

Overton's Value Sags In Testimony

By MICHAEL LOLLAR

The nation's Capitol and the Lincoln Memorial were compared to a \$4.95 dinner in federal court yesterday, but Overton Park was relegated to 50-cent hamburger status.

The testimony, by Federal Highway Administrator Francis C. Turner, implied that it would cost too much to tunnel Interstate 40 through Overton Park, though similar tunnels are being built "to minimize harm" near the Capitol and behind the Lincoln Memorial.

Mr. Turner's written testimony was read during the fifth day of the Overton Park expressway case before United States Dist. Judge Bailey Brown. His deposition was taken in Washington on Aug. 30.

He said the Department of Transportation has estimated it would cost at least 10 million dollars more to depress Interstate 40 through Overton Park

than to build the six-lane highway near grade level.

John W. Vardaman, attorney for the Citizens to Preserve Overton Park and other plaintiffs, asked Mr. Turner, however, if he is familiar with a tunnel being built to accommodate Interstate 95 near the Capitol in Washington.

"Yes," Mr. Turner said, but "that tunnel is being built at extremely high cost and on the basis of a finding that they wanted to completely submerge the roadway. . ." The tunnel would be built beneath the front of the Capitol and run under the mall in front of the building.

"It's a special situation," Mr. Turner said, ". . . a national shrine, and circumstances are certainly not on a par with Overton Park and the zoo in Overton Park in Memphis.

"I think that is a conclusion that any prudent person dealing with expenditures of public monies would reach — that the situations are distinctly different."

Another tunnel is being built, he said, from the plaza area west of the Lincoln Memorial, running behind the Lincoln Memorial to the end of the Memorial Bridge. "But, again it's a special situation

that certainly is in a different category entirely from the situation in Overton Park in Memphis."

Mr. Turner said he weighs decisions to spend public money "the same way that I would make a decision with respect to the expenditure of any of my personal funds."

"I weigh those decisions, and sometimes \$4.95 for dinner is different from 50 cents for lunch somewhere for a ham-

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Q.A.

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Francis C. Turner

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burger," he elaborated. "So, these are the same kinds of things that you deal with in considering the expenditures of sums of money to go across a route in front of the nation's Capitol or in back of the Lincoln Memorial."

His statements were in direct conflict, however, with earlier testimony by his former boss, Secretary of Transportation Alan S. Boyd. Mr. Turner was director of the Bureau of Public Roads under Secretary Boyd until he (Mr. Turner) was promoted to federal highway administrator by President Nixon in 1969.

Mr. Boyd testified by deposition last Thursday that cost was "not a very great factor" in the government's decision to build the expressway through the park.

"We (the Department of Transportation) had proposed to build (the) tunnel under the Lincoln Memorial for 130 million dollars. I couldn't get too excited about costs elsewhere. I felt that if we could swallow that, we could swallow most any cost."

Mr. Turner testified later yesterday the Department of Transportation had considered relocating Overton Park Zoo outside the park, as a part of the over-all cost of routing Interstate 40 through the park. The city and the Memphis Park Commission rejected the proposal, however.

"We offered to the city and to the park authorities the option of moving the zoo to any reasonable location within the city," he testified. "But, they declined to move it and said they preferred to leave it where it was with whatever mitigating design that we would put on it . . ."

Asked about the government's offers yesterday, H. S. 'Hal' Lewis, superintendent of the Memphis Park Commission, said, "The park commission opposed the whole thing (the park route) until we got our ears beat down by the city."

The City Council had voted on March 5, 1968, to oppose the park route pending a review of all possible alternatives. But,

after discussions with several state and federal highway officials, the council rescinded the earlier vote and approved the park route on April 4, 1968.

Mr. Lewis said members of the park commission never met with state or federal officials, but did consider "among ourselves" the possibility of moving the zoo.

"Our discussions were primarily concerned with where we would move it if we decided to. It was suggested we might move it to Riverside Park or to property at the Penal Farm. But, both suggestions were dismissed, because they would have been too far out, too out of the way."

J. Allan Hanover, attorney for the state Highway Department, suggested that the feder-

al government might not have paid the entire cost of relocating the zoo, indicating the city might have had to pay a share.

Mr. Lewis said, though, "To my knowledge, no definite sum of money was ever mentioned. We did make an estimate back then, probably in 1967, that the entire zoo was worth between 1.8 million dollars and 1.9 million dollars but no definite offer was ever made by the government to pay for relocation.

"After the route was approved and the whole thing settled, and after the council approved it there was nothing for us to do but bow out."

The park commission "bowed out" with \$209,000, allotted by the state to compensate for any harm the express-

way might cause to the zoo. The city was also paid two million dollars for the right-of-way through the park. Mr. Lewis said the park commission specified that the two million dollars would be used to buy additional parklands.

The city used half of the two million dollars to buy Fox Meadows Golf Course.

Mr. Turner later testified the state was proceeding with land acquisition for the park route in January and February, 1968, before the route was finally decided.

"And, you took no effort to stop that, did you?" Mr. Vardaman asked.

"I think that is probably right."

He also said he flew to Memphis in 1968 with Lowell K. Bridwell, then federal highway

administrator, when Mr. Bridwell helped persuade the City Council to accept the park route.

On the airplane, he said, "I believe we generally knew what each other thought about all the alternatives and the situation, and he (Bridwell) generally felt that the route that had been previously approved was about the best that we

could do. We were trying to find ways to minimize any possible adverse impact on the area, and the question of how you might design a facility to

take care of the objections that were being raised. . ."

The trial will resume at 9:30 this morning, with plaintiffs expected to produce as their

first witness a California engineer. Later, they said, Dr. Arlo I. Smith, a biology professor at Southwestern probably will testify.