

CA, Sept. 5, 1973

p. 25

(First p. 2  
Sec 7.2)

# State-Federal Meeting Set This Week On Park Route

By MORRIS CUNNINGHAM  
From The Commercial Appeal Washington Bureau

WASHINGTON, Sept. 4.—Tennessee leaders are to meet with Federal highway officials, including transportation secretary Claude S. Brinegar, here Thursday or Friday in a new attempt to resolve Memphis' deadlocked Overton Park expressway project.

Tennesseans attending will include Gov. Winfield Dunn, Tennessee Transportation Commissioner Robert Smith, Rep. Dan Kuykendall of Memphis, Memphis attorney Alan Hanover, Lee Smith who is legal counsel to Dunn, probably Sen. Howard Baker (R-Tenn.), and possibly Sen. William Brock (R-Tenn.).

Kuykendall, who is arranging the meeting, said they will meet with Brinegar, federal highway administrator Norbert T. Tiemann, and other federal highway officials.

State and federal officials apparently are nearing an agreement on \$50 million cut-and-cover tunnel to carry an uncompleted 3.7-mile segment of Interstate 40 through Overton Park.

Unresolved is whether the state or federal government should take the lead in saying I-40 must go through the park, and whether the route or design should come first.

Smith said last week that for

the state to take the initiative and submit a cut-and-cover design as the first step would be contrary to federal environmental laws as well as rulings from federal district court in Memphis.

The state is insisting that environmental laws require that, as an initial step to routing a federal highway through a park, the Secretary of Transportation must find officially that there is no "prudent and desirable" alternative. State attorneys contend that neither Brinegar nor his predecessor, John A. Volpe, ever has made such a finding.

State representatives also contend that the environmental laws require that once a federal highway is routed through a park that the design must be one that will do minimal harm to the park.

Federal Dist. Judge Bailey Brown of Memphis has upheld the state's contention that the federal government must take the lead in determining a route, but Brinegar's attorneys have filed notice of an appeal.

A cut-and-cover design is estimated to cost about \$50 million more than a partially depressed design, but Tiemann has given assurances the federal government will bear the extra cost.

09521-53