

State Transportation Department Rendering Of Cut-And-Cover Design For Overton Park I-40 Link

State To Plan Next Move In I-40 Case

State officials will meet in Nashville Friday to determine their next move in winning approval for the completion of the Interstate 40 link through Overton Park, an attorney for the state said yesterday.

"I don't see any change in attitude or direction," attorney J. Alan Hanover said after talking to several employees of the state Department of Transportation about the last-minute rejection of the state's proposal for a partially depressed route through the park by former federal Transportation Secretary Claude Brinegar.

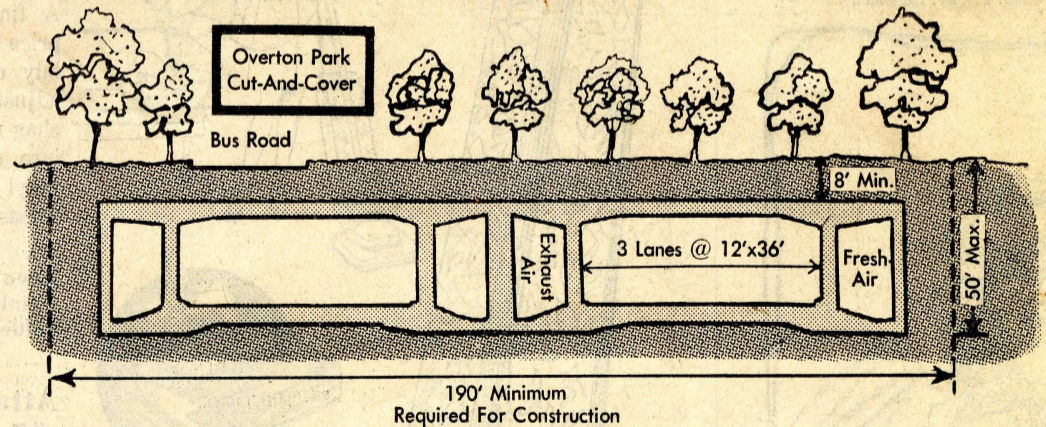
He said he would meet with new state Transportation Commissioner Eddie Shaw "and possibly some of his deputies and a representative from the (state) attorney general's office."

"I wouldn't think it would take the state very long to come to a decision. The state Department of Transportation has never been lax in its duty to move on this issue," Hanover said. He predicted the state's decision would be announced "within a short time" after the meeting.

Hanover said Brinegar's decision the day before he left office "leaves this Overton Park matter where it was before he got hold of it. I don't think he did anything. He just passed the buck. He didn't reach any definite conclusions."

"The new secretary should take the submission we have (already made to Brinegar) and rule on it, or whatever he wants. He may want a new one (proposal). Nobody knows."

Brinegar left office yesterday and was replaced by William T. Coleman Jr., who will have to decide whether



Cross Section View Of Tunnel Under Overton Park

there is "no prudent and feasible" alternative to the park route.

Charles Newman, attorney for Citizens To Preserve Overton Park which has so far successfully blocked completion of the highway, said Brinegar's decision "as a practical matter deals the final blow to any thought of putting the highway through the park."

"The secretary's decision Thursday rules out even cut-and-cover. Even though Secretary Brinegar mentioned it (cut-and-cover), it is perfectly clear that cut-and-cover couldn't be actually used unless every other alternate (route) going around the park . . . could be determined to be infeasible and imprudent."

"There is obviously going to be some further proceeding, but I think this is the end, really."

In Nashville, the new administration of Gov. Ray Blanton, with only two

weeks in office, had little to say about Brinegar's pronouncement.

"We know nothing about this action," Blanton said. "We have received no official notification and at this time we are unable to make official comment."

Shaw said he had hoped Brinegar would make "a ruling for the betterment of the highway department." He pledged his agency will work with the federal government "any way we can" to achieve a resolution.

Dr. Arlo Smith, president of Citizens To Preserve Overton Park, said he believes the secretary's ruling "has reiterated that the cut-and-cover plan is not an alternate route, but only a difference in design."

He said his group does not favor any of the alternatives "because the environmental studies required by the law and the Supreme Court's decision have not been made - so we cannot judge their impact on the community."

Brinegar wrote in his parting memo to Federal Highway Administrator Norman T. Tiemann, "With respect to the state's (Tennessee's) current proposals, I believe, as did (former Transportation) Secretary (John) Volpe, that the open-cut design through Overton Park cannot be approved under applicable law."

"Moreover, the record is such that I am convinced that the re-evaluation can now be limited to the following three alternatives that the state of Tennessee has covered with varying degrees of thoroughness:

"1. A cut-and-cover tunnel on the previously approved alignment;
"2. A cut-and-cover tunnel under North Parkway; or

"3. Low-capital transit and arterial street improvements that could, in time, provide equivalent traffic service."