

'We Are Through With Overton Park,' Officials Say, Ending Decades Of Delay

By MORRIS CUNNINGHAM

From The Commercial Appeal
Washington Bureau

ST. MICHAELS, Md. — "We are through with Overton Park."

That was the interpretation Friday of Federal Highway Administrator William Cox and other FHA officials after the latest ruling in the 22-year-long dispute over completing a 3.7-mile segment of Interstate 40 in Memphis.

Secretary of Transportation Brock Adams announced the decision earlier Friday in a letter to Tennessee Gov. Ray Blanton.

Cox said the decision rejects all future proposals to take I-40 over, through or under Overton Park.

"We are through with Overton Park," he said. "Now it is a matter of working with the State of Tennessee about what they want to do with the unused interstate mileage."

Specifically, Adams rejected the state's latest plan for closing the gap in I-40. This proposal called for a partially depressed and partially covered highway through the park.

Adams' decision went beyond the so-called "plaza design" however. His letter, as interpreted by Cox and Les Lamm, FHA executive director, ruled out any plan that would entail I-40 traversing or crossing the park either on the surface, by tunnel or even by bridge.

The two most telling paragraphs of Adams' letter to Blanton, Cox and Lamm said, were:

"My decision, as secretary of transportation, is to reject the proposal of the State of Tennessee to build I-40 through Overton Park. This proposal of the State of Tennessee does not meet the standards required by the Supreme Court in the case of Citizens to Preserve Overton Park vs. Secretary John Volpe.

"We will forward to the appropriate state officials the necessary documents through the regular Federal Highway Administration channels."

Repeated efforts to contact Blanton, who is on an extended international trade mission and presently staying at the Churchill Hotel in London, were not immediately successful.

However, state Transportation Commis-

sioner Eddie Shaw, contacted in Nashville, indicated the state does not plan to abandon efforts to complete the interstate link, the only missing segment of I-40 between Asheville, N.C., and New Mexico.

Cox, Adams and a host of other high officials of the transportation department were meeting in this tiny hamlet on the shores of Chesapeake Bay Friday afternoon. Adams arrived about 5 p.m. and went immediately to his room in the Marlingham Inn and refused any comment on his decision.

The letter distributed to Blanton and members of the Tennessee congressional delegation and given to reporters here in response to questions also stated:

"The Federal Highway Administrator (Cox) and I have discussed this matter and the appropriate officials in the (FHA) will be communicating with you and other State of Tennessee officials as to what you

wish to do with the mileage involved in this project."

Cox said that with the scrapping of the I-40 route through the park the federal aid money that would have been spent on construction of the 3.7 miles of interstate highway will now be available for reallocation in the Memphis area or elsewhere in Tennessee.

The further discussions Adams mentioned in his letter to Blanton will deal with this topic, Cox said.

Cox said the laws are quite broad and that the money could be allocated for a variety of transportation purposes, including mass transit, and could be spread over more than one project.

The estimated costs of the various proposals for taking I-40 through the park have ranged from as low as \$17 million to nearly \$200 million. Neither Cox nor Lamm was able to provide figures for the

amount of money that now will become available for reallocation.

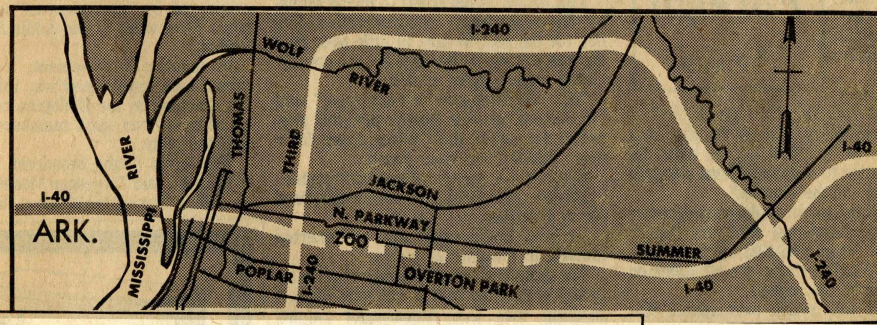
They said, however, that if the unexpended funds are sufficient the state could elect to build elsewhere more than the 3.7 miles of interstate highway that now has been written off.

Lamm said the cost of tidying up what he called "the stubs" of I-40 on each side of Overton Park would have first claim on the unexpended funds.

The state will have the initiative in drafting plans for dealing with the "stubs," he said.

The Overton Park dispute was before Adams, as it had been before four others, to determine whether the state's proposal minimized environmental damage to the park and was selected because there was

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THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

September 30, 1977

Honorable Ray Blanton
Governor of Tennessee
Memphis, Tennessee 37219

Dear Governor Blanton:

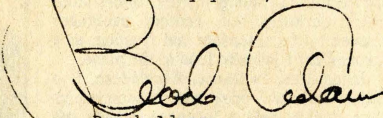
As Secretary of Transportation, I have reviewed in detail the proposal of the State of Tennessee to complete construction of I-40 through Overton Park in Memphis.

As you know, I have met with the proponents and opponents of this project, have personally examined the park, and have reviewed the record.

My decision, as Secretary of Transportation, is to reject the proposal of the State of Tennessee to build I-40 through Overton Park. This proposal of the State of Tennessee does not meet the standards required by the Supreme Court in the case of Citizens to Preserve Overton Park v. Secretary John Volpe.

We will forward to the appropriate State officials the necessary documents through the regular Federal Highway Administration channels. The Federal Highway Administrator and I have discussed this matter and the appropriate officials in FHWA will be communicating with you and other State of Tennessee officials as to what you wish to do with the mileage involved in this project.

Very truly yours,


Brock Adams



By Bill Herrington

Original I-40 Park Plan Was Presented In 1955

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no "prudent and feasible" alternative, as federal environmental laws require.

Adams' predecessors had blocked completion of I-40 through Overton Park but in each instance with the issue still alive.

Cox was critical of previous secretaries of transportation for not having ruled as Adams did. He said the passage of the National Environmental Protection Act which contains the conditions mentioned above, coupled with the later Supreme Court decision, ruled out any intrusion into the park.

A "plaza design" approach estimated to cost about \$33 million was formally presented to Adams on March 24 this year by Blanton and other Tennessee leaders. Adams said a decision would be forthcoming in 30 to 60 days.

Blanton said at that time "no more than 2 per cent" of the people oppose the expressway through the park and urged its completion since "people are being killed and maimed on our highways because of the congestion that it (delay) is causing."

A month later, leaders of the Citizens to Preserve Overton Park met with transportation department officials in Washington and expressed confidence that Adams would not endorse the state's plan.

Cox visited Memphis in May and was shown by opponents of the expressway what a nice walk can be had through Overton Park.

During the same visit, Cox was shown by proponents what a ride of convenience it would be with completion of Interstate 40 through the park.

Cox left Memphis saying he had not formed "an overall opinion" but said he better understood the issues and learned several major points, without specifying what those points were.

He later sent a report to Adams approving the state's plan.

Adams was the fifth transportation secretary to ponder the problem which has been an emotional issue with many residents for more than 20 years.

City officials in Memphis began considering expressways in 1953 which at that time were considered "fads." A plan for interstate development, which included



Cox

Adams

the Overton Park route, was presented to the city in 1955.

The plans were approved in 1956 at the district level by the federal Bureau of Public Roads and the planners began more detailed studies which continued through 1960.

A public hearing required by the Federal Aid Highway Act of 1956 was held in 1961 with the route being justified on the basis of cost versus benefits. Estimates prepared by the planners claimed that the cost in dollars would be less if the route ran through the park.

In the face of vocal citizen opposition, which began in 1956, Volpe granted approval of the expressway in November of 1969.

Shortly thereafter, the Citizens to Preserve Overton Park, which until 1969 had limited its actions to rallies, flyers and lobbying efforts, filed suit in federal court to enjoin Volpe from taking further action.

When a hearing was held for a temporary injunction, the motion was denied and subsequent appeals failed.

The group then obtained a stay of action from the U.S. Supreme Court in late 1970 and that court later remanded the case to the U.S. District Court of West Tennessee for full review of Volpe's approval.

The trial, which lasted weeks, came up Sept. 17, 1971, before U.S. Dist. Judge Bailey Brown and involved not only the Citizens' group but also Mrs. Sunshine Snyder, the National Wildlife Federation and the late William Deupree.

Brown remanded the case to Volpe for

making a route determination in compliance with federal transportation laws.

Volpe then reviewed the entire case, temporarily ruled out federal subsidies for construction of I-40 through the park and suggested several alternatives.

The Federal Highway Administration, an agency of the U.S. Department of Transportation, is charged with approving the state's plans and reimbursing the federal share of the cost — 90 per cent in the case of interstate projects.

The federal government has been involved to an unusual degree in the Overton Park project because federal environmental laws require a finding by the secretary of transportation that there is no "prudent and feasible" alternative before a federal aid highway may be built through a public park.

In December, 1975, Transportation Secretary William T. Coleman Jr. gave the green light to tentative plans for a then

\$119-million cut-and-cover tunnel through the park.

But Blanton said before the decision that the state "couldn't even maintain it" because of the \$3.5 million to \$4 million per year he said maintenance would cost.

He suggested a counter proposal with eastbound and westbound roadways side-by-side rather than stacked and with less penetration of the soil.

In 1976, the state proposed a "plaza design" for the expressway on which Coleman said he would rule before the end of the year. It would include a one-mile roadway through the park depressed and covered at intervals by greenery-covered plazas.

Coleman was replaced in January by Carter-appointed Adams before a decision was made on the state's plan.

If Coleman had ruled in favor of the state's design, it would have reversed one of his own rulings and those of two previous transportation secretaries.

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