they should have come in sooner. But we have about 2,100 acres that could be used for a zoo, parks, greenbelt, golf courses and all types of recreation."

Squire Joe Cooper objected to the proposal being sent to the Shelby Farms Development Board and questioned the board's "objectivity" in view of the fact "it has already gone this far" with the model community plan.

John Russell, a public information officer for the Justice Department, said Griswold made his decision based partially on a recommendation by staff attorneys for the federal Department of Transportation.

However, U. S. Atty. Thomas F. Turley Jr. of Memphis said yesterday he had not been notified of a decision by Griswold. Turley said he had been under the impression the Justice Department planned to rule against an appeal. "I think the announcement is premature," he said.

The remand order by U.S. Dist. Judge Bailey Brown gave Transportation Secretary Claude Brinegar 45 days in which to make a new route determination for Interstate 40, choosing the Overton Park route or a specific alternative.

**Brinegar had opposed the remand in briefs filed in federal court here.** Claiming it would be "entirely inappropriate" for him to make a new decision, he said his predecessor, John Volpe, was correct in his rejection of the park route last Jan. 18.

In his remand order, Brown said Volpe erred in failing to choose an alternative route.

The next step for the Transportation Department will be to ask the U.S. Sixth Circuit Court of Appeals for a stay of Brown's remand order, pending the outcome of an appeal. A stay order would temporarily nullify the 45-day time limit set in Brown's remand instructions.

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