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State's Overton Appeal May Go To Congress

By WILLIAM BENNETT

From The Commercial Appeal Nashville Bureau

NASHVILLE, Feb. 7.—Tennessee will seek an act of Congress that would clear the way for passage of Interstate 40 through Overton Park in Memphis.

The go-ahead for the new approach—which in some respects resembles the means by which the Alaska Pipeline was approved over the objections of environmentalists—was given Friday by Gov. Ray Blanton.

The governor, sitting in on a meeting with state transportation officials for a discussion of the Overton Park stand-off, seized immediately upon the congressional idea, which was suggested by Memphis attorney J. Alan Hanover, special counsel to the Transportation Department.

"Let's take the act of Congress route," Blanton said. "We've got to get some relief down there."

The chief executive, who said he wants every avenue for resolving the I-40 impasse explored because he considers completion of the highway "a must," told others at the session he personally would contact members of the Tennessee congressional delegation and congressional committee members.

Hanover had described specific authorization by Congress for the long-

disputed expressway link to go through the park as the "fastest, most expedient and most economic" method.

However, the special counsel said the state should not abandon its plan to try to persuade incoming U.S. Transportation Secretary William T. Coleman to approve the park routing.

In fact, he recommended that state Transportation Commissioner Eddie Shaw seek a conference with Coleman to discuss the situation, saying Tennessee officials would not want to take a

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chance of "turning this man away from you or going behind him."

Hanover said the proposed congressional bill should be carefully drawn and designed to exempt the park route from federal environmental protection legislation. He said the bill could point to the great social, defense and safety aspects of the park link and note that the "whole system in Memphis won't work unless this is done."

Even were the new transportation secretary to rule favorably on the proposed park route, Hanover said, there probably would be another court battle waged by environmentalists, not to mention the necessity of preparing a new environmental impact report and conducting public hearings. All that, he said, could further delay the project by two years or more.

Though details were not resolved during Friday's hour-long meeting, Hanover appeared to lean toward drafting the bill with the earlier, partially depressed expressway link in mind. Such a design would cost about \$17.6 million.

Transportation Department Planning Director Ray Terrell questioned whether Congress would not be more inclined to accept an alternative cut-and-cover design.

Hanover said persuading Congress was not his responsibility—though he would do what he could—but observed cut-and-cover would cost more, at least \$178.4 million.

"I just don't believe you'd ever sell the Congress on the original design," Terrell said.

However, Development Engineer R. C. Cole said it would be difficult to justify the cost difference "to save a few trees."

Hanover told the officials that after the depressed roadway had been in use for a year, people would be accustomed to it and it would not detract from the park.

The attorney cited massive amounts of data that have been accumulated since the Overton Park litigation started which could be used to help Congress make a decision, and said a big selling point would be U.S. Dist. Judge Bailey Brown's initial determination that the partially depressed design

would do a minimum of harm to the park.

Former U.S. Transportation Secretary Claude Brinegar, who went out of office Jan. 31, rejected the partially depressed design, but ordered a department study of three potentially acceptable alternatives offered by the state last year.

Those alternatives are the park cut-and-cover approach, a route north of the park using a cut-and-cover tunnel under North Parkway, and not completing the 3.7-mile interstate gap at all.

Under federal environmental laws—which would be suspended in the case of Overton Park in the legislation envisioned—the transportation secretary must find there is no "prudent and feasible" alternative to sending a federal aid highway through a public park.

But Hanover said if there must be a revised environmental impact study completed, plus public hearings, before Brinegar's successor can make a determination, "he would almost be out of office before it got back to him."