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Stunned State Officials Are Groping For Next Turn In Expressway Maze

By WILLIAM BENNETT

From The Commercial Appeal Nashville Bureau

NASHVILLE, Jan. 19. — State officials, most expressing shock and bitterness, seemed at a complete loss Friday to indicate any firm plan in reaction to Transportation Secretary John A. Volpe's decision to rule out a partially depressed routing of Interstate 40 through Overton Park.

"I don't think there is a practical alternative (to the rejected plan), and this would leave the City of Memphis with the circumferential but no cross-town expressway," ventured Atty. Gen. David Pack.

Volpe's decision was an especially bitter one for the state's top legal officer, who, in addition to the role he now plays in the impasse, personally fought the battle for the Overton Park link during his tenure as state highway commissioner from 1963 to 1967.

"It's the day of the little old ladies in tennis shoes," he said gloomily, expressing the informal opinion that the state has run out of legal options in the case.

He cut short any idea of building the link, as it had been planned, entirely with state money on grounds that a

go-it-alone approach tried in a similar situation in Texas was blocked by federal courts.

Robert Smith, state transportation commissioner, who earlier had expressed dismay at the decision, Friday appeared to be trying to regroup his forces, many of whom were busily gathering statistical data.

The delicacy of the question was pointed up by the absence of Smith from his office Friday — a secretary said he could not be reached — and his injunction to subordinates not to discuss the situation.

Volpe's ruling left the apparent main alternatives as new routings either north or south of the park or the present routing modified to put the Overton link entirely under cover.

Officials were left without so much as an accurate guess — considering the spiraling costs of inflation — as to how much money the alternatives would entail.

One said the extra funds needed would run into the tens of millions of dollars and estimated a cut-and-cover tunnel would run up the price by 40 to 50 million dollars.

A bored tunnel — assuming one is even feasible in the ground there — might raise the cost by more than 100 million.

There was not even available here Friday an accurate estimate of what the rejected Overton Park route would have cost, though guesses ranged from 10 to 12 million dollars.

Meanwhile, in Washington, Volpe explained in detail why he felt compelled to reject a plan he previously had approved.

Volpe approved the partially depressed design in November, 1969, and later, as head of the Department of Transportation, supported it in litigation in the courts.

"During the interim since my original action," he said, "the National Environmental Policy Act has been passed and signed into law . . . (adding) new requirements for consideration of environmental effects of highway projects . . ."

"In addition, the Supreme Court, in its decision on this (Overton Park) project (March 2, 1971), held that protection of parkland was to be given paramount importance' and that public parks were not to be lost unless

there were truly unusual factors present' or 'the cost of community disruption resulting for alternative routes reached extraordinary magnitudes.'

"Each of these new developments has weighed in my deliberations.

"On the basis of the record before me and in light of guidance provided by the Supreme Court, I find that an interstate highway as proposed by the state through Overton Park cannot be approved.

"On that record I cannot find, as the statute requires and as interpreted by the courts, that there are no prudent and feasible alternatives to the use of parkland . . . nor that the existing proposal would comply with Federal Highway Administration standards on noise."

State and local officials plan to meet next week to discuss what moves can be taken in the wake of Volpe's ruling, Mayor Wyeth Chandler said Friday in Memphis.

"We hope to have a meeting the latter part of the week to see if we can't move forward. We want to see if it's legally possible to move forward as planned with state funding primarily," he said.

CA.

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