

Adams Shifts Ruling; Would Allow Tunnel Under Overton Park

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and LAWRENCE J. JESSE

U.S. Transportation Secretary Brock Adams yesterday weakened last week's stand against an Overton Park expressway and said a cut-and-cover tunnel to carry Interstate 40 traffic under the park could be built.

Under questioning in Washington by Sen. Howard Baker (R-Tenn.) at a subcommittee of the Senate Environment and Public Works Committee yesterday morning, Adams appeared to back off from last Friday's ruling which aides, at that time, interpreted to be the end of the controversy and the park route.

"Senator, if they (Tennessee officials) want to come in and tunnel that park and stay within that busway and ventilate it, then that project can be built," Adams said.

Baker, angered with federal handling of the issue, said: "The people of Tennessee are tired of the federal government dithering around with them."

He urged Adams to take a role of leadership in solving the 22-year-old problem and convinced the secretary to meet with a delegation of Tennessee and Memphis leaders.

The time and place of the meeting was not determined.

Although Adams' remarks yesterday amounted to approval of a cut-and-cover slurry wall tunnel, past remarks by state officials on such a project seem to rule out that design because of cost.

The concept was approved in December, 1975, by Transportation Secretary William T. Coleman Jr. and at that time was estimated to cost \$119 million.

State Transportation Commissioner Eddie Shaw said then the figure would be closer to \$180 million and that the state simply could not afford to pay the required 10 per cent of such a total.

In addition, Gov. Ray Blanton said the state could not even meet the \$3.5 million to \$4 million annual maintenance costs.

"I wouldn't say it (a tunnel) would flood out of the ground, but I would say it would be the world's longest swimming pool," Blanton has remarked on that approach.

Reaction by the state to Adams' statements yesterday was more optimistic than a week ago when Federal Highway Administrator William Cox took the secretary's ruling to mean: "We are through with Overton Park."

William Goodwin, deputy state transportation commissioner, cautiously reviewed his interpretation of yesterday's Baker-Adams exchange.

"It seems to me that we need to get in touch with the federal people in Washington and assess the discussion that was held between Baker and Adams and then decide what we're going to do," said Goodwin, who returned to Nashville after attending the subcommittee hearing.

"Secretary Adams felt there were several of our alternatives not prudent but indicated that he would in fact approve a tunnel using the park route."

Adams' remarks, nevertheless, were drawn out and none too clear.

"I discussed the matter with (Blanton) and he basically indicated to me that the proposal of the state on decking through that park and cutting down a certain number of trees and going by the zoo and all of those things was their bottom line," Adams said.

"And therefore, I did not think that I should reply and say, 'Well, if you tunneled and made it 80 feet wide and used cement slurry walls and thereby used only the busway — and I went down and walked

that busway — and did not take any part of the park, you then could built it."

"Now this would cost well over \$100 million, the estimates vary between \$100 million and \$178 million, and I did not feel that since the State of Tennessee had indicated it did not want to go into that kind of project, I ought to be telling them what they should do with it."

Baker asked if Congress passed legislation providing for a local referendum on how to complete the 3.7-mile gap in I-40, would Adams abide by the results.

Adams said he would, even after Baker made clear that among the options would

be the "plaza design" which Adams firmly rejected only a week ago.

The state proposes, designs and builds federal-aid highway projects. Adams is involved because federal environmental laws provide that before a federal-aid highway project may encroach upon a park, the secretary of transportation must determine that there is no prudent and feasible alternative and that the design minimizes environmental damages.

Environmentalists have fought completion of the state's expressway proposal and were happily declaring victory this week.

Charles F. Newman, attorney for Citi-

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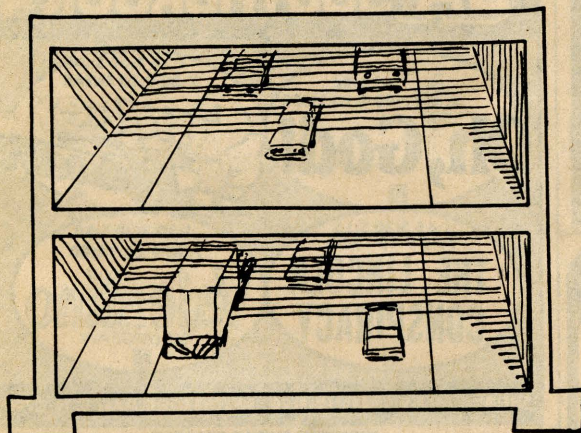
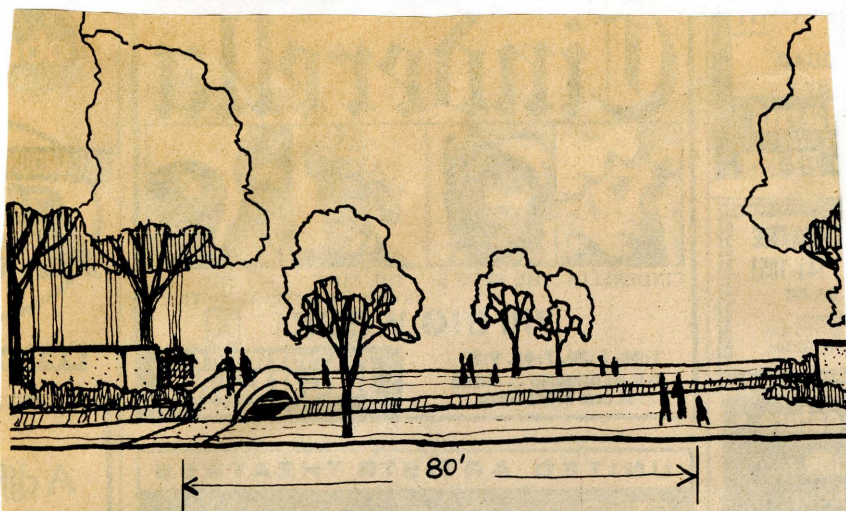
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The Double-Deck Tunnel Route

Adams Would Allow Overton Park Tunnel

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zens to Preserve Overton Park, said last night he still interprets Adams' earlier ruling to close the door on the state's efforts to encroach on the park.

"There's no occasion for us to do anything," said Newman. "The state's proposal has been clearly rejected. It's now up to the state to either come up with an alternative to the use of park land for the highway or to abandon the project.

"It is my understanding that Secretary Adams officially determined last Friday that the state had failed to carry its burden of proving that there is no feasible and prudent alternative. That being the case, no improvement or alteration in the design has any relevance whatever.

"I am confident that the secretary will not alter the decision which he has already made and officially announced."

But State Transportation Commissioner Eddie Shaw said in a news conference earlier this week in Memphis the state has no intention of abandoning the effort to complete the gap and insisted that through the park is "the only feasible way."

Shaw said Monday the state had three options for completing the missing link, though the cut-and-cover tunnel mentioned yesterday by Adams was not included.

He said the state could:

- Study materials on which Adams based his initial rejection of the expressway and modify the state's proposal to fully address Supreme Court environmental guidelines.

- Seek special legislation exempting Overton Park from the 1966 Park Lands Act and the National Environmental Policy Act or seek a special referendum to allow those most affected by an expressway to decide the issue.

- Seek special legislation exempting the segment from interstate funding and build the missing link with state and local money. Shaw said this "is perhaps the most feasible alternative."

The cost to the state and local governments would be \$21.5 million, he said, and would involve building an overpass at the entrance to the zoo.

Shaw also said, however, the choice would result in additional delays and possible lawsuits contesting the constitutionality of such a plan.

He said Adams' initial rejection of the park route implied there is "a feasible