

# Overton Fight to Center Around 'Cut-and-Cover'

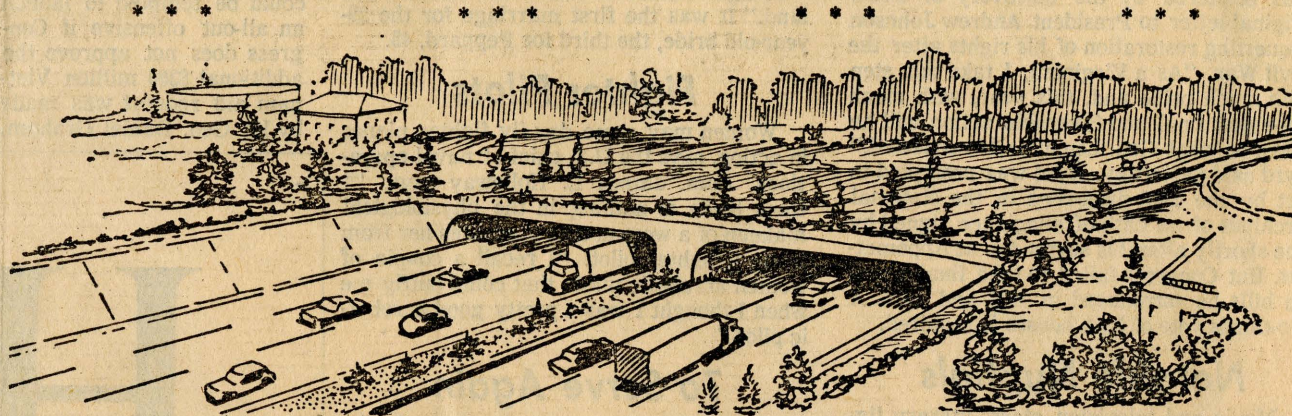
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P.S.  
Home Ed.

Backers of the proposed Interstate 40 route through Overton Park began lining up forces today to push for a cut-and-cover tunnel through the park, one of three possibilities left alive in a ruling by retiring Transportation Secretary Claude S. Brinegar. The ruling once again kills the idea of an open, lowered expressway through the park.

Opponents of the Overton expressway route, said they will fight to defeat the cut-and-cover plan, which they claim would violate the same environmental laws that apparently have ended all plans for an open expressway.

**Brinegar's ruling, submitted yesterday, calls for Federal Highway Administration officials to consider three alternatives to the open surface route — a cut-and-cover tunnel, a cut-and-cover tunnel north of the park beneath North Parkway, or abandonment of all expressway plans in favor of street and bus improvement programs to handle the traffic load.**

Brinegar, who leaves office tomorrow, turned over to his successor the question of eventual solution to the 19-year-old conflict, saying that if all federal officials



ARTIST'S CONCEPTION OF PROPOSED CUT-AND-COVER TUNNEL THROUGH OVERTON PARK

act promptly, the solution can be found by the end of 1975.

The secretary ordered the highway officials to report on the three final alternatives by the end of March.

His decision was on a final submission of alternative plans for expressway route made by the State of Tennessee last October. He said the submission "is adequate to form a basis for a re-evaluation of the I-40 location ques-

tion, and I ask that the Federal Highway Administration prepare the necessary analysis."

Reaction from those on both sides of the dispute was immediate, and lines apparently were being drawn already for the next round of dispute — over a cut-and-cover tunnel.

Mayor Wyeth Chandler, attending a mayor's conference in Washington, and who has long been an advocate of an expressway through Overton Park, said he thought Brinegar's ruling was "the best statement we have had yet."

Of the alternatives given by Brinegar, Chandler said he favored the cut-and-cover tunnel to partially submerge I-40 traffic under the park.

He said he felt the proposal to go north around the

park past Southwestern was far too expensive.

The third alternative of "no-build," he said, "is something we can't consider. We must have something built. It is a necessity and I hope we can get something going quickly."

Mayor Chandler said he was not surprised at Brinegar's action.

"I think we have to look awfully hard at the I-40 expressway and if we can get it built through the park, we have got to build it."

Roy P. Harrover, architect who earlier suggested a cut-and-cover design for the proposed expressway, also said he thought Brinegar's action was "a good ruling."

"I think this will put the monkey on the state's back now to approve a cut-and-cover tunnel," he said, "Be-

cause it is the only one of the three alternatives given by the secretary that is practical and feasible."

He said estimates of \$178 million for the cut-and-cover tunnel were "about 25 per cent too high."

"The proposed route north around the park would do tremendous damage to the community," he said. "You can't just look at the park and forget the rest of the community."

He said, "Not connecting the expressway at the park would be unthinkable because of the increased danger of putting that much traffic on small, city streets and because of the bad image it would give the city."

Ronald Leigh, executive

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CUT-AND-COVER

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# Cut-and-Cover Is Alternative

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director of the Memphis Area Chamber of Commerce, said that since Brinegar's decision has now been reached, it becomes very important "that every effort be made to go ahead with a cut-and-cover tunnel through Overton Park.

"The federal government has made this decision and must be committed to finish the urgently needed completion of I-40 through Memphis," Leigh said. "With the federal government's portion of the cost to be 90 percent, it is certainly hoped that the state of Tennessee will not delay in finishing a high priority need of this community."

Leigh added that the Chamber's highway development task force will meet soon to consider strategy regarding continued aggressive chamber action.

Charles F. Newman, attorney for Citizens to Preserve Overton Park, said: "I consider this decision to be another victory for the opponents of the expressway through the park. The state of Tennessee has again been unable to persuade the secretary of transportation that there is no feasible and prudent alternate to the construction of an expressway through the park."

Newman said that continued attempts "to force the expressway through the park are futile and will only waste additional time and money."

He said it is not up to the Citizens to Preserve Overton Park to pick an alternate route, it is up to the state.

"It is high time the leadership of the community faced and accepted the reality that the highway cannot be built through the park and then resolve this unfortunate controversy," Newman said.

Dr. Arlo Smith, president of CPOP, said Brinegar's decision "was to be expected," since the state's proposal "had no legal standing."

"This so-called proposal was simply a response to former Secretary (John) Volpe's earlier decision," he said. "It could just as easily have been thrown in the waste basket."

Dr. Smith said Brinegar had simply ruled that Volpe's earlier ruling against the open-cut design was correct.

"All he really said is that until these alternative studies are made in a serious manner and the state submits a real proposal no decision can be made," Dr. Smith said.

He said a cut-and-cover design would not satisfy the law as it is now written because cut-and-cover would be just as damaging as a ground-level route.

J. Alan Hanover, attorney for the state in the expressway controversy, called Brinegar's ruling "a cop out."

"His ruling doesn't decide anything. It is the third cop out from secretaries of transportation. He has left the whole thing open for the new secretary and it is going to cause further delays," Hanover said.

"I'm not disappointed in the sense that I expected any more than that. I really did not expect him to do anything," Hanover said.

He said the future of the expressway gap at Overton Park will depend "on the attitude of the new secretary."

"I'm just real pleased," said Sunshine Snyder, who is one of the original plaintiffs in the suit against the expressway "This revives my faith in the administrative and court procedures."

She added, "We've been accused of delaying this controversy. What amazes me is that it has taken five years for the state's attorneys to learn that federal law says you can't go through a park. They've gone through two transportation secretaries and a trip to the Supreme Court to learn what we already knew."

Mrs. Snyder said she would also oppose the cut-

and-cover tunnel through the park which Brinegar left as an alternative. She said the law specifically states that there can be no expressway through the park unless there is "no other alternative," and Brinegar left open two other alternatives, she said.

Mrs. Anona Stoner, secretary of Citizens to Preserve Overton Park, the organization which has fought against the expressway since 1957, agreed that the cut-and-cover tunnel would not be acceptable.

"Anything through the park is just out as far as we are concerned," she said. "Our whole point is don't go through the park. If you cut anything, it will do damage. Cut-and-cover must therefore do damage."

The action by Brinegar, who also had been asked by Sen. Howard H. Baker Jr. late last year to act on the matter before leaving office "so that we won't have to educate another secretary," did not completely please the Tennessee Republican, Baker said:

"I am disappointed that we did not get approval for immediate construction. However, I am pleased the secretary recognizes the changed circumstances and has directed the federal highway administrator to recommend from among three specific alternatives. This moves us somewhat closer to a resolution of the problem."

Brinegar's action paralleled the decision by Volpe on Jan. 18, 1973, his last day in office.

Volpe rejected, for environmental reasons, a proposal that a surface highway be built through the park.

Following that decision, Dunn submitted a host of proposals last October, including three prime recommendations.

The first called for a lowered highway through the park, at an estimated cost of \$176 million.

"With respect to the

state's current proposals, I believe, as did Secretary Volpe, that the open cut design through Overton Park cannot be approved under applicable law," Brinegar wrote the Federal Highway Administration in his final action on I-40.

The state proposed, as a second alternative, a cut-and-cover tunnel through the park, at an estimated cost of \$178 million.

Brinegar did not mention the state's third main proposal, a bored tunnel under the park, pegged at an estimated completion cost of \$775 million. The state had recommended that alternative for rejection from the beginning.

Instead, Brinegar focused on two other proposals in the October proposals by the state.

The state suggested a cut-and-cover tunnel under North Parkway which would measure more than 6,000 feet in length—but stressed severe design, engineering and operating problems involved in such an alternative. "The North Parkway tunnel can be constructed, but the cost will be extremely high," the state proposal concluded.

"A North Parkway tunnel would appear to be a feasible way to avoid the park, but the record does not satisfy me that it would be prudent," Brinegar told the Federal Highway Administration.

Brinegar's third alternative was touched on briefly in the state's presentation to the Department of Transportation.

He suggested "low capital transit and arterial street improvements that could, in time, provide equivalent traffic service."

The state submission suggested such an alternative was not feasible because of the mushrooming traffic volumes on the interstate highway, and because of much higher accident and fatality rates on city streets than on modern freeways.

*McDonald*