

The original documents are located in Box 17, folder “Highways (3)” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

September 3, 1976

Transp.
8 AM.
Ale
Mosh

MEMORANDUM FOR: JIM CANNON
FROM: JUDITH RICHARDS HOPE
SUBJECT: I-66 Controversy

Rather for

On August 30, Secretary Coleman announced that he would hold another hearing on Saturday, October 2 on the controversial I-66 case. As you know, Governor Godwin (R-VA) feels very strongly in favor of the completion of this segment of the Interstate which would like the Theodore Roosevelt Bridge with the Washington Beltway (I-495).

Residents of Arlington, whose backyards and neighborhoods are in jeopardy are strongly opposed, with less vocal opposition coming from the District of Columbia and Interior.

In conversation with DOT today, I was told unofficially that the Secretary could make this decision shortly following this October hearing, possibly before the first of November.

9/8
Jim Cannon
No let
not get into next
market
of competing interests
SB



THE WHITE HOUSE
WASHINGTON

September 15, 1976

MEMORANDUM FOR:

JIM CANNON

FROM:

STEVE McCONAHEY

SUBJECT:

Response to Alaskan
Highway Proposal

pending
Don.
Mr. [unclear]
Steve's comment
separately
from Domestic
Comm.
SM
[Signature]

I recommend option #2.

First, I feel this is a Federal problem given the nature of the pipeline project and its benefit well beyond the boundaries of Alaska.

Secondly, I believe ample evidence is already available (in a draft of the final report) for DOT to determine the actual need for road repair. To say we have to wait until September 30 and thereby preclude the possibility of Congressional action is unacceptable when the findings are already available. Moreover, this action would be perceived as a bureaucratic excuse.

Thirdly, I think a loan will solve the cash flow problem of Alaska, and yet secure the Federal Government's commitment against a clearly established future cash flow. (It is important to note that Alaska is not asking for a free ride).

In sum, I believe this is a real problem where we have an obligation to try to help and where we can act responsibly. Furthermore, I feel Governor Hammond has approached us directly and fairly on this matter and we should do our best to help him.

Attachment

cc: Judy Johnston



THE WHITE HOUSE
WASHINGTON

9/13/76

TO: STEVE McCONAHEY

FROM: JIM CANNON

Jim
I think the President's Special
Assistant for Intergovernmental
Relations ought to look at this
too and give me judgment.

his



THE WHITE HOUSE
WASHINGTON

September 10, 1976

MEMORANDUM FOR: PHIL BUCHEN
ROBERT T. HARTMANN
JACK MARSH
MAX FRIEDERSDORF
ALAN GREENSPAN
JIM LYNN
BILL SEIDMAN

FROM: JIM CANNON *J Cannon*

SUBJECT: Financial Assistance for Alaskan
Highways

This is to solicit your comments on the attached draft decision memorandum on the question of Federal financial assistance for Alaskan highways damaged by heavy traffic supporting the Pipeline construction.

I would appreciate having your comments by Wednesday, noon, September 15.

Attachment



Transp.

NEW YORK CITY--WEST SIDE HIGHWAY
(Interstate 478)

Question

Mr. President, the West Side Highway in Manhattan has been closed down for over two years. The City has asked the Federal Government for funds to repair the highway but nothing has happened. What do you intend to do about this?

Answer

I am well aware of this serious problem. Something must be done about it. As I understand it both State and local officials support the rebuilding of the highway. A final Environmental Impact Statement was submitted to the Federal Highway Administration within the last two weeks. Assuming that it has nothing adverse in it, Secretary Coleman has stated that DOT will support rebuilding the West Side Highway.

Last Saturday (October 9) Secretary Coleman talked with Senator Buckley on this issue. He indicated that as soon as the Environmental Impact Statement is approved, DOT will support the rebuilding of the highway which the citizens of New York, the Governor, the Mayor, and Senator Buckley so strongly favor.

Background

In December 1973, a section of the West Side Highway collapsed, Most of this highway, from 42nd Street to Brooklyn Battery Tunnel in New York City was closed. The City has had a request for Federal funds pending and two weeks ago, the City submitted its final Environmental Impact Statement with Federal regional highway officials. Governor Carey, Mayor Beame, and Senator Buckley have urged funding for a new highway, the "Westway" project, which would build four to six lanes on land fill and abandoned West Side piers in New York. The total estimated cost is \$1.17billion, of which the Federal Government would pick up 90%. Congressperson Abzug, as well as some West Side community groups, are working to have any Federal highway funds approved be transferred to mass transit, rather than used to rebuild the highway. On August 6, 1976, Secretary Coleman indicated to Mayor Beame and other New York officials that he would seriously consider the City's views and act as quickly as he could after receiving the final Environmental Impact Statement (now due to reach him in 30 days). On Saturday, October 9, 1976, Secretary Coleman indicated to Senator Buckley that the overwhelming view of the people on New York as indicated through their elected representatives, was to rebuild the highway. Therefore, assuming a favorable Environmental Report, he was inclined to approve the highway funds, and support implementing legislation as needed.

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in
Federal
Shore

Question

Mr. President, the West Side Highway in Manhattan has been closed down for over two years. The City has asked the Federal Government for funds to repair the highway but nothing has happened. What do you intend to do about this?

Answer

I am well aware of this serious problem. I have been talking about it. As I understand it, both State and local officials support the rebuilding of the highway. A final decision will be made in the next few weeks. Assuming that it is not possible to get the highway reopened, it is stated that DOT will be providing the West Side Highway.

Port Authority

(kept open)

Talk to

Whitney

10-12-78

THE WHITE HOUSE
WASHINGTON

INFORMATION
Your Request

1976 OCT 14 AM 7 17

October 13, 1976

File

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CANNON

FROM: JUDITH RICHARDS HOPE *JRH*

SUBJECT: New York: West Side Highway
Status of State/City Application

In accordance with your request for information, Secretary Coleman's office advises that the status of this highway is as follows:

1. The required Environmental Impact Statement was filed by New York about two weeks ago in the regional DOT office. DOT here has a copy of it, but their action awaits final processing by the region.
2. With respect to tearing down dangerous sections of the existing highway, DOT has already prepared a "negative declaration"--that is a statement that demolition will have no adverse environmental impact. This statement is due to be approved by New York officials today; the State expects to let two contracts for demolition within two to three weeks.
3. Assuming the Environmental Impact Statement on the "Westway" highway is favorable, Secretary Coleman is inclined to approve the project in accordance with the strong desires of the people of New York, as expressed by Governor Carey, Senator Buckley, and Mayor Beame.

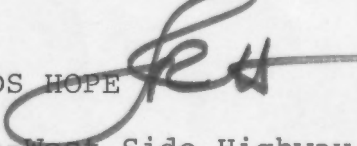


101404

*Transp.
Highways*

THE WHITE HOUSE
WASHINGTON

October 21, 1976 1976 OCT 21 PM 12 58

MEMORANDUM FOR: JIM CANNON
FROM: JUDITH RICHARDS HOPE 
SUBJECT: New York City--West Side Highway

In accordance with your request, I attach: a "Q and A";
background; and talking points on West Side Highway.

Attachment



THE WHITE HOUSE
WASHINGTON

October 21, 1976

1976 OCT 21 PM 12 58

MEMORANDUM FOR: JIM CANNON
FROM: JUDITH RICHARDS HOPE
SUBJECT: New York City--West Side Highway

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On October 9, Secretary Coleman talked with Senator Buckley on this issue. He indicated that as soon as the Environmental Impact Statement is approved, DOT will support the rebuilding of the highway which the citizens of New York, the Governor, the Mayor, and Senator Buckley so strongly favor.

On October 12, I stated to a group here in New York that I will do everything I can to support the rebuilding of the highway, as soon as the Environmental Impact Statement is cleared.

As for demolishing dangerous sections of the existing highway, closed since 1973, the Regional Federal Highway Administrator is now completing the checks and forms to permit demolition to begin. Secretary Coleman has told me that he hopes the contracts will be signed for the first stage of demolition within 30 days.

JRH
10/21/76



WEST SIDE HIGHWAY

BACKGROUND

In December 1973, a section of the West Side Highway collapsed. Most of this highway, from 42nd Street to Brooklyn Battery Tunnel in New York City was closed.

The new West Side Highway or "Westway" in Manhattan is a 4-mile, \$1.17 billion project to be constructed largely on new landfill and is proposed to replace the closed and deteriorated existing facility. It has the endorsement of Governor Carey and Mayor Beame, but is involved in litigation and subject to much controversy. Congressperson Abzug and some community groups oppose it.

The Federal share of construction is 90 percent, or \$1.04 billion. Assuming good environmental impact statements, Governor Tiemann, head of the Federal Highway Administration, and Secretary of Transportation Coleman have indicated support for both:

- demolition of the deteriorated old highway; and
- construction of the new highway.

With respect to demolition, DOT has already prepared a "negative declaration"--that is a statement that demolition will have no adverse environmental impact. This statement is in the hands of New York highway officials. As soon as it is cleared and reaches Washington, DOT will expedite the processing. Note: Federal Highway officials expect a lawsuit in the next few days to enjoin demolition.

With respect to building a new highway, DOT expects to receive the final Environmental Impact Statement in mid-November. They will, again, expedite processing, but delays in final approval of at least a year are expected because of:

1. The stringent environmental requirements under the National Environmental Policy Act (NEPA), and the Council of Environmental Quality Clearing process (CEQ);
2. Environmental Clearance by the Corps of Engineers to permit fill in the Hudson River; (the Corps of Engineers has notified DOT that it anticipates it will take 2 years to process the required permit.
3. Numerous pending lawsuits.



WEST SIDE HIGHWAY
NEW YORK CITY

TALKING POINTS

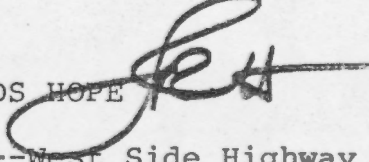
1. I support the rebuilding of the West Side Highway, assuming the final environmental impact statement is acceptable.
2. When I rode and drove that highway 35 years ago, it was old and broken down. It should have been replaced long ago.
3. Those portions of the existing highway that have been closed, that are crumbling and dangerous, should be demolished. I have instructed Secretary Coleman to process the paperwork and release Federal funds for demolition as quickly as possible.
4. I expect that the first demolition contract, estimated to cost \$1.5 million, will be approved within 30 days.
5. Demolition is expected to take a year, and cost \$3.0 million.
6. By the time demolition is completed, and assuming the environmental impact statement is approved, we will be ready to roll with funds to rebuild the highway.
7. The new highway will cost about \$1.17 billion, of which \$1.04 billion will be from the Federal Government.
8. This money will fund more than 100,000 jobs.
9. It is expected to take 10 years to complete the new highway; I hope we will all be here in 1987 to cut the ribbon and open it.



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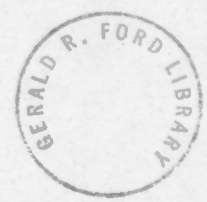
THE WHITE HOUSE
WASHINGTON

October 21, 1976

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10/21/76



NEW YORK CITY

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WEST SIDE HIGHWAY
NEW YORK CITY

TALKING POINTS

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THE WHITE HOUSE
WASHINGTON

10/29/76

1976 OCT 29 PM 1 44.

TO: JAMES CANNON
FROM: Max Friedersdorf's ofc.

ATTACHED TELEGRAM FOR HANDLING ASAP. (No letter acknowledging receipt has been sent to the Senator. Attached is a copy of Joe Jenckes 10/28 letter to the Senator acknowledging receipt of his 10/25 letter on the Overton Park Interstate. That letter was sent before the Senator knew of the DOT Secretary's action. The 10/25 letter was sent to you for further handling.)

cc with inc. to Jim Connor, fyi.
cc with inc. to Jim Cavanaugh, fyi.

10-29



The White House
Washington



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3 WHB020(1609) (2-041140E302)PD 10/28/76 1609

4 ICS IPMBNGZ CSP

1976 OCT 28 PM 5 54

6 6153835476 TDBN NASHVILLE TN 222 10-28 0409P EST

7 PMS PRESIDENT GERALD FORD

9 WHITE HOUSE DC

10 I WAS ALARMED AND DISAPPOINTED BY NEWS REPORTS THAT SECRETARY OF
11 TRANSPORTATION WILLIAM COLEMAN HAS DISQUALIFIED HIMSELF FROM RULING
12 ON THE PROPOSAL TO COMPLETE INTERSTATE 40 BY A ROUTE THROUGH MEMPHIS
13 OVERTON PARK, A PROPOSAL THAT HAS BEEN ON THE BOOKS FOR ALMOST
14 TWENTY YEARS ACCORDING TO THESE REPORTS, SECRETARY COLEMAN HAS
15 DELEGATED THIS DECISION TO AN AIDE BECAUSE THE SECRETARY'S DAUGHTER
16 HAS RECENTLY BEEN HIRED BY A LEGAL FIRM INVOLVED IN THE LITIGATION
17 SURROUNDING THE OVERTON PARK CONTROVERSY. THIS ACTION IS TOTALLY
18 UNACCEPTABLE. FROM THE BEGINNING, THE OVERTON PARK CONTROVERSY HAS
19 BEEN HIGHLIGHTED BY ONE BUREAUCRATIC BUNGLE AFTER ANOTHER. FOR
20 SECRETARY COLEMAN TO BUCK THIS POSITION ON THE VERY EVE OF DECISION
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MAKING MUST CERTAINLY SEEM TO THE THOUSANDS OF MEMPHIAMS CONCERNED ABOUT THE COMPLETION OF I-40 A CRUEL ABDICATION OF RESPONSIBILITY AND JUST ANOTHER EXAMPLE OF THE BUREAUCRATIC SHUFFLE. A FURTHER DELAY OF AN OVERTON PARK DECISION MUST NOT BE ALLOWED TO HAPPEN. SECRETARY COLEMAN SHOULD BE IMMEDIATELY ENCOURAGED TO STAY ON THE JOB AND MAKE THE DECISION TO COMPLETE THE HIGHWAY AS SOON AS POSSIBLE. ONLY A CABINET OFFICER SHOULD HAVE THE AUTHORITY TO MAKE THIS DECISION. A RESOLUTION OF THIS CONTROVERSY BY ANY OTHER OFFICIAL WOULD ONLY INCREASE THOUSANDS OF TENNESSEAN'S ALREADY PERVASIVE MISTRUST OF AND CYNICISM ABOUT THE WASHINGTON BUREAUCRACY. PLEASE GIVE THIS MATTER YOUR PERSONAL ATTENTION.

UNITED STATES SENATOR BILL BROCK

NNNN



October 29, 1976

Dear Senator:

This will acknowledge receipt and thank you for your October 25 letter to the President, setting forth in comprehensive detail the chronology of construction planning for the routing of Interstate 49 through Overton Park, near the center of Memphis.

Please be assured that your letter will be called to the attention of the President and the appropriate members of the staff at the earliest opportunity. I know that your presentation of this matter will be most helpful to them.

With kindest regards,

Sincerely,

Joseph S. Jencks V
Special Assistant for
Legislative Affairs

The Honorable Bill Brock
United States Senate
Washington, D.C. 20510

JSJ:JEB:VO:rks

bcc: w/incoming to James Cannon for further handling.



Telegram

10/30/76

Overton Park
Transp.

The Honorable William Brock
United States Senate

In response to your telegram, I have today directed the Department of Transportation to resolve the Interstate 40-Overton Park decision without further delay.

I am well aware that Memphis has been concerned about this issue for years, and a resolution of the matter is long overdue.

John Barnum, the Deputy Secretary of Transportation who under the law has the Cabinet level authority and responsibility for this important matter, assures me that he expects to make a final decision before the end of this year.

The People of Memphis deserve an answer, and I will see that Memphis gets an answer.

Warm regards,

Gerald R. Ford
President



THE WHITE HOUSE
WASHINGTON
October 29, 1976

1976 OCT 29 PM 3 14

MEMORANDUM FOR: JIM CANNON
FROM: RUTH DRINKARD *Ruthie*
SUBJECT: Overton Park Summary

BACKGROUND

I-40 is an Interstate highway designed to go through Overton Park in Memphis, Tennessee. The highway controversy began around 1970 under Secretary Volpe.

DOT was sued by the Citizens to preserve Overton Park on the basis of Section 4f of the DOT Act which assures when publicly owned parkland is in question, no feasible alternative must exist. DOT lost this landmark case in the Supreme Court: Citizens to preserve Overton Park vs. Volpe, 1971.

The State later repropoed the same highway to Secretary Volpe, who turned it down. Not long later they raised the same issue to Secretary Brinegar. He requested more information and subsequently left his post before a decision had been rendered.

Tennessee then came to Secretary Coleman soon after he became Secretary of Transportation. Secretary Coleman suggested using a tunnel under the park in their design. After going back to the design table, the State decided against the tunnel for reasons of cost, but did come up with a much improved design proposal of a depressed highway going through the park.

At this point, Secretary Coleman agreed to hold hearings on this project in Memphis.

CITIZENS'S TO PRESERVE OVERTON PARK

The Citizens's to Preserve Overton Park, a party in the previously mentioned Supreme Court case lost by DOT in 1971, have opposed every design of the highway through this park. The attorney for this group is Jack Vardaman of the firm of Williams, Connolly and Califano. This same firm has recently hired Lovida Coleman, Jr., daughter of Secretary Coleman. As a result of this, the Secretary felt some impropriety in handling the case when one of the parties is represented by the firm in which his daughter works.

DECISION

This highway remains controversial and there is substantial opposition to going through the park, as well as substantial opposition to any other alternative, for many homes would then be involved.

Secretary Coleman has passed this decision on to Deputy Secretary John Barnum who regularly substitutes for the Secretary and, according to DOT Counsel, has all of the powers of the Secretary unless the Secretary is exercising them himself. Deputy Secretary Barnum is under strict instructions from Secretary Coleman to carry out the decision process in the same fair, open-minded, public way which Secretary Coleman has previously done.

The public hearing is presently set for November 23 in Memphis and a decision is hopeful before the end of this year.

Note: Deputy Secretary Barnum may be thought by the press to be an adversary of Overton Park, as he was General Counsel under Secretary Volpe and defended Volpe's decision to turn down the highway. However, the Supreme Court case was decided prior to Barnum's arrival at DOT.



THE WHITE HOUSE
WASHINGTON

TO: RUTHIE

FROM: KRIS

Mr. Cannon would like a
summary of the facts within
an hour, please.



10-29



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2 WHB020(1609) (2-041140E302)PD 10/28/76 1609

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THE WHITE HOUSE
WASHINGTON

10/29/76

1976 OCT 29 PM 1 44

TO: JAMES CANNON
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cc with inc. to Jim Connor, fyi.
cc with inc. to Jim Cavanaugh, fyi.



October 28, 1976

Dear Senator:

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Please be assured that your letter will be called to the attention of the President and the appropriate members of the staff at the earliest opportunity. I know that your presentation of this matter will be most helpful to them.

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JSJ:JEB:VO:rks

bcc: w/incoming to James Cannon for further handling.

Memphis 8:15 AM
all day
Roy Kirk
Campa

THE WHITE HOUSE
WASHINGTON

5:15 W.

Wash 8 PM.
Memphis

vs 5:15
B.N.

Brook
Campaign

Brook → Schedule
Earlier Note
at airport



home way back



THE WHITE HOUSE
WASHINGTON

October 30, 1976

PLEASE SEND THIS TELEGRAM
AND SEND A COPY OF IT TO Jim
Cannon

Thank you,

10/30/76

The Honorable William Brock
United States Senate

254 Russell Senate Office Building

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I am well aware that Memphis has been concerned about this issue for years, and a resolution of the matter is long overdue.

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The People of Memphis deserve an answer, and I will see that Memphis gets an answer.

Warm regards,

Gerald R. Ford
President

Transportation

THE WHITE HOUSE
WASHINGTON
December 22, 1976

1976 DEC 22 PM 2 40

MEMORANDUM FOR: JIM CANNON
FROM: JUDITH RICHARDS HOPE
SUBJECT: Westway Highway.

I have checked several times with Secretary Coleman and with his office on the Westway Highway. The environmental statement impact process is proceeding in DOT and Secretary Coleman assures me that he is trying to have the process conducted as expeditiously as possible. As I understand it, he is also talking with David Rockefeller and others from the financial community in New York concerning this project.



THE WHITE HOUSE
WASHINGTON

Date 12/2/76

976 NOV 1 PM 12 24

TO:

Lin Cannon

FROM:

JUDY HOPE

JRH

For your information

For your appropriate handling

For your review and comment

Return to me

Return to file

Return to central files

Comments:

*Herewith: the President's
Commitment on the "Westway"
highway in New York City,
October 12, 1976.*



120205

If I might, I would like to add a very special comment, Nelson, not only for what you have done as Vice President, not only for what you have done for my candidacy and what you are doing in this campaign, but what you have done for our country all of your public life. Nobody will ever surpass the dedication, devotion that has been demonstrated on behalf of his country over the years by our Vice President. And I think not only you here tonight, but the people in the great Empire State and all of us in the other 49 States are deeply grateful for this wonderful public servant, whom I have gotten to know and love and trust, and who I think is super.

Now I would like to express my gratitude to your great State chairman, Dick Rosenbaum, who has a subtle way of suggesting that maybe certain things ought to happen—look at him blush. [Laughter] Well, we will do our best, Dick, to repay you for the first-class job you did in Kansas City.

Needless to say, I have been gratified and deeply impressed by what I have heard and seen here in New York today. I am no judge of how big the crowds are or how enthusiastic the people are because I have never had the privilege of being a candidate in New York State before. But I can tell warmth in the eyes of people, and I can tell by the way they look and feel and speak and yell and get together, we had a great day in Brooklyn today, and I want to thank everybody for it.

As Nelson said, the people of New York City are sorting out some of the most difficult financial problems any city in this country has ever faced. I know it has not been easy for New York City to pull through these financial problems.

During our travels through Brooklyn, Flatbush, I had an opportunity to talk to Senator Javits and Senator Buckley, and I told them as follows: As New York City continues to meet its responsibilities—and I commend them and congratulate them—I strongly favor the continuation of Federal cash flow assistance. It is good for the city, and it is good for the country.

I also added another little comment. I told them I support the rebuilding of the West Side Highway. About 35 or 40 years ago, I was courting a very nice girl, and I used to come down from New Haven and I used to ride and drive on that highway then. It was old and broken down then, and it should have been replaced a long time ago. As soon as the environmental impact statement is ready, we will go ahead. And the second—now this is the good news—I think we sort of put a fire under them. They expect to have that all done in the next 30 days, and you will get the go-ahead signal.

But let me take just a few minutes. When I was here on the Fourth of July to see the Tall Ships, more beautiful sails came to this city, I think, than ever in the history of any city or any nation. There was promise, conviction, and hometown pride. It was clearly demonstrated by any-

body who came to the city on that occasion. And that new spirit—as we flew over in the helicopter or in our aircraft—that new spirit was demonstrated. It was hard earned, and it was well deserved, and I congratulate you all.

Now, it has been 8 weeks since Kansas City. We have come a long, long way, baby. [Laughter] We have the facts, we have the issues, we've got the momentum, and we have 3 more weeks to go to win a great victory for the American people.

I said in Kansas City that we wouldn't concede a single State, we wouldn't concede a single vote; we would campaign from the snowy banks of Minnesota to the sandy plains of Georgia. And we have, and we are going to win on November 2.

I have a firm commitment from Dick Rosenbaum and Nelson and Jack Javits and Jim Buckley that we are going to carry New York with its 41 electoral votes. I have made a firm commitment to Jim Buckley: We are going to help him get reelected to the United States Senate from the State of New York.

It would be very helpful in the next 2 years if we could have a good number of additional Republican Members of the House of Representatives who would stand tall and strong when the tough issues come down, people like Jack Wideler and the others, so do your best in that regard.

I also told you in Kansas City that I was ready and eager to debate Mr. Carter face-to-face on the real issues. I still am—[laughter]—if I can pin him down. We have heard a lot of doubletalk from Mr. Carter, a lot of make-believe mathematics, a lot of fuzzy and contradictory policy proposals. I still don't know where Mr. Carter stands on most issues, and I don't think he does.

One thing is pretty clear: Mr. Carter wants to be President, whatever he has to say to get there. I can sympathize. I understand it when he says he will have to take a few years to study national and international problems and get all of the facts. Let's give Mr. Carter a few more years to prepare himself—[laughter]—but not on the taxpayer's money.

You know what I will do, because you know what I have done for the past 26 months. You know where we were then and you know where we are today—peace recovering from a recession, rebuilding pride in America in its 200th anniversary. You know what I have done as President, despite the partisan obstructionism of a Congress stacked 2-to-1 against me.

We heard before the convention that our party was sick, our party was dying. Now we hear the voters are overcome with apathy and really don't care who wins. I don't believe that. I just don't believe that. The American people do care, they have a clear choice, and our job is to get them to the polls to register their choice for our country.

EXCERPT FROM REMARKS BY THE PRESIDENT
AT
REPUBLICAN FUND-RAISER "SALUTE TO THE PRESIDENT" DINNER

Tuesday Evening, October 12, 1976

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Westside Highway
N.Y.C. -

THE WHITE HOUSE
WASHINGTON
December 22, 1976

12/22/76
No
Response
Necessary
Jim

Dear Senator Brock:

The President has asked me to respond to your letter of October 25, 1976, urging prompt action to approve the Tennessee proposal to construct Interstate Route 40 through Overton Park in Memphis, Tennessee.

As you are aware, Secretary of Transportation Coleman removed himself from the case because of potential appearance of impropriety resulting from his daughter's employment with a law firm that has long been actively involved in opposing the highway. He delegated the matter to Deputy Secretary John W. Barnum, who has full authority under the Department of Transportation. Mr. Barnum assured us that the Interstate 40 proposal was being given priority attention, and that he expected to be able to render a final decision by December 31.

On November 17, 1976, the Department of Transportation received a telegram and a letter from the Tennessee Department of Transportation announcing that the State was temporarily withdrawing the environmental documentation it had submitted in connection with its grant application. Because there was no longer any specific issue for Mr. Barnum to decide, and because of the uncertainty that the State's action created regarding the status and nature of its proposal, Mr. Barnum, with the concurrence of Governor Tiemann, Federal Highway Administrator, concluded that it would not be appropriate for the U.S. Department of Transportation to take any further action with respect to the proposal at this time. Therefore, the public hearing that Mr. Barnum had scheduled to be held in Memphis on November 23 was cancelled.

Sincerely,

James M. Cannon
Assistant to the President for
Domestic Affairs

Honorable Bill Brock
United States Senate
Washington, D.C. 20510





OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

DEC 17 1976

Ms. Judith Richards Hope
Associate Director
Domestic Council
The White House
Washington, D.C. 20500

Dear Ms. Hope:

Enclosed is a draft reply to Senator Brock's letter to the President dated October 25, 1976, concerning Interstate 40 in Memphis, Tennessee. This letter was referred to the Department of Transportation on November 8, 1976.

Sincerely,

Walter A. G. Virkler
A. B. Virkler Legate
Executive Secretary

Enclosure

*Nina: Type in final
for Jim Cannon's signature.
Do not date the
letter.*



DRAFT

Honorable Bill Brock
United States Senate
Washington, D.C. 20510

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Sincerely,

James M. Cannon
Assistant to the President for
Domestic Affairs

THE WHITE HOUSE OFFICE

PRIORITY

REFERRAL

To: Mr. A. B. Virkler Legate
Executive Secretary
Department of Transportation

Date: November 8, 1976

ACTION REQUESTED

- Draft reply for: James M. Cannon, Assistant to the President for Domestic Affairs
 - President's signature.
 - Undersigned's signature.
- Memorandum for use as enclosure to reply.
- Direct reply.
- Furnish information copy.
- Suitable acknowledgment or other appropriate handling.
- Furnish copy of reply, if any.
- For your information.
- For comment.

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

Green Star



Description:

Letter: _____ Telegram: _____ Other: _____

To: The President
From: Senator Bill Brock
Date: October 25, 1976
Subject: Overton Park--Interstate 40 (FHWA)

EXECUTIVE SECRETARIATE
OF TRANSPORTATION
OFFICE OF SECRETARY

By direction of the President:

Judith Richards Hope
Associate Director
Domestic Council

76 NOV 10 PM 2:02
U.S. DEPT OF TRANSPORTATION

October 28, 1976

1976 OCT 29 AM 7 37

Dear Senator:

This will acknowledge receipt and thank you for your October 25 letter to the President, setting forth in comprehensive detail the chronology of construction planning for the routing of Interstate 40 through Overton Park, near the center of Memphis.

Please be assured that your letter will be called to the attention of the President and the appropriate members of the staff at the earliest opportunity. I know that your presentation of this matter will be most helpful to them.

With kindest regards,

Sincerely,

Joseph S. Jenckes V
Special Assistant for
Legislative Affairs

The Honorable Bill Brock
United States Senate
Washington, D.C. 20510

JSJ:JEB:VO:rks

bcc: w/incoming to James Cannon for further handling.

United States Senate

WASHINGTON, D.C. 20510

October 25, 1976

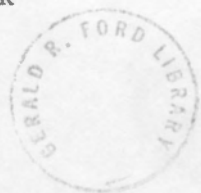
The Honorable Gerald R. Ford
The White House
Washington, D.C.

Dear Mr. President:

me
I wish to bring to your personal attention a situation which has plagued the citizens of Memphis, Tennessee for well over 20 years. This is the matter of completing Interstate 40 through Overton Park near the center of the city. The history of this project is long and involved but I feel compelled to review it for you so that you might understand the frustrations of the great majority of Memphians and the agony as well as the additional cost that another long delay will inevitably cause.

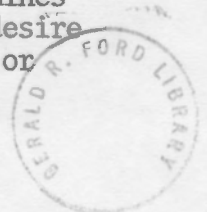
CHRONOLOGY OF OVERTON PARK

- 1953 * City of Memphis undertook comprehensive street program to fully integrate long term traffic needs with feasible traffic patterns.
- 1955 * Plan for routing East-West Freeway - I-40 through Overton Park announced as result of comprehensive street plan.
- 1956 * General location of I-40 through Overton Park approved by District Office of the Federal Bureau of Public Roads.
* More detailed studies undertaken, results prove cost/benefit reasoning for Overton Park routing.
- 1961 * Required Public hearing held to discuss Overton Park Route - route approved.
- 1965 * Bureau of Public Road representatives meet with environmentalists in Washington and Memphis. Federal Officials again endorse Overton Park Route.
- 1966 * Federal Bureau of Public Roads officially approves Overton Park Routing of I-40.
- 1968 * At request of environmental groups Federal Highway Administration (formerly Bureau of Public Roads) reviews proposed Overton Park Route and again approves the plan.
* City Council of Memphis approves Overton Park Route.



October 25, 1976

- 1969
- * Required road "design" hearing held on Overton Park proposal. Hearing determined feasibility of road's design.
 - * November 5 - Secretary Volpe approves route.
 - * Environmentalists file suit in Washington, D.C. to halt further action on Overton Park Route.
- 1970
- * Suit reverts to Tennessee, temporary injunction against construction issued.
 - * February 29 - Suit dismissed, Overton Park Route sustained.
 - * Environmentalists file appeal, motion for another injunction denied. Overton Park Route sustained.
 - * Federal Appeals Court again dismisses suit, further requests for appeals denied. Overton Park Route sustained.
 - * Environmentalists appeal to Supreme Court.
- 1971
- * Supreme Court returns case to lower courts to determine if Secretary of the Department of Transportation acted within his legal limits and to determine if his decision for routing for Overton Park had been based on sound evidence.
- 1972
- * Lower court returns decision to Secretary of the Department of Transportation to determine if there exists a feasible and prudent alternative to Overton Park Route. If no such alternative exists, then Overton Park Route can be approved by the Secretary.
 - * Federal Highway Administration undertakes new review of Overton Park plan.
- 1973
- * Federal Highway Administration again recommends approval of Overton Park Route.
 - * Secretary Volpe makes "non-decision". He determines that I-40 connection should be built, declares desire to find alternative route, but fails to approve or recommend any alternatives.



- 1974 * No substantive action was taken by Department of Transportation Secretary Brinegar during his tenure.
- 1975 * April; Secretary Coleman recommended after evaluation that I-40 be completed through Overton Park by means of a \$160 million cut and cover tunnel utilizing the slurry wall technique. A feasibility study is ordered.
- * Tennessee officials expressed concern about the cost and environmentalists threatened to take the matter back to Court.
- * October; Tennessee deems after receipt of feasibility study that, though feasible, the slurry wall method is too expensive and urges the Department of Transportation to study a single level tunnel. Also, the Department of Transportation cites high maintenance costs as one of the disadvantages of the slurry wall tunnel.
- * October; Tennessee Department of Transportation announced a new approach to completion of the project through the Park using a partially depressed method with platforms and walkover plazas to preserve full use of the Park.
- 1976 * February; Senator Brock and other interested parties meet with Secretary Coleman. Tennessee Department of Transportation promises a draft Environmental Impact Statement on all options for I-40. Coleman promises public hearings within 45 days of receipt of draft Environmental Impact Statement and a final decision within 45 days of receipt of final Environmental Impact Statement.
- * March; Tennessee Department of Transportation announces 90 day delay in draft Environmental Impact Statement submission due to complexity of the issue.
- * July; Department of Transportation receives draft Environmental Impact Statement.
- * August; Public hearings on draft Environmental Impact Statement held in Memphis.
- October * State of Tennessee submits to Secretary Coleman a recommendation for a \$33 million fully depressed sunken plaza design roadway through Overton Park using the slurry wall technique.

October 25, 1976

Future

- * Upon receipt of the Final Environmental Impact Statement and route recommendation Secretary Coleman will study the package and make a decision.
- * Final Department of Transportation decision is subject to approval by Judge Brown who must lift the injunction on construction.
- * Further suits can be expected from environmentalists should a final decision to build through the Park be made as a further delaying tactic.
- * One year will be needed to finalize design plans.
- * Three years will be required for construction.

Mr. President, I might point out that the principle for Court action has been that the Department of Transportation, based on the criteria it used for evaluation, acted arbitrarily or capriciously in approving the Overton Park routing of I-40. I think it is clear that if the Department of Transportation feels that it has explored every possible alternative route and dismissed each as being unfeasible, then the Department has an obligation to take prompt action to approve that route. Some 20 years of studies have yet to present a feasible alternative route.

At the present time the citizens of Memphis are continuing to suffer because of another round of administrative delays. I recognize the good faith efforts of Secretary Coleman to come to a final decision on the matter and urge that he make this decision at the earliest possible date after receipt of the Final Environmental Impact Statement.

Even if the administrative process proceeds smoothly and a route through the Park receives final approval from all concerned, almost five years will elapse before completion of the project. Therefore, should the process falter along the way, I feel the Tennessee delegation has little alternative to the introduction and passage of legislation to exempt the completion of this section of I-40 from the provisions of the National Environmental Policy Act which are currently being used to delay and even kill the project.

Should the legislative step be necessary I will ask at that time your active support of such a measure. However, we are not at such a point. As mentioned in the Chronology, Secretary Coleman is awaiting a Final Environmental Impact Statement. Once received, he will have to make a final decision. While that will be subject to further appeals in the Courts, such appeals



Honorable Geràld R. Ford

- 5 -

October 25, 1976

appear to have limited opportunity for further success, as all the requests of the Court will have been complied with. Thus, all I ask of you at this time is a willingness to lend your office and leadership to see that this matter is settled once and for all at the earliest possible moment.

I cannot stress enough the seriousness of this whole matter and the importance of it to the citizens of Memphis, and indeed, to all Tennesseans. Completion of this segment of the Interstate has my full support, and I believe that it can be done in a manner that will be compatible with the continued enjoyment of all facilities of Overton Park. It is also worth noting that the Memphis City Council has acquired many times the amount of parkland that will be lost in Overton Park in other parts of the city to insure that ample parkland will be available to its citizens.

Thank you for giving this necessarily long discourse your attention. Your positive response would mean a great deal to the people of Memphis and Tennessee.

Very truly yours,


BILL BROCK

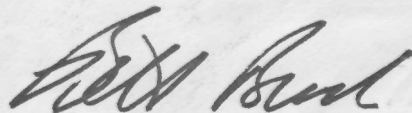
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United States Senate

COMMITTEE ON FINANCE
WASHINGTON, D.C. 20510

OFFICIAL BUSINESS



U.S.S.

WHITE HOUSE MAIL
RECEPTION & SECURITY

OCT 27 1976

Processed by: 2

The Honorable Gerald R. Ford
The White House
Washington, D.C.





OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

NOV 17 1976

Ms. Judith Richards Hope
Associate Director
Domestic Council
The White House
Washington, D.C. 20500

Dear Ms. Hope:

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Sincerely,

/s/ WARREN A. HENDERSON

A. B. Virkler Legate
Executive Secretary

Enclosure



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United States Senate
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Assistant to the President for
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