

# Rhodes College Digital Archives - DLynx

## "Expressway Case Back in Court"

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# Memphis Insolubles? 1/29/74

It would seem, after a certain length of time, that one might grow accustomed to living with two of Memphis' major and well-nigh insoluble problems:

But it just ain't so!

No matter how many times stories appear about the Overton Park "vexway" and the city's millions of dollars worth of uncollectable traffic tickets, we are still struck with the preposterous absurdity of those situations whenever there's a new story on either subject.

To an outsider, the frustrations of Memphians and their inability to solve these problems must seem as droll and ridiculous as some of Alice's adventures in Wonderland.

Our reaction is one of bewilderment, sadness and a bit of outrage.

\* \* \*

Imagine the thoughts of a person arriving yesterday in Memphis to take up residence and reading of the accumulation of more than 400,000 traffic tickets worth more than \$4,000,000 if they were paid.

The traffic ticket story referred to numerous instances of motorists who had allowed their tickets to pile up without paying them.

It doesn't take a crystal ball to tell us what question an outsider would ask about that situation. It's the same question which obviously occurs to us — and to which it is difficult to obtain a reasonable answer: Where is the breakdown in the

system that allows any individual to accumulate as many as 97 tickets, 87 tickets, 63 tickets?

Surely, it must take a good while for any one person to amass such a pile of tickets. How does it happen?

We believe that the reactions of the average citizen, on getting a traffic ticket, are those of regret, a bit of alarm, and an eagerness to pay it off and get it behind him as quickly as possible.

The courts and City Council could do something about this situation. David Vance, chief clerk of City Court, said Traffic Violations Bureau personnel had tried to pull license numbers of those with large accumulations of tickets so summonses could be issued — "But we're short of personnel, and we just haven't been able to handle many of them."

If the answer to this ludicrous, tragicomic situation is as simple as that, why aren't more personnel hired? Let's get this crazy problem out of the way!

\* \* \*

As to that "dream" of a minimal (about a mile) stretch of expressway through Overton Park, a comparatively small group of people obstructs the wishes of the great majority of Memphians more effectively than the Berlin Wall holds back East Germans from freedom. The matter remains in the courts, where it has been for years, and there's no telling when the issue will be settled.

*file*  
[Note - p. 205!  
Anna S. sent me these. She also told me, via phone, that on Jan. 31, P.S. ran in Final, on page 1, the article with headline "Expressway Case Back in Court." In Mid-South ed., same item appeared on p. 30. In Home Edition (which I now have) did not appear at all! (In Final, it was in right lower quarter p. 1)

## Bulletin

The fight over construction of the six-lane interstate highway through Overton Park was before the Sixth U.S. Court of Appeals in Cincinnati again today. Arguments centered around whether Secretary of Transportation John A. Volpe was obligated to decide where the highway should be built after rejecting a plan to build it through the park. The Court of Appeals took the case under advisement after hearing arguments.

*p/s*  
1-30-74

*wed.*  
Home edition on 1-30-74

(The hearing report was not in the Home edition of 1-31-74 (Thurs))

# Expressway Case Back in Court

The Overton Park expressway case was awaiting decision today on whether a former U.S. secretary of transportation should have determined a route for Interstate 40 through Memphis when he vetoed a plan to build it through the park.

The three-judge panel of the Sixth U.S. Circuit Court of Appeals took the case under advisement after hearing arguments yesterday.

The issue being debated by attorneys in the Cincinnati courtroom was whether former Secretary of Transportation John A. Volpe was obligated to decide where

the six-lane interstate highway should be built when he rejected the Overton Park route.

Volpe had originally approved construction through the park in late 1969, but after a series of legal moves which took the case to the Supreme Court, he reviewed his decision and on Jan. 18, 1973, refused federal funding.

John W. Vardaman, attorney for Citizens to Preserve Overton Park, Inc., told the judges:

"We think he (Volpe) adequately explained why he decided against the park route

... and the record supports this. This controversy should be terminated."

J. Allen Hanover, however, arguing for the Tennessee Department of Transportation, said Volpe's refusal to designate a route for the interstate had completely "stymied the highway department."

"We're at a standstill," he said. "We can't build the road."

Hanover was questioned repeatedly by Judge Anthony J. Celebrezze about whether the highway department had presented alternate plans to the Overton

Park route after Volpe rejected that plan.

Hanover said it had not done so because highway department officials felt that Volpe had already been required to make that decision.

In his closing statement Vardaman said:

"The state is only stymied in building a highway through the park. The state could have filed an application with the secretary for one of the alternate routes, but it hasn't done so."

The other two judges were Paul C. Weick and John W. Peck.

*Mem - Cincinnati Memphis 1-31-74 p. 30 Mid-South*

*Mid-South edition*