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Coleman Steps Aside On Park Route

By MICHAEL LOLLAR

U. S. Transportation Secretary William T. Coleman has disqualified himself from deciding the Overton Park expressway case, and a deputy secretary now assigned the decision will hold a special public hearing here for his "own enlightenment" on Nov. 23.

Spokesmen for the transportation department in Washington said yesterday Coleman's withdrawal from the 20-year-old dispute followed his daughter's employment in a Washington law firm which

originally filed suit to halt completion of Interstate 40 through the the midcity Memphis park.

"The secretary felt it could create a conflict of interest," one spokesman said.

In his stead, Coleman appointed Deputy Transportation Secretary John Barnum, an attorney who has served as chief counsel to the transportation department. Barnum was described by sources close to the park case as "a long-time environmentalist."

Barnum agreed last night with the description.

"I believe that is a fair statement definitely..." he said. "I just think that we can have a good transportation system that is successful without trampling the environment."

"Oh my. That blows it for the park route," said one attorney, a park route supporter, when told of Barnum's appointment.

Attorneys for park route opponents were more guarded. "He's an excellent attorney and administrator. I'm sure he will make a fair decision," said John Vardaman, an associate in the Washington law firm of Williams, Connolly and Califano, the firm which filed suit in 1969 to

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William T. Coleman

'Enlightenment' Is Aim Of Hearing

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halt completion of the 3.7-mile segment of Interstate 40.

Vardaman said Coleman's daughter, Levida, was hired by the firm "a couple of months ago. I don't think Secretary Coleman knew that our law firm was involved in the case at the time, and that certainly played no role in her being hired." Vardaman said the conflict-of-interest question arose about mid-October and he was notified only last Tuesday that Coleman would disqualify himself.

The transportation department had not publicly announced the decision when The Commercial Appeal learned of Coleman's plans yesterday.

Park route supporters involved in the roadway hassle over the years questioned the legality of Coleman's exit. "The statutes involved say that the decision on the route and design of the federally funded highway must be made by the secretary himself, not a designate," one attorney said.

Vardaman said a designate on the transportation department staff is legally entitled to make the decision. "I see no problem."

Barnum said the deputy secretary is the "alter ego" of the secretary and can make any decision permitted him. He also said his designation would present no legal problems.

Coleman apparently had planned to conduct the new public hearing here himself until the potential conflict of interest arose. A public affairs spokesman for his agency said news releases were being prepared to announce the hearing and had

to be revised when the case was assigned to Barnum.

The Tennessee Transportation Department already has held public hearings in Memphis, in August, and submitted its environmental impact statement to Coleman two weeks ago. Coleman promised Gov. Ray Blanton at a regional transportation conference in September that he would decide whether to approve the parkland route by the end of the year.

The newly scheduled Nov. 23 hearing will be at 10:30 a.m. "at a location to be announced later," one source said. He said the hearing is for the transportation department's "own enlightenment."

The source said the transportation department will accept written comments pertaining to the dispute through Nov. 30, and the decision will follow within 60 to 90 days.

The state's proposal, included in the environmental impact statement submitted to Coleman, is for construction of a sunken plaza-design roadway built by the slurry wall method at an estimated cost of \$33 million.

The plaza design calls for a fully depressed or sunken highway covered at intervals with grass and shrub-laden plazas or decks. As recommended in the environmental impact statement, there would be five plazas on the one-mile segment inside the park covering a total of 1,700 feet or 40 per cent of the park segment. The rest of the roadway would be exposed.

Coleman had indicated support for a tunnel design, but the state, which must pay 10 per cent of the total highway cost,

told him it would scrap plans for the highway altogether if a tunnel were approved. State Transportation Commissioner Eddie Shaw, now on a leave of absence pending the outcome of his recent federal indictment, said in September the state couldn't afford to pay 10 per cent of the \$118 to \$190 million cost of a tunnel.

Two former transportation secretaries have been faced with the Overton Park case. John Volpe ruled in favor of a tunnel design, then, when the case was remanded to him for further consideration, he made no ruling before he was replaced by Claude Brinegar. Brinegar, who also favored the tunnel approach, also left office without ruling on the heated dispute.