

# THE COMMERCIAL APPEAL

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## I-40 Link Isn't Dead

PROPONENTS OF the completion of the midcity link of Interstate Highway 40 have suffered a major setback from the Sixth Circuit Court of Appeals ruling this week. But the battle is not over by a long shot.

The appellate court ruling may have concluded another of the many series of legal steps in this case. But it is unthinkable that this short segment of a coast-to-coast highway should remain unfinished.

The court held that former Transportation Secretary John Volpe acted within the law when he rejected the state plan for building the road through the park. It should be remembered that the route had won federal approval prior to passage of the Environmental Protection Act. Volpe based his decision on that law, retroactively, and with the statement that other alternatives were available.

Up until now the state has taken the appeals route. Last summer state officials considered but put aside the idea of proposing a cut-and-cover design for a route through the park in the belief that federal officials had to decide whether there was a feasible alternative.

The court has said that is not so. Thus, one possible move would be for state leaders to reconsider the cut-and-cover proposal.

However it could best be designed to the least detriment to the existing park, this is certainly an alternative that should be explored and pursued.

The route through the park, for which right-of-way already has been obtained, is still the most logical.

Failing that, Memphis and Ten-

nessee officials, together with those in the federal Department of Transportation, should turn to Congress. It was Congress which enacted the environmental laws that have proved a barrier to the construction of this section of Interstate 40. Congress can provide an exception from the law in this case. To do so would be to follow the wishes of the public majority in this community and of their elected leaders.

ASIDE FROM THE effort to complete that missing link in I-40, state highway officials should seek relief from the Jan. 11, 1972, injunction by U.S. Dist. Judge Bailey Brown that forbids highway construction or appropriation of funds for the unfinished approaches to Overton Park.

Construction is now halted at Claybrook (near the interchange with the north-south expressway) on the west, and at the temporary ramp that feeds into Broad at Malcomb on the east.

Better ways to move traffic on and off I-40 and into city streets are needed right now. It would be of great benefit to build on the I-40 right-of-way up to East Parkway on the east, lifting traffic over the north-south band of railroad tracks that frequently interrupts the flow on Broad, and also keeping the through traffic off overcrowded Summer. Also, a way to move traffic over I-255 to a point where ramps could merge smoothly into major city thoroughfares is urgently needed.

Whatever may happen in the drawn-out I-40 case, these steps should be taken at this time.

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