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"Bridwell Denies City Decided On I-40 Route"

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1971

Ask Mr. Newman!
Cep. 3-26-68 - Editor Boyd's statements re Bridwell!

Bridwell Denies City Decided On I-40 Route

(Friday) By MORRIS CUNNINGHAM
From The Commercial Appeal Washington Bureau

WASHINGTON, Jan. 15. — Former Federal Highway Administrator Lowell K. Bridwell Friday declared the federal government did not leave the final decision on routing Interstate 40 through Overton Park to the Memphis City Council.

Bridwell also denied claims he is prepared to testify that City Council did make the decision.

His remarks came in response to statements made by John W. Vardaman Jr., a Washington attorney representing Citizens to Preserve Overton Park and allied conservationist groups. Vardaman told the Supreme Court Monday Bridwell was prepared to give the testimony.

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In an interview, Bridwell was asked about Vardaman's statement, made in the course of oral arguments.

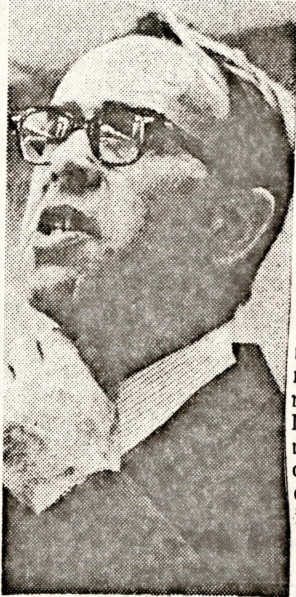
"Was the determination to go through Overton Park delegated to the City Council?" he was asked.

"No, of course not," Bridwell replied.

During the arguments, Justice John M. Harlan wanted to know what Vardaman proposed to show if the high court remanded the case to federal district court in Memphis.

"I would be able to show the Department of Transportation left the decision about the route to the Memphis City Council," Vardaman replied.

Bridwell, now in private business here, expressed surprise at Vardaman's statement and said he had not previously heard about it.



Lowell K. Bridwell
—Staff Photo

made of my meetings in Memphis and no detailed record was made of my presentation to Secretary Boyd.

"Certainly from the standpoint of hindsight the administrative record is not what it should have been.

"I don't see how he could say that, particularly since no one from either side ever has contacted me about this case," Bridwell said. "If he thinks that would be my testimony, I wonder why he has never contacted me.

Advised of Bridwell's reaction, Vardaman declined comment. "I am not going to get into a dispute with Mr. Bridwell in the press."

Bridwell said the determination to go through Overton Park was made by Boyd with Bridwell's recommendation.

He said full consideration was given to federal laws requiring there be "no feasible and prudent alternative" and the project include "all possible planning minimize harm" to the park.

Bridwell said the administrative record, while not as detailed as it could be, is adequate to show pertinent federal statutes were considered and followed.

The condition of the administrative record — the written record of how and why Boyd reached the decision to route I-40 through the park — is a major issue in the case. Vardaman insists it is wholly inadequate. The government says it is adequate thought not all it should be.

The Overton Park decision was made shortly after Congress enacted the requirement that there be "no feasible and prudent alternative" to a park route and that the project include "all possible planning to minimize harm." The Department of Transportation had not yet spelled out and adopted official determinative procedures.

"It is fair to criticize the administrative record, not only of the Overton Park determination, but of other comparable determinations at that point in time," Bridwell said.

"We tried to be fair in carrying out the law but in the sense of a documentation of the record, I probably did not do a very good job of it. For instance, no transcript was

"But the determination was not delegated to the City Council. That, in itself, would have been illegal.

"I very strongly recommended to Secretary Boyd that the previously approved alignment through the park be continued.

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"Of course, it is extremely unfortunate the route goes through the park. It is a beautiful park, exceedingly well developed. But it is a question of what part of town do you want to tear up. It would be fine if one could find an alternative where the consequences are less severe. But the fact is the consequences would be more severe."

Bridwell visited Memphis in April, 1968, at a time when the council was on record opposing the park route. The council voted on March 5, 1968, to ask state and federal officials to reroute the highway around the park or at least along the park's northern border.

He met with councilmen and other officials while in Memphis. The council on April 4 rescinded its resolution amid regrets.

The Supreme Court now has the Overton Park case, rooted in 15 years of controversy, under advisement. A decision could come at almost any time.

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In complete view