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URBAN FREEWAYS: THREE DIFFERENT CITY TALES

Joseph F. C. DiMento, PhD, JD*

ABSTRACT

This is a study of decision making on urban freeways in American metropolitan areas using Syracuse, New York; Memphis, Tennessee; and Los Angeles, California. Although many transportation decisions have affected these urban areas, among the most important are those involving state and interstate highways. I trace important steps and events in the municipalities' decisions regarding major highways planned to traverse city centers, decisions which had important effects on patterns of urban formation, growth, and decline.

Information sources are primary interviews and surveys, historical archives, and secondary data. The cases suggest that the municipalities fall into a class whose fates are dependent to a great extent on major forces linked to the transportation sector but whose urban infrastructure decisions are not alike. These outcomes are related to a set of interacting phenomena--from timing of transportation decisions within an environment of changing state and federal funding opportunities and environmental law to governmental philosophy, about fiscal issues and about how to maintain a vital central city core.

KEY WORDS: urban freeways, urban planning, Syracuse, Memphis, Los Angeles, Interstate History, I-81, I-690, I-40, I-105, Century Freeway.

BIOGRAPHY. DiMento is Professor of Law and of Planning, Policy and Design at the University of California, Irvine. He is the author of several books and articles on planning, land use, environmental law, and transportation decision making. He is a graduate of the University of Michigan, PhD [Urban and Regional Planning] and JD 1974. In 2006 he was Fulbright Distinguished Professor at Politecnico di Torino.

INTRODUCTION

* Professor of Law and of Planning, Policy and Design, UCI, Irvine, California 92617
jfdiment@uci.edu, 949 824-5102.

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Citations in these notes are based on the actual source I used. For some materials the full name of the publication is noted; for others I maintain the citation that was on the archival copy.

Perhaps no set of decisions has had more of an effect on America's cities than to develop a system of interstate highways and to make central cities potential sites for them. Massive highway infrastructure projects have reconfigured urban form, moved hundreds of thousands of people, cost billions of dollars of public funds, and supplanted many neighborhoods. Decisions about siting freeways came inexorably after the assessment that automobiles could move quickly with cross traffic separated and with limited access with high speed limits; that those roads could link markets, perhaps almost as swiftly as railroads; that those roads could open up land being used for agriculture or wetlands or parks or recreation. However, positive evaluations of the freeway innovation and knowledge of how to build them outpaced knowledge of where to put them and what their effects could be.

This is the story of three municipalities' decisions regarding major highways planned to traverse city centers. The analysis is set within a context of sea changes in the regulatory environment of freeway construction in the United States. That environment was set in the 1940s and early 1950s and it shifted dramatically in the late 1960s through the 1970s. Congress and state legislatures passed important new laws which guide where freeways can be built, with what funds, after what types of consultation and analysis, and with what impact. Lawmakers and courts required that projects be planned and completed with maximum sensitivity to the environment, with concern for relocation of the displaced, and with active citizen participation. They required that policy makers consider alternatives other than the traditional urban choice of the 1950s.

The Federal and State Roles and Urban Routes

In the 1944 Federal Aid Highway Act, Congress created the National System of Interstate Highways. The Act declared that up to 40,000 miles of roadway would be located to "connect the principal metropolitan areas, cities and industrial centers, and to serve the national defense, and to connect at suitable border points, routes of continental importance."

The Act provided a Federal share of 50% for construction costs for primary, secondary, and urban highways. Called the ABC program, the aim of Congress was to meet individual state's needs for development of an interstate network of main highways and farm to market and feeder roads. For the first time, federal funding for urban extensions was provided. The Act directed the designation of the interstate system, but did not specify that the system was to be financed differently from the primary program (50%). Following this Act, state highway agencies prepared, often for the first time, comprehensive highway plans for urban areas, indicating the preliminary locations of the proposed interstates. But no funds were actually set aside for construction. Instead, state highway engineers were authorized to "draw" on their state's ABC funds (1).

1 See R.A. Mohl, *Ike and the Interstates: Creeping Toward Comprehensive Planning*, <Journal of Planning History>, Vol. 2 No. 3, August 2003: 237-262 @ p.240.

From the earliest days of federal planning, routes through urban areas were contemplated—“to provide direct connection into and through all of [the] cities” of the system (2). They were not provided for, however, until the 1950s. By September 1955, the “Yellow Book,” as it was known in the highway planning profession, contained maps of the areas for which the government had approved urban interstate sections: they numbered 100 (3). Syracuse, Memphis, and Los Angeles were included (4). [See Figures 1, 2 and 3.]

In 1956, Congress declared it essential to the national interest to provide for the completion of the Interstate system throughout the United States. It was in this 1956 Federal Aid Highway Act that the federal share for interstate construction was fixed at 90%. The Act also raised federal highway user taxes including the gas and tire taxes, and placed a levy on heavy vehicles. Perhaps the greatest significance was its creation of the Highway Trust Fund. All of these revenues would be available for expenditures without further Congressional authorization (5). Until this time the gas tax, imposed as a temporary Depression measure in 1932, was separate from the highway program. Unmarked funds for highway programs had been drawn from the general revenue. This linkage demonstrated the first comprehensive Congressional commitment to the completion of the program. Thus, “it is entirely appropriate to say that the modern ‘Interstate System’ originated in 1956” (6).

INSERT Table A

Table A - Time Line of Major Urban Freeway Decision-making Events

Urban Highway decisions affected cities throughout the United States in various forms, with variable intensity, over different impacts. “Daggers in the heart of town” urban freeways were called in some critical writings (7). Among the places where controversies arose were Atlanta, Baltimore, Boston, Charleston, Cleveland, Detroit, Honolulu, Indianapolis, Los Angeles, Memphis, Nashville, Newark, New Orleans, New

2 G.T. Schwartz, *Urban Freeways and the Interstate System*, <Southern California Law Review>, 49 No. 2 (1976):406-513 @ p. 423.

3 Ibid. @ p. 425. The planning process for this “picture book” was completed in just eight months. See B.D. Taylor, *When Finance Leads Planning: Urban Planning, Highway Planning, and Metropolitan Freeways in California*, <Journal of Planning Education and Research>, Vol, No. 2 (2000): 196-214.

4 <http://www.ajfroggie.com/roads/yellowbook/> and see http://commons.wikimedia.org/wiki/Image:Syracuse%2C_New_York_1955_Yellow_Book.jpg. U.S. Department of Commerce, Bureau of Public Roads, National System of Interstate Highways.

5 Highway Revenue Act of 1956, Ch. 462 sections 202-206, 209, 70 Stat. 387-401.

6 G.T. Schwartz, *Urban Freeways and the Interstate System*, @ p. 438.

7 G. Fellman, B. Brandt and R. Rosenblatt, *Dagger in the Heart of Town*, <Transaction>, Volume 7, Number 11, September, 1970: 38-47.

York, Philadelphia, Pittsburgh, Portland, San Antonio, San Francisco, Richmond, Seattle, and Washington D.C. (8).

Some controversies revolved around aesthetics; some around strategies preferred by commercial and industrial interests; some around transportation system efficiency; some around a nascent concern for environmental protection and historical and neighborhood preservation; and some around race (9).

Here I focus on three very different outcomes: Syracuse, a snow and rust belt city, early on embraced freeways through its center. Los Angeles built some, rejected others, and then changed its plans for one and built the then most expensive urban road, The Century Freeway. Memphis closed its core to Interstate 40, a transcontinental road that came up to a park in its center and then stopped.

For each urban freeway decision I address the role played by national and state transportation, environmental and planning law; funding and urban development options (real and perceived); local activism both grass roots and institutional; political orientation of local administrations including toward fiscal options; and other urban policy choices faced by the local government.

Syracuse: benefits like those from “the construction of the Erie Canal”

Syracuse New York is a Central New York city of 140,658 people (10) at the confluence of the New York State Thruway [incorporated in 1958 as portions of the Interstate system] and Interstates I-690 and I-81. It is very roughly equidistant from Canada and Pennsylvania and from Buffalo and Albany.

The City’s population increased rapidly in several historical periods. Similarly, loss of population has occurred in a relatively brief period, from roughly 1960 to the present. Growth has been linked at various times to the city’s natural resources, including salt (the city got its name because of the similarities between it and Siragusa in Sicily), and its location on important transportation routes. The city was a major place on the Seneca Turnpike and other early New York roads, and on the Erie Canal, important in its development in the years from 1830 to roughly 1920. It was also on major train routes for much of the 20th century.

In 1944 a Planning Council for The City of Syracuse and Onondaga County presented to City leaders a report containing a vision of modern highway development for the city. A beltway would allow traffic to reach outskirts of the city without passing through congested center streets, and other high-speed connecting highways would traverse the city, including its core, in north-south and east-west directions. The system would decrease congestion and traffic accidents, and in doing so help maintain the economic

8 B. Kelley, *The Pavers and the Paved* (Donald W. Brown Inc., New York, 1971) @ p 93.

9 Among the cases where race was explicitly recognized as a factor, as opposed to being an underlying motivation suspected by some observers, were Atlanta, Baltimore, Detroit, and Nashville.

10 U.S. Census Bureau report released June, 2007.

vitality of Syracuse (11). In 1947 the city Council by a close vote approved the state plan. However, the vote at the county legislature was much more decisive: 28-6, along party lines (12).

By 1954 construction had begun on Syracuse's inner city freeways and sections were already open in 1961. By the mid 1960s Syracuse had completed or under construction north-south and east-west lane divided, high speed, elevated freeways running through its core.

There was little controversy about whether the urban freeway plans should go forward. All Syracuse mayors, planners with few exceptions, and most businesspeople were supportive (13). There was a bit more controversy over design but even that was relatively muted and some of it came after the fact of construction.

In 1946, the City Planning Commission revealed the relative importance of local and state influences on the routes through the city: "the District State Highway Engineer...has undertaken a detailed planning of the principal arterial routes to be established and maintained through the urban area of Syracuse by the State Department of Public Works...The office of the Commission has been consulted on a number of occasions by the State Engineers (14).

The State document itself (15) appeared one year later. It gave details on eighteen miles of road noting lane numbers for expressway type routes "consisting of twin pavements separated by substantial malls". Access was to be limited to point of interchange with major streets (16).

At the time the economic future of the City was linked to highway construction: "...the greatest single element in the cure of city ills" (17). The belief that the success of Syracuse was heavily based on its central place in an overall transportation network was widespread (18).

11 Concern over possible economic decline was recognized by the Metropolitan Development Association which wrote in May 1965, "The twenty year period which ended in the mid-1950s was one of small but vastly troubling decline for the city" (<Central Syracuse Bulletin>, May 8, 1965 nd).

12 Ibid @ p. 111.

13 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960* (Thesis (Ph. D. in History)--Syracuse University, 1978) Also supportive were the New York State Department of Public Works, the New York Central Railroad, the Medical College, Syracuse University, urban renewal program officials, highway user groups, the trucking industry, both of the major newspapers, and real estate interests (Cohn @ p. 35).

14 City Planning Commission, 1946 @ p. 4

15 State of New York, 1947

16 State of New York, 1947

17 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960*. This position in the United States was very common: "Expressways were universally seen as keeping downtowns viable by connecting them with expanding, largely residential suburbs," B.D. Taylor, *When Finance Leads Planning: Urban Planning, Highway Planning, and Metropolitan Freeways in California*.

18 The Planning Commission said when Sergei Grimm was head that the state proposal would be "the greatest physical improvement contemplated in the city of Syracuse since the railroad elevation and its

On March 27, 1950, the planning commission gave its general endorsement to the Syracuse routes, concluding that the plan would attempt to minimize damage to participating neighborhoods while providing some traffic relief.

In the 1953 City Planning Commission Annual Report progress in implementing parts of this vision was described. One of the main arterials was ready for construction. Preliminary plans for another [a major north south element] had been processed. And work on the construction contract drawings was at “an advanced state”.

Arterial development/urban “redevelopment”

In Syracuse, several dynamics of urban development influenced each other. Major funding sources for highway construction were becoming available, first through the state and then through the state and federal governments. Some of those funds were linked to highway plans that were not generated at the local level; rather they were superimposed on the city. At the same time solutions were being sought for what was perceived to be a blighted urban core. The Syracuse economy was strong but development was perceived as limited by “non-economic problems”: constraining factors listed included roads (19).

By 1954 a very strong interest in urban redevelopment, or “slum clearance,” especially in the 15th Ward, was evident. The city was looking for funds from the state, and developers were advocating private sector actions supported by governmental monies to improve this and nearby sections of the city core. In February 1954, the city applied for federal funds for a project which would entail clearance of the buildings near City Hall affecting the 15th Ward (20).

In this period Syracuse also was committed to a fiscal conservatism that required identification of funding sources before projects would be approved. Borrowing was shunned. And like in many cities at the time the mainstay of public finance at the local level was the property tax which “had fallen precipitously” nationwide (21).

Funds that would be secured from the arterial program were substantial (22). Syracuse’s investment of around \$10.12 million in an accelerated arterial program would generate an estimated federal-state commitment of almost \$40 million. Even the small percentage city contribution, however, would be an exception to Syracuse’s highly conservative economic policy, a hallmark of city administrations for decades.

By late 1956 the route for the North-South Route 11 highway was approved with little participation of the people to be displaced, although several other groups had input (23). At a hearing conducted in accordance with the new federal highway act, over 100

effects on the city may be equal to that of the construction of the Erie Canal.” Syracuse City Planning Commission, “Report of the New York State Department of Public Works Report on Arterial Routes in the Syracuse Urban area,” 1948.

19 Economic Research Council of Metropolitan Syracuse.

20 2-1-54 PS. Renewal grants were established under the Housing Acts of 1949 (Title 1) and 1954 and 1959; they paid up to two-thirds of net project costs (*Syracuse Urban Renewal Agency*, nd, np).

21 J. Brown, *A Tale of Two Visions: Harland Bartholomew, Robert Moses, and the Development of the American Freeway*.

22 PS 9-5-54 “Federal Aid.”

23 10-3-56 “Expressway Approved By Public Hearing.”

attendees represented what was described as “practically every segment of community life:...Syracuse Chamber of Commerce, the Manufacturers Assn; the Penn-Can Highway committee; the Syracuse Automobile Club and the Dairymen’s League...City Engineer Potter Kelly, voiced strong approval of the expressway” (24).

The 1956 Interstate Highway Act added to the State’s ability to go forward with the highway plans for Syracuse. To qualify for ninety percent National Highway Program funding, New York included Syracuse’s network in the Interstate system and built the roads as Interstate highways. In avoiding a large financial burden, the city sacrificed planning and approval power for debt avoidance and had little to say about interstate section siting.

Adding to the acceptability of sacrificing local input to achieve economically desirable projects was the orientation in the Administration of New York Governor Nelson Rockefeller toward State guided massive construction projects to address racial and environmental issues. Rockefeller tripled the annual rate of road construction compared to the previous gubernatorial administration. While some of the state largess came after Syracuse leaders had made urban highway commitments (or acquiescences), the Rockefeller Administration reinforced the notion that deference to state funding was responsible (25).

Not until 1958 did Mayor Anthony Henniger and one Common Council member oppose parts of the state plan: to build a string of high-speed highway bridges through the city which local newspapers referred to as “the heart of the community.” The Mayor said he had not realized that the plans “had gone so far” and he had learned that elevated highways “have ruined other cities” (26).

East-West Route Decisions

For the east–west Interstate [690], the second superhighway planned through Syracuse during the years 1944-1960 (27), again the state controlled the process. The state began early, negotiating with the New York Central Railroad to purchase railroad right of way. The New York Central wished to give up its terminal and main track through Syracuse at the same time that the major east-west interstate was being planned, effecting an intimate connection between the Expressway’s final configuration and the Railroad.

24 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960*, @ p. 35.

25 See P. Siskind, *Shades of Black and Green: The Making of Racial and Environmental Liberalism in Nelson Rockefeller’s New York*, <Journal of Urban History>, Vol. 34, No 2, January 2008: 243-265. See also W.E. Pritchett and M.H. Rose, *Introduction: Politics and the American City, 1940-1990*, <Journal of Urban History>, Vol. 34, No. 2, January 2008, 209-220 on the “dramatic, upward shift in the locus of authority for shaping the urban economy,” (@ p. 210 and M.R. Fein, *Paving the Way: New York Road Building and the American State 1880-1956*. Before the move back from control by the “imperious-federal and state officials” (Siskind @ p. 210), Syracuse’s highways were virtually completed.

26 The Post Standard, April 6, 1958 quoted in The Post Standard, April 6, 2008 @ p. B-2, col. 1.

27 Sometimes known as Interstate Connection 570.

Thus by the late 1950s, quite early in the history of urban interstates, major plans had been assembled for both the north-south and east-west interstates in Syracuse. Sections of the road had been completed. A fourteen mile stretch with traffic circles and approach entrances, from a central street to Oneida Lake, had its formal opening in October, 1959. The highway was mainly a “three-strip, 12 feet wide road (in both directions)...” differing from the Thruway in that approximately 3 ½ miles lie within the city limits (28).

There was some opposition to city-central interstate highways. The president of an important bank considered highway construction in Syracuse too risky financially; congestion could be better addressed by widening existing streets or constructing new ones (29). City Engineer Nelson Pitts concluded-- as he thought many citizens not involved in the process did--that modern highways were “speed demons” and an altogether “tortuous nightmare”, unnecessary and destructive. Pitts was fired. Some opponents pointed to the negative effects of railroads in the urban core: the decline of downtown Syracuse was proof that transportation could not alter the decline of the urban central business district.

Later some officials concluded an elevated structure spanning the downtown would reduce property values and the expressway would threaten the aesthetic improvements planned for the renewal area, including a tree lined mall. And in 1967 the city Department of Planning expressed concerns with the “problems and potential use of the land beneath the downtown expressways.” It nevertheless was still “working closely with the New York State Department of Transportation” on these problems (30).

By the mid 1960s the center of Syracuse was the site of high speed divided overhead interstate highways running north south and east west. They replaced parts of what were once old Italian-American, Jewish-American, African-American and other ethnic neighborhoods. Housing under those freeways was gone, its residents dispersed and displaced. Business receipts had dropped in the Central Business District; and the number of manufacturing facilities was down, as were employment and population. Now a major newspaper described the Interstate Highway Network as a “Russian roulette multimillion dollar boondoggle of concrete and steel” (31).

Memphis, Citizens to Preserve: “We are through with Overton Park”

Interstate-40 begins in Barstow, California. Eastward from there, following in parts the old Route 66, it connects cities from Flagstaff, Arizona to Durham, North Carolina. It is over 2,400 miles long. By the mid 1960s only short sections of it remained to be

28 “City-Wide Celebration to Mark Oswego Boulevard Opening,” The Automobile Club of Syracuse “Official Bulletin,” October, 1959 vol. 24 No. 11.

29 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960* @ p. 4.

30 Annual Report 67 @ p. 5.

31 Ibid.

completed. One of these was a 3.74 mile stretch in the central part of the Memphis urban area which includes Overton Park.

In 1901 the city of Memphis had acquired the acreage for Overton Park and managed it for multiple uses--from forests of oak and hickory trees to golf, the arts, bird watching and a zoo (32).

In 1953, Memphis officials began consideration of a highway in and around the park when expressways were characterized by City Engineer Will Flower, as "fads." Nonetheless Mr. Flower toured those fads in other cities and supported a Memphis link (33). In 1955, the city was presented a plan for the interstate including the routing through Overton Park. In 1956 the Bureau of Public Roads approved the corridor alignment of I-40 through the park.

Controversy arose almost immediately. In 1956 at a meeting in Trinity Methodist Church, citizens spoke against the route. The following year opponents collected 10,000 signatures supporting their anti freeway case (34). Soon thereafter, at a public hearing in 1958 required by the Federal-Aid Highway Act of 1956, considerable opposition to building in the beloved park began to be formally heard (35). As citizen concern grew so did the number of freeway route alternatives to use of the park and the studies of those alternatives, including those focused on design.

At various times transportation officials considered cut and fill, bored tunnels partially depressed, and multi-mode transitways. Restudies and alternative studies however consistently led to the State's conclusion that the original route through the park was the cheapest and least environmentally destructive.

In April 1968, then United States Secretary of Transportation John Volpe concurred with the judgment of local officials that I-40 should be built through Overton Park. The six-lane highway would be in a right-of-way approximately 250 feet wide; it would separate the park's zoo from the remainder of the park and take twenty-six acres of the park. The Environmental Impact Statement (EIS), now required by federal law, described the benefits expected from completion of the I-40. Among them: the elimination of detours and diversion of a large number of longer east-west trips through the metropolitan area on arterial streets to the interstate facility. The diversion would ameliorate badly congested peak hour traffic conditions (36).

That same year the 1968 amendments to the Federal-Aid Highway Act were passed. They required a national policy of preservation of natural beauty of the country-side and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. They reiterated the position in a 1966 requirement, Section 4(f) of the 1966 Department of

32H. Vogel, *Interstate Expressway versus A Parkland*, <Environmental Policy and Law>, 5: 186 (1979).

33 I-40 Issue Traces Trail of Controversy to '53, <The Commercial Appeal> (Memphis) 10-1-77.

34 I-40 Issue Traces Trail of Controversy to '53, <The Commercial Appeal> (Memphis) 10-1-77.

35 Bon Air EIS @ 1-8.

36 Bon Air EIS @ 1-7.

Transportation Act, that after August, 1968, the Secretary [of Transportation] could not approve any program or project which requires the use of affected publicly owned lands “unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm...” The statute also established a highway relocation assistance program.

In September 1969, the State acquired the right of way inside the park. By that time about 2000 families had been relocated for the I-40 completion. Two months later final route and design approval were announced by Secretary Volpe (37).

By now, local and national conservation groups joined citizens in opposing the alignment, appearing at public hearings, leafleting and protesting. In 1969, the coalition brought suit. Plaintiffs in Citizens to Preserve Overton Park v. Volpe contended that in not supplying factual findings with respect to any feasible and prudent alternative or why design changes could not be made to reduce harm to the park, the Secretary’s action was invalid. The District Court and the Court of Appeals ruled against the plaintiffs finding no basis for concluding that the Secretary had exceeded his authority (401 US 402).

But the case went to the United States Supreme Court which reversed the lower court’s opinion and held that Section 4(f) "is a plain and explicit bar to the use of federal funds for construction of highways through parks—only the most unusual situations are exempted" (38)

The Court lectured: “...the very existence of these statutes [the Department of Transportation Act of 1966, as amended, and §18(a) of the Federal-Aid Highway Act of 1968] indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parklands unless he finds that alternative routes present unique problems.”

The Supreme Court remanded the case for further proceedings in the District Court. The resulting trial, which took 35 days, led to the decision that Secretary Volpe did not actually decide to approve the highway or if he did he misread the law. Overton Park was then sent back to the agency.

Once the decision making was again in the Department of Transportation, there began a long, complex, almost comical set of findings, reversals, resubmittals and reviews of alternative strategies for completion of the I-40. In 1972, federal and state officials prepared a combined environmental impact/section 4(f) statement on the open-cut (partially depressed) design through the park. After the required hearings, the acting Federal Highway Administrator communicated to Secretary Volpe that the FHWA had determined that the federal findings requirements had been met.

However, in a dramatic turnabout, Secretary Volpe rejected this recommendation: other locations could be characterized as prudent and a tunnel design was less harmful to Overton Park. Mr. Volpe, who was to become ambassador to Italy, communicated his decision on the day he left for Rome, January 19, 1973.

Consideration of the Overton Park case then passed to a new Secretary of Transportation, the second of five who would face making a decision on I-40 in Memphis. Secretary Claude S. Brinegar ordered a review of a new Tennessee submission which included two tunnel design alternatives, a new location, and a less capital intensive alternative using transit and arterial streets. The studies were presented to Mr. Brinegar's successor, William T. Coleman, Jr. who directed preparation of an EIS which would fully consider tunnel design and "analyze location alternatives previously studied as well as various design and construction techniques for minimizing harm to Overton Park" (39).

State and local officials opposed the tunnel alternative on the basis of construction and maintenance costs (40). The state then proposed a "sunken Plaza roadway." In 1976 dollars its projected cost was \$33 million. The roadway would be depressed throughout the park and covered with landscaped decks (41).

In a 1976 public hearing, over 200 people presented their views on alternative designs, benefits and costs of the construction through the park. The president of the Memphis Area Chamber of Commerce called the completion of the project "a key link to the Memphis economic development." But a citizen concluded that "what killed downtown in the first place were expressways." Benefits would be enjoyed only by construction companies and East Memphians who would be able to commute to downtown five minutes faster (42).

A Tennessee Department of Transportation attorney concluded that a special act of Congress effectively exempting the project from NEPA would provide the quickest means to resolve the stand-off and allow construction to go forward (43).

State officials next approached the new Secretary of Transportation, Brock Adams, in March 1977. A new proposal, now referred to as "the plaza-design" was described in the meeting attended by the governor, two senators, the mayors of Memphis and Shelby County, and two members of the House of Representatives from the Memphis districts. The State was treating the decision very seriously. "Adams promised a relatively quick decision," reported the local newspaper (44). But another group with the opposite objective also visited Mr. Adams. Included were the Sierra Club, the National Recreation and Park Association, the Mid-Memphis Improvement Association, the National Trust for Historic Preservation, Citizens to Preserve Overton Park, the National Audubon

39 Bon Air EIS @ 1-13.

40 *All 8 Plans for Overton X-Way Called Harmful to Environment*, <Press-Scimitar>, 7-8-76.

41 *12? Completion of X-Way Urged as Hearing Opens*, <Press-Scimitar>, 8-18-76.

43 *Completion of X-Way Urged as Hearing Opens*, <Press-Scimitar>, 8-18-76.

44 *Brock Adams Inherits Overton Park Problem*, <The Commercial appeal> (Memphis), 3-27-77

Society, Council for a Greener Memphis, the University of Tennessee Center for the Health Sciences, and a number of professionals and business people (45).

"We are through with Overton Park." (46)

Less than six months later, a local newspaper headline read: "We Are Through With Overton Park Officials Say, Ending Decades of Delay." Brock Adams announced his decision "to reject the proposal of the State of Tennessee to build I-40 through Overton Park. This proposal...does not meet the standards required by the Supreme Court".

State transportation officials then laid out three options: "modify the proposal to fully address the Supreme Court standards...ask the Tennessee delegation to seek special federal legislation to either exempt Overton Park from [federal laws]...or ask them to allow a local referendum which will permit those people directly affected by I-40 to decide the future of the interstate and the park" (47).

A Congressional panel then suggested that it was not out of the question to continue to pursue some plan for putting a freeway through the park. Secretary Adams himself said at an October, 1977 meeting of a subcommittee of the Senate Environment and Public Works Committee, "Senator, if they (Tennessee officials) want to come in and tunnel that park and stay within that busway and ventilate it, then that project can be built." Mr. Adams "appeared to back off" from his ruling made less than one week earlier (48).

However, many were skeptical about high cost options. The Memphis mayor pointed out: "I don't want to cut down any possibility, including a cut-and-cover tunnel...[but]...The last cost estimate I heard for that was around \$237 million" (49).

Nonetheless, state officials did put some hope in the Secretary's comments and soon came back with a compromise alternative. A "nearly covered" option was proposed in November, 1977. Now, rather than the 40% covered solution which the Secretary had rejected, Commissioner Shaw and his staff suggested a 60% cover which would cost about \$40 million.

Meanwhile, a new sense of urgency rose. Secretary Adams was proposing a policy change at the federal level: states which had not completed their interstate segments would need to commit themselves to construction by 1982 or allocated funds would be made available for other projects, including mass transit projects. Adams rejected the

45 *Foes Expect I-40 Park Route Defeat*, <The Commercial Appeal> (Memphis), 4-21-77.

46 *We are Through With Overton Park Officials Say, Ending Decades of Delay*, <The Commercial Appeal> (Memphis), 10-1-77.

47 *State Won't Abandon I-40 Plans, Shaw Says*, <The Commercial Appeal> (Memphis), 10-4-77.

48 *Adams' Shifts Ruling, Would Allow Tunnel Under Overton Par*, <The Commercial Appeal> (Memphis), 10-4-77.

49 *Adams' Retrenchment Maintains Slight Hope for I-40's Completion*, <The Commercial Appeal> (Memphis), 10-9-77.

partial cover idea however and federal funding for the route through Overton Park was thereby effectively precluded.

The idea of financing the route through the park without federal funds arose again but Citizens to Preserve Overton Park argued that any attempt to build the road through the parkway, no matter how funded, would be controlled by federal law because I-40 would still be a federal interstate.

However, Senator Howard Baker of Tennessee introduced legislation which would exempt the Memphis stretch of I-40 from federal laws and allow for the partially covered tunnel alternative. By the narrowest of margins, 7-6, the Senate Public Works Committee rejected the Baker idea. Officially the saga of Overton Park ended (50). The Committee heard testimony that suggests why the case had taken so long and the challenge to highway administrators was so great:

“Overton Park is a historic place--a battle site like Gettysburg and Yorktown. It is the first place where individual citizens used the law to stop the state and federal highway” (51).

Yet, even with Overton park saved, the controversy over the completion of I-40 did not go away. Various by-pass ideas and the use of surface streets combined with some interstate construction for a while kept the citizens of Memphis concerned about the I-40. But by 1978 the Memphis urban park freeway was finally defeated.

Los Angeles: The Freeway with a Heart

In 1959, the California legislature created the California Freeway and Expressway System, authorizing a grid-like network of freeways overlaying the entire Los Angeles basin. The goal of transportation planners at the time was that no resident of Los Angeles should ever be more than a few miles away from a freeway. The resulting dense grid feature proposed projects which, as funds dried up and public opposition began to evolve, would never be more than dotted lines on a planner's or engineer's map; such projects included the now impossible to imagine Beverly Hills, Pacific Coast, and Malibu Freeways.

One of the freeway plans that survived was the Century Freeway, roughly paralleling Century Boulevard through southern Los Angeles County and running east-west from San Bernardino, California to the proposed Pacific Coast Freeway west of Los Angeles International Airport (LAX). Exact route location studies for the Century Freeway commenced in 1959. The eastern 34 miles were soon deleted from the project. The route of the remaining portion of the freeway, a 17-mile stretch through a densely-populated corridor from the LAX area to the San Gabriel Freeway (I-605), was adopted in two stages, the western half in 1965, and the eastern half in 1968. As contemplated in the late

50 Baker Grasping 'Last Straw' for Overton Park Freeway, CP 5-4-789; Baker's I-40 proposal defeated, <The Commercial appeal> (Memphis), 5-12-78.

51 H. Vogel, *Interstate Expressway versus Parkland*, <Environmental Policy and Law>, 5: 186 (1979) @ 188.

1960s, the Century Freeway was a ten-lane facility with no provision for High Occupancy Vehicle (HOV) lanes or ramp metering. More than 20 interchanges were planned to service local arterials in the ten jurisdictions which the freeway traversed. Construction was to begin in 1972, and the entire route was projected to open to traffic in 1977. Building the \$500 million project would displace an estimated 21,000 persons living in approximately 7000 dwelling units in the freeway right-of-way.

Almost from its inception, the Century Freeway was controversial. During the route adoption process for the freeway's eastern end, the City of Norwalk fought successfully for termination of the freeway at I-605, eliminating 1.5 miles of roadway east to the Santa Ana Freeway (I-5). The City of Inglewood succeeded in having the western portion of the freeway routed to its south, much to the displeasure of the City of Hawthorne, whose central business district would be bisected by the proposed route. Authorities in Hawthorne refused to sign a freeway agreement for this route which was later re-aligned to skirt the Hawthorne-Inglewood border.

The abandonment of San Francisco's Embarcadero Freeway (itself a casualty of the freeway revolt) in 1966 and its subsequent elimination from the federal interstate highway system freed federal highway funds for reallocation to other interstate links in California. Amendments to the Federal Highway Act in 1968 designated the Century Freeway as Interstate 105, and funds originally earmarked for the Embarcadero were directed toward the Century Freeway.

As land acquisition for and design of the Century Freeway progressed opponents of the freeway organized. A group of "Freeway Fighters" in Hawthorne sponsored a referendum opposing the freeway; it passed by a margin of five to one. The City of Downey sought aesthetic and noise attenuation concessions from the state highway agency (known as Caltrans) before it would approve the freeway. Meanwhile, state and federal authorities determined that the Century Freeway project was exempt from formal environmental impact statement requirements enacted in 1970, arguing that a multidisciplinary design team (a recent Caltrans innovation) had developed the project with satisfactory consideration of social, economic and environmental facts. By 1972, over 35 percent of the needed parcels had been acquired and 35 percent had been cleared.

In February, 1972, a newly created public interest law firm, the Center for Law in the Public Interest, filed a federal lawsuit on behalf of four couples living within the proposed freeway right-of-way, several national civil rights and environmental activist organizations (The National Association for the Advancement of Colored People, the Sierra Club, and the Environmental Defense Fund), and the Hawthorne Freeway Fighters. The City of Hawthorne was added as a plaintiff in April 1972. The suit sought to prevent the state from acquiring property until environmental impact statements were approved. The suit also alleged inadequate relocation assistance, denial of equal protection to minorities and poor residents in the corridor, inadequate public hearings, and violation of due process.

In July, 1972, federal district court Judge Harry Pregerson ordered the state to stop work on the Century Freeway. The preliminary injunction (*Keith v. Volpe*, 352 F. Supp 1324 (1972)) called for preparation of a formal EIS, additional hearings focusing on noise and air pollution concerns, further studies on the availability of replacement housing for

those displaced by the project, and specific assurance by the state that it could provide relocation assistance and payments to displacees. The decision was upheld on appeal (*Keith v. Volpe*, 506 F.2d 696 (1974) *cert. denied* 95 S.Ct. 826 (1975)). Work on the Century Freeway would be halted for the next seven years.

As the state prepared and then circulated the EIS between 1972 and 1977, the abandoned neighborhoods in the corridor deteriorated. The mélange of vacant land and deserted buildings was the scene of numerous assaults and episodes of vandalism. Pressure from corridor cities on Governor Jerry Brown to promptly complete the freeway increased. Governor Brown suggested in December, 1975, that the proposed ten-lane facility be reduced to four lanes, indicating his opposition to construction of new major freeways in the Los Angeles area on the basis of air quality, energy, and funding constraints. Corridor cities insisted that the full ten-lane facility be constructed as proposed.

The state environmental process was completed in September, 1977, and the EIS was then submitted to the federal government. The impact statement called for an eight lane freeway plus a transitway. The western portion of the freeway would be routed away from Hawthorne's central business district. In March, 1978, President Carter unveiled his National Urban Policy, in which transportation programs were considered incentives to leverage urban revitalization necessary to accomplish economic, environmental, and social goals. In October of the same year, United States Secretary of Transportation Brock Adams announced his approval of the Century Freeway as proposed. On the same day, attorneys representing plaintiffs and defendants in the lawsuit announced they had reached a tentative settlement. A year later, the terms of the tentative settlement were memorialized in a consent decree.

The consent agreement contained several provisions that addressed the freeway's design and operation (52). In addition to the transportation provisions, the consent decree contained an ambitious affirmative action program. One component of this program required contractors to hire high percentages of female and minority employees, based upon demographic studies of the freeway corridor. The employment component also included apprenticeship programs for prospective construction employees. A second component required contractors to award high percentages of subcontracts to Minority Business Enterprises (MBE's) and Women-owned Business Enterprises (WBE's). The goals for MBE and WBE participation would be set on a project by project basis. The use of contractors and employees who resided or had businesses in the corridor was also

⁵²Eight lanes for general traffic; a two-lane transitway (two High Occupancy Vehicle [HOV] lanes were expected to be constructed first, with possible future conversion to a light rail facility); six or more transit stations with park and ride lots; seventeen interchanges with local streets; ramp metering and HOV bypass lanes; direct connection from the Century freeway's transitway to a proposed bus or rail transit facility on the Harbor Freeway, an intersecting freeway (I-110) leading to downtown Los Angeles; priority access into Los Angeles International Airport for Century Freeway transitway users; a promise by defendants to consider providing two of the eight general-purpose lanes for additional HOV use prior to the Century Freeway's opening; and heavy landscape and noise attenuation.

required. The decree created the Century Freeway Affirmative Action Committee (CFAAC) to monitor and enforce their requirements. CFAAC was composed of representatives of community activist groups and parties to the consent decree, and participated in project activities ranging from MBE/WBE goal setting to contractor compliance oversight.

The consent decree also included some novel provisions regarding housing. For the first time, federal highway funds would assist not only those persons actually displaced by the freeway, but also would restock the supply of housing in communities which lost housing in right-of-way acquisition. The decree anticipated the construction and/or rehabilitation of 4200 housing units in priority zones based on six-mile intervals from the freeway routes. The California Department of Housing and Community Development (HDC), which was not a party to the lawsuit, was given lead agency status in implementing the massive housing program. The decree required phasing of freeway construction with progress on the housing program such that given percentages of housing units were available for occupancy when given percentages of freeway construction contracts had been awarded. In addition, housing contractors would have to comply with the decree's affirmative action provisions. The decree also established an independent "Office of the Advocate for Corridor Residents" to represent the interests of persons whom the freeway displaced.

On September 22, 1981, an amended consent decree was approved. It downscoped the freeway. It would include just six lanes for general traffic and two HOV lanes; ten transit stations and park and ride lots; a 64-foot median; and ten local interchanges. The direct HOV connection to the Harbor Freeway was eliminated. The housing program was reduced from 4200 units to 3700 units. Provisions for affirmative action and the office of the advocate were essentially unchanged.

In May, 1982, ground was finally broken for the first Century Freeway Construction project. The consent decree had left the decision regarding the kind of transit system to be built in the freeway median to the Los Angeles County Transportation Commission. In June 1984, the commission voted to construct a light rail transit line concurrent with construction of the freeway. Los Angeles voters in 1980 passed Proposition A, which provided a one-half cent sales tax to be used partly for rail construction. In 1993 to great fanfare the "freeway with a heart," "the intelligent freeway," "the most costly freeway ever built" finally opened.

Three cities, three freeway cases, three outcomes: lessons

Although Syracuse, Memphis and Los Angeles shared, along with several American municipalities, the influence of major forces linked to decisions about transportation, their historical responses were different from each other. Several factors are identifiable when these inner city highway outcomes are compared.

In Syracuse, critical decisions were made before or relatively early in the evolution of transportation, environmental and preservation law and policy that would now focus on mitigating environmental impacts of governmental actions, preserving historical places, relocating those affected by road building, maintaining housing stock in lower

income areas, and encouraging participation of citizens to be affected (53). In Memphis the influence of these changes had commenced, and citizens and grass roots environmental organizations had begun to learn how to take advantage of them and of new laws requiring public hearings. This was true also in Los Angeles where a new and highly effective public interest law firm helped shape the meaning of the new generation of legislation. When Syracuse was considering its highways the public interest law movement had not matured (54).

Central to the Syracuse case was the early convergence of planning goals of “slum clearance” and redevelopment [later urban renewal] and the transportation goals of eliminating congestion and improving mobility, in major part to maintain city economic vitality--at relatively the same time as funding opportunities arose from new sources. Urban freeways were seen as vehicles to achieve both goals. In Memphis mobility and congestion were concerns but the focus when an urban park became a possible solution was less on transportation and economic goals than on preservation and urban quality of life. The Los Angeles case was mixed. Some of the cities through which the Century Freeway was routed may have been in need of redevelopment but others were not. Mobility in the Los Angeles region however has been a major concern for many years.

Also related to the outcome of the early highway decision making in Syracuse was “the ambiguous and rudimentary nature of the planning function” in city government during the 1940s and 1950s (55). City planning was a relatively new profession. Syracuse’s planning department was made up, until the late 1950s, mainly of engineers.

Furthermore Syracuse did not make historical preservation a priority (56). City officials viewed distinctive city sections as expendable or as blighted areas needing to be razed. In Memphis in contrast a strong historical attachment to the affected area was present. Los Angeles jurisdictions did not focus on historical preservation but early opposition did come from cities proud of their quality of life. Lacking (and related) in Syracuse also was an “extensive cross-city, cross-class, and interracial” alliances which

53 See R.A. Mohl, *Stop the Road: Freeway Revolts in American Cities*, contrasting Miami’s “virtually completed” urban freeway prior to shifts in law and policy with Baltimore (@ p. 698).

54 Nor had the devolution of highway decision making back, at least in part, to local actors. See Mark H. Rose, “Reframing American Highway Politics, 1956-1995, @ p. 220.

55 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960*, p. 278. On the relatively weak roles of planners and the dominant influence of engineers in urban freeway development see also Altshuler, Alan, “The Interstate Freeway,” in A.A. Altshuler, *The City Planning Process: A Political Analysis* (Cornell University Press, 1965); J. Brown, *A Tale of Two Visions: Harland Bartholomew, Robert Moses, and the Development of the American Freeway*; and Frederick Warren Howell, *The history of planning in Syracuse, New York* (1956). See also Martin Roscoe, Frank J. Munger, et al., *Decisions in Syracuse* (Anchor Books, Doubleday & Company, Garden City, New York, 1965) and R.A. Mohl, *Stop the Road: Freeway Revolts in American Cities*.

56 A.L. Huxtable, *Ugly Cities and How they Grow*, <The New York Times>, March 16, 1954, <http://select.nytimes.com/mem/archive/pdf?res=F70612F8395415738DDDAC0994DB405B848AF1D3>, accessed May 3, 2008.

brought attention (elsewhere) to the freeway problem (57). This was at least partially a factor in Los Angeles.

Syracuse leadership at the time was willing to defer to non local interests to meet economic, fiscal, and mobility goals, in order to maintain fiscal solvency, a City shibboleth (58). The city administration was mindful that continuing eligibility for State and Federal funding depended on expeditious completion of arterial construction. In Memphis the state highway bureaucracy faced strong citizen opposition which did not prioritize funding that was perceived as damaging Overton Park. And in Los Angeles the coalition of opponents overwhelmed concerns with highway construction funds.

In Syracuse term citizen participation had a more narrow application than would be the case later and in other cities including those in the Los Angeles region where urban freeways would be considered (59).

In short, Syracuse planners and elected officials made or reacted to decisions when the benefit of urban freeways had not been widely questioned and when their costs were not yet apparent. In New York Syracuse was not alone: “the people of New York entered into a devil’s bargain: to secure a system closed to localism and patronage, they bought into a system closed to all but highway engineers” (60)...and later, when interstate road-building was linked to the national defense interest, local authority was further eroded. Major decisions were made in Los Angeles and in Memphis somewhat after the romantic vision of futuristic urban freeways had been heavily tainted.

Finally while decisions to put major transportation infrastructure through the centers of cities may have seemed strange and novel elsewhere, in Syracuse, known as “the place where the trains ran through” (61) for over a hundred years the railroad had traversed the city’s center, literally and dramatically up and down city streets, in front of major hotels, restaurants, and bars. And the new freeways ran right along the once bustling Erie Canal corridor. No such inoculation existed for Memphis’s Overton Park or in Los Angeles.

57 R.A. Mohl, *Stop the Road: Freeway Revolts in American Cities*, @ p. 676.

58 Although Syracuse was not alone in this deference, other cities took a more active stance, e.g. San Francisco and Boston. A few in the City themselves recognized an alternative. In 1956 The Chairman of the City Planning Commission noted: “We have waited for the state to plan what in the State’s opinion is ‘best’ for us. Cleveland has done its own detailed planning of...and then advised State and Federal agencies what the city needs...” “Cleveland Praised for Planning”, HJ 11-5-56.

59 City Planning Commission, SOME DATA FOR PREPARATION OF THE ADMINISTRATIVE ORGANIZATION FOR URBAN RENEWAL, January 23, 1956.

“Citizen Participation...is thoroly (sic) provided for through committees and groups under the Planning commission...Some interested groups meet in the commission offices for briefing and discussion on specific problems.”

60 M.R. Fein, *Paving the Way: New York Road Building and the American State 1800-1956* (University Press of Kansas, 2008) @ p4 and p. 167.

61 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960* @ p. 256 quoting Chase.

Table A. Time Line of Major Urban Freeway Decision-making Events

1944

In the Federal Aid Highway Act, Congress creates the National System of Interstate Highways.

Provides 50% for construction costs for primary, secondary, and urban highways.

New York's Urban Arterial Laws of 1944 and 1945 authorize the State to prepare an urban highway program with the State responsible for creation of a master highway plan for each city in New York with a population over 5000 (62).

1947

Syracuse city arterials including central loop around downtown business district envisioned and funding source identified: Post War Reconstruction Fund at an estimated cost of \$23.5 million with a local share of \$5.3 million.

1950

Syracuse Planning Commission gives general endorsement to North- South arterial route in City.

1954

Syracuse Common Council passes a resolution saying the Penn-Canada Northway should be constructed along Route 11.

Construction begins on Interstate 81-- originally to be a North-South extension of the New York State Thruway through Syracuse (63).

62 J.A. Cohn, *Urban Background to the Interstate Highway Program: The Planning and Politics of Highways in Syracuse: 1944-1960*, @ p. 35.

63 <http://www.upstatenyroads.com/i81history1.shtml>

1956

Bureau of Public Roads approves I-40 alignment through Overton Park in Memphis.
1956 Highway Act authorizes relocation payments.
New York State includes Syracuse network in Interstate system.

1957

Federal legislation allows circumferential routes to be included as mileage of urban interstates.
Bureau of Public Roads approves East-West [Later I-690] route through Syracuse.

1961

Interstate 81 officially opens between Watertown and Syracuse.

1962

Amendment to Federal Aid Highway Act requires Federal government to give “due consideration” to the “probable effect” of highway projects on urban areas. Promotes “a cooperative, comprehensive, and continuing urban transportation planning process.” Requirements including provisions for housing relocation not to take effect until 1965.

1966

Section 4(f) of the 1966 Department of Transportation Act declares a national policy that special effort should be made to preserve the environment.

1968

The Federal Aid Highway Act of 1968 declares again a national policy of preservation of natural beauty of the country-side and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.
Relocation requirements included in the Federal-Aid Highway Act.
Interchange linking I-81 and I-690 in downtown Syracuse opens.

1969

National Environmental Policy Act [NEPA] passes.
Federal Highway Administration's "two hearing" regulation adopted.

The Federal Aid Highway Act of 1970 authorizes states to use urban area highway funds for traffic reducing projects and addresses the need to promote air quality. Uniform Relocation and Real Property Acquisition Policies Act (23 USC 1970) passes.

1972

Coalition files lawsuit challenging Interstate 105 [Century Freeway] through Southern California cities.

1977

Settlement reached in I-105 [Century Freeway] controversy.

1978

I-40 through Overton Park defeated.
President Carters' National Urban Policy declared.

1993

I-105 [Century Freeway] opens

Figure 1

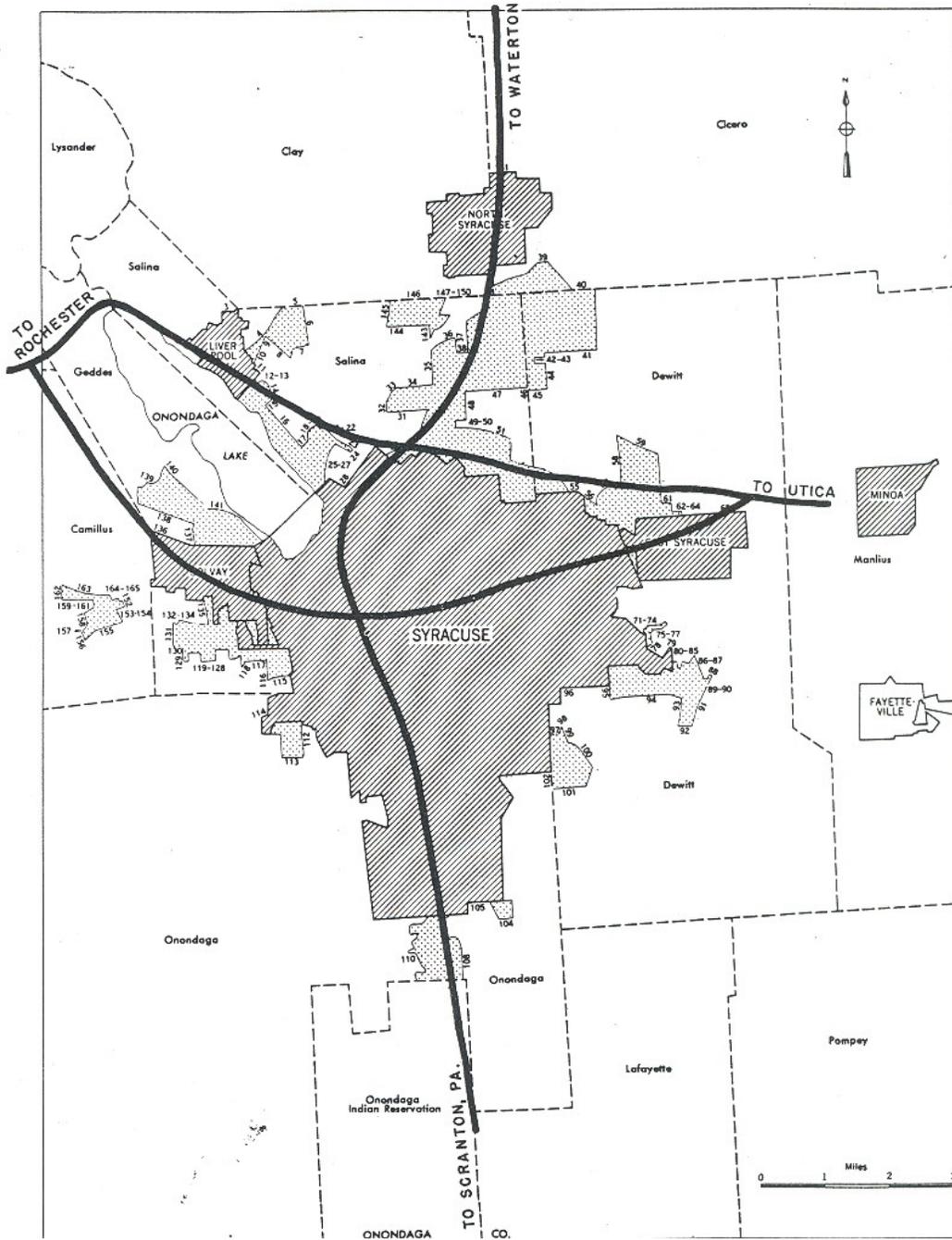


Figure 2

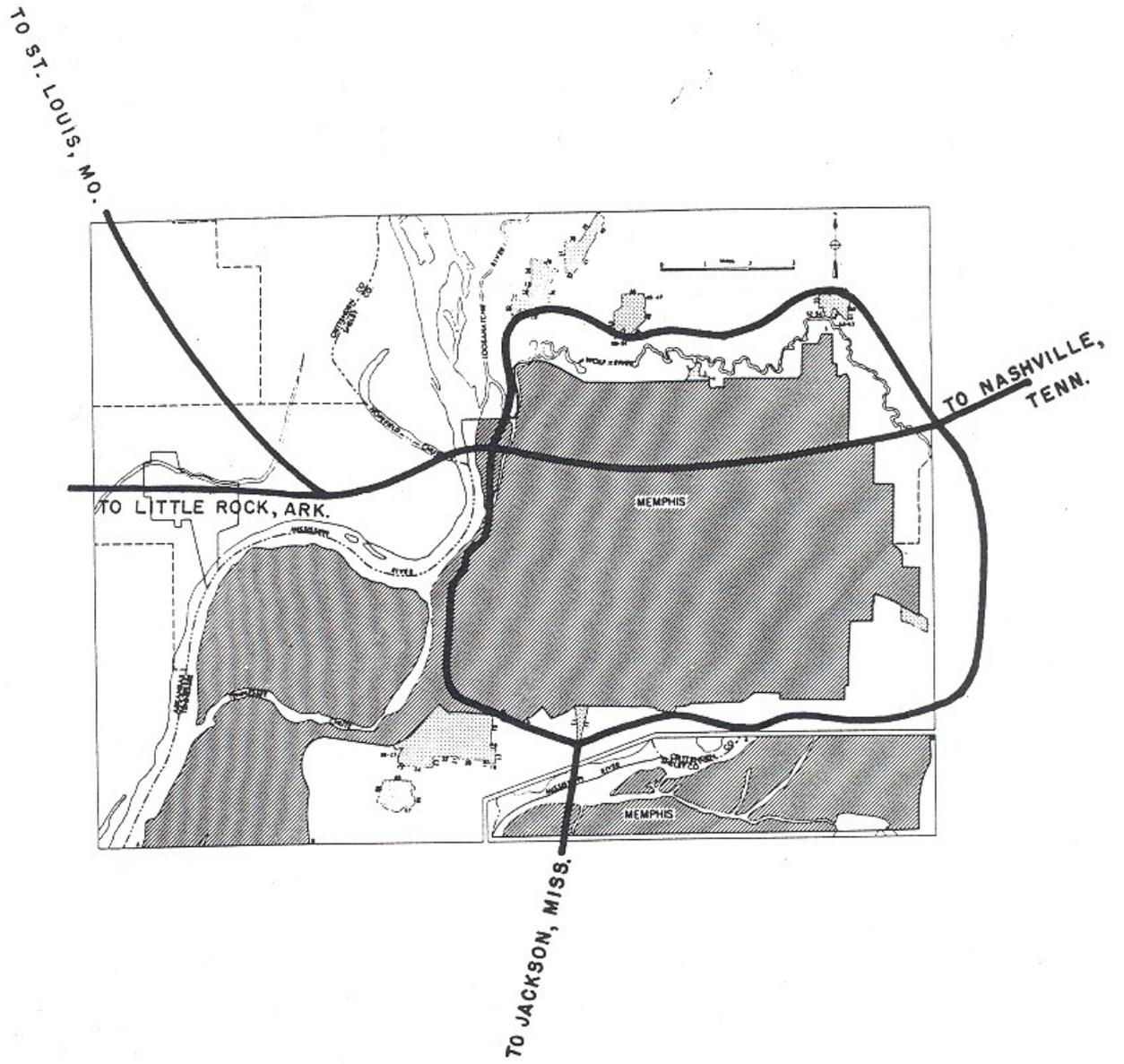


Figure 3

