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Park Routing Called 'Legal But Unwise'

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By MICHAEL LOLLAR

A former assistant secretary of transportation testified in federal court yesterday the decision to route Interstate 40 through Overton Park was "legal but unwise."

James D. Braman, assistant secretary in charge of urban systems and environment, served from April, 1969, to October, 1970, under Secretary of Transportation John Volpe.

A former mayor of Seattle, Wash., Mr. Braman said that when Mr. Volpe became secretary of transportation, the decision to route the highway through the park had been "foreclosed" by the previous secretary, Alan S. Boyd.

However, he said had he been in his boss' position, "I would have vigorously opposed it."

Mr. Braman characterized Secretary Volpe as a "dedicated public servant. He had an image, whether good or bad, as a highway paver. But, he had a great deal of integrity."

He said Mr. Volpe's decisions concerning Interstate 40 were primarily related to the design of the highway. "I don't recall ever being asked to review the location of the route."

United States Atty. Thomas F. Turley Jr., representing the federal defendants in the 22-day-old trial, asked Mr. Braman: "Do you feel Secretary Boyd's decision was unwise or illegal?"

"I would say he made a legal decision. And, I would say he made an unwise decision. My opinion would have been that there were other feasible alternatives."

United States Dist. Judge Bailey Brown then asked Mr. Braman: "Do you think Secretary Boyd's decision was arbitrary and capricious?"

"I feel Secretary Boyd felt there were no feasible and prudent alternatives."

"Then," asked Mr. Turley, "do you think other reasonable men might have reached that same decision?"

"Only if they're not indoctrinated with the whole new philosophy throughout our land to

try to save the good things in life," Mr. Braman replied.

John W. Vardaman, attorney for the Citizens to Preserve Overton Park and other plaintiffs, questioned Mr. Braman about a case involving construction of a highway in San Antonio, Texas.

Secretary Volpe had testified by deposition earlier in the trial, and Mr. Vardaman contended that in his testimony Mr. Volpe confused the facts of the San Antonio case with those of Overton Park.

In his deposition, Mr. Volpe had also stated that Mr. Braman visited Memphis to look at Overton Park on three occasions.

J. Alan Hanover, special counsel for the state highway department, objected: "If there is such testimony in Mr. Volpe's deposition, he also pointed out in the deposition that he frankly didn't remember the details of the Overton Park situation and others.

"Besides, in this case they (the plaintiffs) are trying to show that Secretary Volpe was arbitrary and capricious when he approved the route in 1969, not that he confused the facts in his memory in 1971."

Mr. Braman then defended his former boss; "You have to understand Secretary Volpe. He's a highly nervous man. He sometimes takes things home and reads until 2 or 3 o'clock in the morning, then gets into the office at 7 a.m. He goes like a machine. I'm confident he was confused.

"I don't want to impeach his

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Braman Prefers Summer Route

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testimony, but, for instance, in his deposition he said I visited Memphis two or three times. I didn't. Today is my first visit."

Mr. Braman said, however, he did send a staff member to Memphis to look at Overton Park.

"What was the impression of your deputy after he looked at the park?" Mr. Vardaman asked.

"If the ladies will excuse me, this is what he (the deputy) said to me: 'This is one of the worst rapes I've ever seen of a public park.' That is exactly what he said."

Mr. Hanover then asked Mr. Braman if he felt an alternate route utilizing the L&N Railroad right-of-way north of Overton Park would be feasible.

"No. It (the L&N alternative) just looks like another gerrymandered route that takes the road all over hell's half acre."

The plaintiffs have claimed an L&N route would be feasible, in order to save parkland, but Mr. Braman said he would prefer a route which runs north of the park parallel to Summer and North Parkway. That route would cut into the southern edge of the Southwestern campus.

"You have no personal knowledge of Memphis whatever, do you?" Mr. Hanover asked.

"None whatsoever."

"Well, on that basis you are saying you just like parks better than universities, aren't you?" Mr. Hanover asked, "especially one (a university) you've never seen?"

"I wouldn't say that. Engineers are able to solve problems like this, given the expertise and the money to do it."

"But, in this case members of the Federal Highway Administration had bull sessions where they would sit down and say 'You can't go through here. Look at all those homes in that residential area. It's easier to go through a park,'" Mr. Braman said.

He claimed state and federal highway engineers have a tendency to take the shortest route possible, "a straight line in most cases, like the one through Overton Park. I'm sure the alternatives are feasible and capable things. But, they cost money; that's all. They just cost money."

Later, Mr. Hanover recalled William S. Pollard at the plaintiffs' request. Formerly partner in charge of Harland Bartholomew & Associates, Mr. Pollard is now president of his own planning firm in Memphis.

The plaintiffs contend that a proposed interchange for I-40 bordering on Overton Park at East Parkway could be moved away from the park to the north, and, thus, accommodate an alternate route to the north of the park.

Mr. Pollard said, however, that interchanges are built to serve areas of high traffic use and that if the East Parkway interchange were relocated to the north it would overlap existing heavy traffic use areas. "I consider it derelict to be giving (traffic use) options to people where there is no need," Mr. Pollard said.

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