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Court Hears Other Routes

By TOM JONES AND
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Press-Scimitar Staff Writers

Objectors to the routing of Interstate 40 expressway through Overton Park today continued to press the question of whether or not the state and federal government considered all "feasible and prudent" alternatives to putting the highway through the central city park.

Robert Hart, a New York City architect and city planner, told U.S. Chief District Judge Bailey Brown, who is giving the issue a full hearing on a remand order of the U.S. Supreme Court, that he studied numerous documents pertaining to the routing of the expressway, including the 1958 report by Harland Bartholomew of alternate routes to the north of the park utilizing the L & N railroad right of way.

He said from a cost and traffic use study the two alternate routes using the L & N right of way and the proposed route through the park "were practically the same."

Hart said the report, which projected traffic until 1975, showed "a fraction" more use for the Overton Park route "but all planners know that you cannot base a final decision when fractions are involved, on a land use project. For instance, since the report, we know the new Internal Revenue Service Center is going in and will provide 2,000 to 3,000 jobs, as many as the report projected for the entire downtown area by 1975."

Hart said, in contrasting the park route and two alternates, "that the guy living in the city who gets on the expressway out east to drive

downtown would get there just as fast on any of the three routes. The time factor was the same for all three."

He said he had spent a few days in Memphis before driving and walking over the three routes and that he had studied the three "with great care" but had also surveyed some 25 other alternate routes, but not with the same degree of thoroughness.

Both of the alternate routes using the L & N right of way go behind Southwestern and one would take off the northern edge of Hein Park, Hart said. He said one of the routes was "less costly" than the park route, and one "slightly more" but "the cost factors between the three routes, Hart said, "were so close that they were all about the same."

Yesterday federal highway official testified he doesn't think U.S. Secretary of Transportation John A. Volpe ever considered a route location change from the proposed Interstate-40 expressway corridor through Overton Park.

This testimony was revealed in the day-long read-

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ing of the sworn deposition taken by attorneys for the federal and state governments and attorneys for the objectors seeking to block construction of Interstate-40 through the park.

The 398-page deposition was the transcript of a two-day questioning on Aug. 12 and 13 of Edgar H. Swick, Washington, D.C., the executive director of the Federal Highway Administration and the former deputy director of the Bureau of Public Roads.

The reading, with attorneys playing the parts of Swick and themselves, took up the entire day.

Swick testified that many meetings between staff members of the Bureau of Public Roads and Volpe were held in August and October of 1969.

John W. Vardaman, the Washington, D.C., attorney for the protestors, asked Swick: "Was the issue of relocating the route through the park ever discussed?"

"Only in the historical sense. There was no discussion on relocating the route or possible alternatives," Swick said.

Swick added, "Secretary Volpe was apprised of the fact that the matter of the route selection had been made by Bridwell (Lowell K. Bridwell, the former Federal Highway Administrator)."

Volpe approved the route through the park on Nov. 4, 1969.

The Parklands statute, effective in April of 1967, requires that the decision on such matters must be made by the Secretary of Transportation and that if highways are planned to take parklands the Secretary must determine whether "all prudent and feasible" alternatives were considered too unusual to be acceptable; whether all work has been done to minimize damage to a park. These considerations determine whether or not his decision could be considered "arbitrary and capricious" and it is around these issues that attorneys for the objectors are basing their case.

Swick testified that Volpe, in the meetings, was mostly concerned with the design

aspects of the expressway segment through the central city park.

He said Bridwell had held out for more depressed segment of the expressway. Swick said he finally "won" Bridwell over to approving a grade level gravity drainage expressway through the park in the middle section of the park that crosses Lick Creek.

Vardaman asked Swick if the state (Tennessee) highway department was not told to go ahead and proceed with design work before Volpe was ever consulted.

"That may well be," said Swick.

Swick said that such designs as a cut and cover tunnel or a bored tunnel through the park and the use of an inverted siphon to drain the highway were rejected. He said that officials with the public roads division, for instance, "had no way to know how far you would have to go to avoid hitting tap roots of trees but projected that for a bored tunnel you would have to go down about 20 feet." He said officials also

found problems connected with a ventilated shaft placed in the park "because you would have to have a pumping station to pump the air out of the tunnel in the park."

Swick said that no scientific studies were made on the effect of air pollution that would result in the park from a grade-level expressway.