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# Park Route Talks Boost Cut-And-Cover Design

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From The Commercial Appeal Washington Bureau

WASHINGTON, Aug. 28. — Federal, state and local officials appear to be approaching an agreement on a cut-and-cover tunnel to carry a long-stalled, 3.7-mile segment of Interstate 40 through Overton Park in Memphis.

State officials, who have been dragging their feet because of the additional \$50-million cost of a cut-and-cover design, reportedly have been mollified by assurances that the federal government will bear the extra expense.

The state's 10 per cent portion of the project would be accounted for by the millions the state already has expended for rights-of-way and other preparations, plus credit for design work and other "in kind" contributions.

A Federal Department of Transportation representative in Nashville has been working with state highway officials to resolve the current governmental impasse.

**A high-level meeting has been tentatively scheduled here within 10 days to try to put together a firm agreement.**

On the agenda will be the problem of finding a way for the state and federal governments to "save face" over the disputed question of which government must designate a route for the I-40 segment.

Federal Dist. Judge Bailey Brown of Memphis has held that it is a federal responsibility, but the federal government has appealed the ruling, arguing that it is a well-established policy for states to select highway routes and designs subject to federal approval.

Brown's ruling grew out of former Transportation Secretary John Volpe's decision not to specify an alternative when he rejected a partially depressed design for the I-40 route through the park.

In response to inquiries, Representative Dan Kuykendall of Memphis said he had been assured that the federal Department of Transportation would approve a state-selected, cut-and-cover

design and would pay the additional cost.

**"I have a firm promise that there will be no additional cost to the state,"** Kuykendall said.

Tentative, face-saving plans call for the state to take the initiative by announcing it has decided upon a cut-and-cover tunnel through the park. The state's plans then would be submitted to federal Transportation Secretary Claude Brinegar with strong expectations that he would approve them and find there was no "prudent and feasible" alternative, a finding required by environmental laws.

A federal-state agreement of this kind would terminate federal-state dickerings, leaving any moves to block the highway to Citizens to Preserve Overton Park, the source of long-standing litigation.

Charles Newman, attorney for Citizens to Preserve Overton Park, said he was not aware of an approaching agreement but that the position of his client remains the same.

"We think Volpe was right," he said.

**An environmental impact statement** completed last year estimated that a cut-and-cover tunnel through the park would cost about \$50 million more than a depressed highway design.

In discussing a cut-and-cover tunnel, the statement cited severe engineering, construction, drainage and operational problems.

"The cut-and-cover tunnel," the statement said, "is constructed by digging a trench, building the highway in the bottom of the trench, placing a protective box structure over the highway, and then covering the box over with soil, bringing the soil cover up to the original ground level." By this method the portion of the park disturbed by building the tunnel would be restored.

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