

Park Route Foes Seek Work Ban

Plaintiffs in the Overton Park expressway case asked yesterday for a federal court injunction to ban Interstate 40 construction work through the park and on the approach route to the east of the park.

Meanwhile, the Memphis attorney for the Tennessee State Highway Department, J. Alan Hanover, accused plaintiffs in the case with issuing "veiled threats" in an effort to amend their original suit.

Charles Newman, attorney for the plaintiffs, indicated in the motion he expects the court to find an alternative to the park route when the case comes to trial Sept. 27.

However, he said, "... despite the substantial likelihood that . . . the approval of the route through the park will be held illegal, the defendants apparently intend to continue work on portions of I-40 close to the park and thereby . . . attempt to foreclose or at least render more expensive the use of an alternative . . ."

The requested injunction would halt any clearing, grading, construction, engineering design or other work on the previously approved right-of-way through the park. That right-of-way lies between Bon Air on the east and Claybrook on the west of the park.

It also would prohibit the state highway department from entering into a contract for construction work on the previously approved approach route to the park.

The injunction would not prohibit current maintenance work to be done under a contract with the Doc Thompson Wrecking Co., the petition said.

In support of the injunction, Mr. Newman said, "The State of Tennessee has recently indicated that on or about June 29 it intends to award a contract for the paving, lighting and signing of a portion of I-40 between Bon Air and White Station Road (the approach route)."

When the United States Supreme Court remanded the case to Judge Bailey Brown on March 2, it did not issue a formal injunction against construction, but it was generally understood that no work would take place until after hearings are held before Judge Brown, Mr. Newman said.

Mr. Newman indicated in yesterday's motion that if an alternative route is approved by Judge Brown, work on the section between Bon Air and White Station Road would have to be abandoned.

Referring to the plaintiff's motion to amend their suit, Mr. Hanover said, "It hardly seems necessary to say that this court should not concern itself with the plaintiffs' veiled threats to burden the defendants or the court with future litigation as a reason for granting their request."

The plaintiffs had asked on May 10 to amend the complaint in order to charge the state highway department and the United States Department of Transportation with violation of the National Environmental Policy Act.

Judge Brown denied the motion

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