

Routing I-40 On Parkway Disapproved

By WILLIAM BENNETT
From The Commercial Appeal Nashville Bureau

NASHVILLE, Aug. 14.—Transportation Commissioner Robert Smith took a disapproving view Wednesday of a proposal that the state recommend a shift of the mid-Memphis expressway to utilize part of North Parkway and a "sliver" of Overton Park.

Smith told Memphis City Councilman Jack McNeil that conservationists "are going to fight us" if so much as a foot of the park land is involved.

The commissioner, however, indicated the state's plan is not "totally contrary" to some of the councilman's views, though he did not elaborate.

The state for months has been at work on fresh data to submit to U.S. Transportation Secretary Claude Brinegar on the routing of the remaining 3.7-mile segment of Interstate 40 through Memphis.

Initially, the Transportation Department proposed that the route go through Overton Park south of the zoo, a move that has consistently—and successfully—been fought by environmentalists.

The original ruling against the park route came from former U.S. Transportation Secretary John Volpe last year. Volpe ruled out the route, but did not specify an alternative.

Subsequently, U.S. Dist. Judge Bailey Brown of Memphis ordered Brinegar, Volpe's successor, to say there was no "feasible and prudent alternate" to the park route or, if he felt there were such an alternate, to state what it is.

Brinegar appealed and the U.S. Sixth Circuit Court of Appeals overruled Brown. Brinegar later said the Volpe decision had been made on an insufficient record and he gave the state the opportunity to upgrade that record, which it currently is doing.

The indications are that whatever recommendation will be made by the state to Brinegar probably is still several weeks away.

McNeil, a member of the City Council's public works committee, takes the position that any further prusuit of the Overton Park routing would be fruitless.

"We've already lost on that," he told a newsman before his meeting with Smith.

It was McNeil's recommendation that the highway be routed so as to take a lane or two of North Parkway and that it be reduced to four lanes with a concrete divider. The original plan was for six lanes with a 40-foot median.

McNeil said by holding the width of the missing expressway link to four lanes and an overall width of 84 feet, minimum damage would be done to the park and, in fact, by the city giving up the bus right-of-way through Overton, there might be a net gain in park land.

"I don't believe the courts are ever going to buy six lanes with a (40-foot) divider," McNeil said.

"I don't think the National Safety Council is going to buy four lanes, either," Smith countered.

The commissioner said the legal question is whether there is any reasonable and prudent alternative to the park route. And he noted a route must be approved before a design—such as cut-and-cover—can be cleared by federal officials.

McNeil told a reporter he would favor building a new zoo on Shelby County Penal Farm property to provide what might be an ironclad combination, with the North Parkway expressway routing, that would stand a court test.

In urging against cut-and-cover through Overton Park, McNeil said such a design would destroy a 400-foot-wide strip of trees whose replacements would be seedlings. He called such an approach "the 50-to-75-year" method.

OPE 00-24

C.A.

Aug 15, 1974

7P. 49