

OPE 19-08

Final Arguments Begin in Park Expressway Trial

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After 25 days in Federal Court, the Overton Park expressway trial was to end today after the attorneys' final arguments.

John W. Vardaman, Washington, D.C., attorney for the objectors to the park route, said that his final arguments would take only an hour, depending on the wishes of U.S. Chief Judge Bailey Brown.

"I'm probably going to take up some of your time asking questions," Brown said. Vardaman added that he intended to "just hit the high spots" during his arguments.

Judge Brown then told U.S. Attorney Thomas Turley to be prepared to argue whether the case should be sent back to Secretary of Transportation John Volpe for further consideration. "It seems to me your biggest problem in this case is to convince the court that Secretary Volpe had stringent requirements before him when he made the decision (to route the expressway through the park)," Brown said. "You ought to be prepared to argue . . . whether or not it (the case) ought to be remanded to him."

Turley was unsure how long his argument would last, but said that attorneys for the defendants would split up their arguments to

enable them to concentrate on the main issues. "We've taken six weeks," Turley said, "isn't it best to just let nature take its course? We don't want to talk any longer than your honor wants to listen."

Brown has ruled that attorneys will be allowed slightly over two weeks to file their written briefs in the case. He said he will then issue a decision "as soon as possible."

The plaintiffs objecting to the park route yesterday called witnesses to answer issues which surfaced during the state and federal defendants' presentation of evidence.

Among those recalled to

the witness stand was Robert Hart, New York city architect and city planner, who testified Sept. 30.

Hart said that the alternate route using the L & N railroad and supported by the objectors was a more feasible route than running the highway through Overton Park. He also answered charges by William Pollard, who planned the I-40 route through the park while chief engineer for Harland Bartholomew and Associates, argued that the L & N route would be more expensive and disruptive because it ran counter the "warp and woof" of the city.

Hart said that "warp and woof" was a term used by

city planners to explain several factors, primarily the grid system of streets. He agreed that a route running diagonal to the street grid system was more expensive, but said it was not more disruptive. He said the planners who studied the expressway route should have considered Cypress Creek and the L & N Railroad along with the street system.

Hart said that he could not think of any unique circumstances in the city which would warrant the expressway through Overton Park, unless the only alternative was a route south of the mid-town park.

The southern route, one of the parallel alternates

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turned down by the state highway department, would have run through the First Baptist Church and many other "major institutions," Hart said, adding that the proposed Southern freeway runs diagonal to the street system.

Hart said that he was not supporting any of the alternate routes, but recommending that they be studied. "I don't think you can just sit here and say which of these (alternates) is best," he said.