

# L A L A

g, November 17, 1976

## State Drops Aid Request In I-40 Case

The state withdrew its application yesterday for federal funds to complete the Overton Park segment of Interstate 40 in hopes of more favorable consideration of the project under Jimmy Carter's administration.

And, after receiving a telegram from the state, the U. S. Transportation Department canceled a public hearing which had been scheduled here next Tuesday for last-minute debate on the environmental dispute.

Tennessee's deputy transportation commissioner, William Goodwin, sent the telegram to Transportation Secretary William T. Coleman. Goodwin said the state's temporary withdrawal of its application "was influenced in part by a recent turn of events involving possible legal problems" caused by Coleman's exit from the freeway dispute.

**Coleman disqualified himself** from deciding the 20-year-old dispute in October after his daughter took a job with the Washington law firm which originally filed suit to halt completion of I-40 through the midcity Memphis park.

In his stead, Coleman appointed Deputy Transportation Secretary John Barnum to decide the case.

The state and Mayor Wyeth Chandler objected to Barnum's appointment, claiming he is a sympathizer with park route opponents. Described as a longtime environmentalist, Barnum responded: "I believe that is a fair statement, definitely . . . I just think that we can have a good transportation system that is successful without trampling the environment."

Barnum would have presided at the public hearing which was scheduled at the Rivermont for his "own enlightenment." After the hearing was canceled yesterday, he said, "The next move is up to the State of Tennessee to do what they want to do."

The state had expressed concern that Barnum, as a deputy secretary, might not be legally entitled to decide the park case. And Goodwin said yesterday, "We have proposed an environmentally sound solution at the expense of many man-hours, and we do not wish to risk a decision that may require clarification in the courts with perhaps more unnecessary delay."

**Goodwin said he "regrets"** the last-minute withdrawal of the state's application, but he said it will be resubmitted "in the near future after the legal advisers have researched the matter."

Chandler said yesterday that in light of "all the information" he has received about Barnum's stance on the issue, "I think the delay is timely. All I ask is that we be given an unbiased hearing."

The state had considered various alternatives since Barnum's appointment and decided chances "would be at least as good, maybe better, for a favorable ruling under Carter's administration," one source said.

Another source, in Nashville, said, "Barnum never agrees with anything we want to do." He said of the entire situation, "There are too many things wrong with it. We smell a rat."

Coleman had told The Commercial Appeal this month that Barnum would follow the same timetable that he had planned and rule for or against the park by Dec. 31.

Two former transportation secretaries

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# Plaza Design To Be Resubmitted

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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 dispute.

Coleman said in his statement this month that he agrees "much too long a time has elapsed since this highway was first proposed," and he promised to be the first transportation secretary to "come to grips with the situation."

The state's latest proposal had called for construction of a sunken plaza-design roadway built by the slurry wall method at an estimated cost of \$33 million.

The plaza design, to be resubmitted to a Carter appointee, 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, like his predecessors, 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.

Charles F. Newman, an attorney for the Citizens to Preserve Overton Park, Inc.,

and other environmentalists in the park lawsuit, said last night, "The state should go ahead and implement one of the several alternatives to the use of parkland and put this controversy behind us.

"No man who has held the office of secretary of transportation in the past has been able to approve the use of any portion of Overton Park for the expressway in view of the provisions of the parkland statute (of the National Environmental Policy Act). And no future secretary will be able to. The state highway department

is delaying the ultimate resolution of this matter and wasting the time and money of all concerned by continuing to attempt to use parkland for the highway in defiance of the law."

A U. S. Transportation Department spokesman said cancellation of the Memphis hearing will cost the agency an unspecified amount of money. He said the department had reserved Holiday Hall at the Rivermont for the hearing and reserved space for a press room for which telephones were to have been installed.