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Lewis Says He Believes I-40 Design Will Minimize Overton Park Harm

By MICHAEL LOLLAR

The executive director of the Memphis Park Commission indicated in federal court yesterday he feels the design of Interstate 40 through Overton Park incorporates all reasonable planning to minimize harm to the park.

"My opinion," said H. S. 'Hal' Lewis, "is that the route has been decided and we (the park commission) have done everything we can to prevent it and we have given up and we are cooperating now."

United States Atty. Thomas F. Turley Jr., representing the federal defendants in the case, asked him, "Can you think of anything that could have been done or could now be done to minimize damage to the park...?"

"I can't think of a thing, since it is coming through, that could be done to minimize the damage. No, sir," Mr. Lewis said.

Earlier, Donald G. Couch, terminal trainmaster for the L&N Railroad, testified that if I-40 were routed along the L&N right-of-way the railroad would have to purchase a new right-of-way somewhere else in the city. His testimony implied that the L&N Railroad would not be able to route its trains along existing tracks south of Overton Park since a train route using those tracks would be about 20 miles longer than the present right-of-way.

The Citizens to Preserve Overton Park and other plaintiffs have contended that L&N should sell its right-of-way to allow construction of I-40 in an arc over the north of the park. They maintain L&N could use tracks belonging to the Union Pacific and Illinois Central railroads, among others, which run south of the park.

Mr. Lewis testified under direct examination by Charles F. Newman, an attorney for the plaintiffs, that it would be possible to depress the highway entirely through Overton Park. But, he said City Engineer Thomas Maxson convinced him total depression would be "very expensive and hazardous," since a siphon would have to be used to direct Lick Creek under a depressed highway.

Mr. Newman asked: "In reaching the conclusion that there were no feasible and prudent alternate routes going around the park, did you consider the special unique value of Overton Park?"

"Yes," Mr. Lewis said. "That is the reason we got considerably more than the appraised value on the thing."

The state paid the city two million dollars for 26 acres of the park plus an additional \$200,000 to pay for improvements to minimize harm to the Overton Park Zoo, directly north of the right-of-way.

The two-million-dollar purchase price for the right-of-way was committed by city ordinance to the purchase of additional parkland. The city used half the money to buy the 160-acre Fox Meadows Golf Course.

Mr. Newman maintained in his questioning that the city lost one million dollars in matching funds from the Department of Housing and Urban Development by buying the golf course. "Is it not true," he asked, "that HUD guidelines provide that no matching grants will be available in the case of the purchase of an already developed golf course?"

"Yes," Mr. Lewis said.

"So, doesn't it follow that by spending that one million dollars for Fox Meadows instead of buying some other land and developing a golf course the city lost an opportunity to get a matching grant of one million dollars?"

"They may have lost an opportunity to get a matching grant on another piece of property," Mr. Lewis replied. "But, the money that it would cost to start from scratch and develop another golf course would eat it up. That was investigated by the park commission."

Mr. Newman also asked him

why he has changed his original position opposing the park route for I-40.

"We never did change our position," he said. "The only thing was we figured it was a losing battle. We had lost... we would still rather not see the expressway come through there, but we have accepted the money now and we have got to go along with it."

C. S. Harmon, director of research and planning for the Tennessee Highway Department, later attacked contentions by the plaintiffs that the design of I-40 does not meet minimum federal standards.

Michael Lackner, an attorney for the plaintiffs, has argued the highway will not be able to handle the volume of traffic which will use it within 20 years. Mr. Harmon said, however, the highway department is constantly updating its traffic volume studies taking into account increasing usage.

"Local city streets are not now totally developed, the northern circumferential expressway (I-240) is not complete and I-40 is not complete." He said streets and highways are designed to work together, and that future completion of "other" highways would relieve the traffic volume on I-40.

The trial is to enter its 21st day of testimony at 9:30 this morning, with the highway department presenting as its first witness Robert C. Odle, a development engineer with the highway department.



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