

MOVE TO BAR 1-WAY STREET TRIAL DENIED

Judge Sees Great Confusion If Traffic Shift Halted Now

By GENE CURTIS

Of The World Staff

District Judge Leslie Webb Friday denied a plea by 60 downtown merchants and property owners to halt a one-way street plan scheduled to go into effect here at dawn Sunday.

Observing that the plan has been given a great deal of publicity, Judge Webb said the public would be placed "in a state of confusion" if the plan were stopped at this point.

He made the ruling late Friday afternoon after attorney Joseph A. Sharp filed a petition on behalf of the 60 protesting merchants and taxpayers seeking to prevent the plan from going into effect less than an hour before the court was scheduled to recess for the weekend.

The plan to make Main st., Boston ave. and 3d and 4th sts. one-way thoroughfares for a 90-day trial period was adopted by the city commission at a hearing Nov. 8 by Mayor George Norvell, Street Commissioner Guy A. Hall Jr. and Police Commissioner William Peterson.

Finance Commissioner Fay Young and Water Commissioner Pat McGuire voted against the proposal.

Street Signs Erected

Under the proposal, Main st. will handle southbound traffic, Boston ave. will accommodate northbound traffic, 3rd st. will be for westbound traffic and 4th st. for eastbound traffic.

The city engineer's office already has erected one-way street signs in preparation for the change in traffic but the signs have been covered and will not be unveiled until dawn Sunday.

The city also has installed new posts for parking meters.

During the brief hearing on the request for a temporary restraining order, Sharp and co-counsel Travis I. Milsen argued chaos would result if the plan were allowed to go into operation. Attorneys for the city claimed chaos would result if the restraining order were granted.

"I am not passing on any issues involved in this case at this time," Judge Webb told the attorneys and at first set a hearing or a temporary injunction for 9:30 a.m. Wednesday. However, he later postponed the hearing until 9:30 a.m. Jan. 15 at the request of Sharp.

'Within Police Power'

"Here we have a plan adopted by a majority of the city commission which is a government by representation," Judge Webb commented in his ruling.

"Their action may be illegal but this court must assume they acted in good faith and according to law unless evidence is shown to the contrary. The matter of traffic control is within the police power of the city."

He also pointed out that it was purely discretionary with the court whether to grant a restraining order pending a hearing on an application for an injunction.

"This is nearly 5 p.m. Friday and this decision was made on Nov. 8," he added. "It is somewhat indicative to the court that this action could have been taken before the city went to the expense of setting up to begin the one-way street plan."

Points to State Laws

He said he couldn't see how any irreparable damage could result on either side by denying the temporary restraining order.

During the hearing, Sharp argued state laws do not give the city authority to regulate the use of public streets and highways.

He said his clients feel the one-day street plan restricts their free use of the public streets and highways and that the city commission's action is an abuse of its power.

"Unless this court acts to prevent the plan from going into operation," he declared, "it will adversely affect and eventually bankrupt the plaintiffs."

Sharp also told the court in his petition and in the hearing that there is no valid reason for

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one-way streets at this time. He said the plan was not designed for the regulation of traffic but rather for an experiment for 90 days.

Attorney Henry Kolbus, representing the city and city commissioners, said to grant the restraining order would be a "grass injustice to the city, the city administration and the taxpayers."

He said the city has spent thousands of dollars for physical plans to put the one-way street system into operation and that it would be physically impossible to undo what has been done.

"If this court grants this restraining order, we would have a chaotic traffic situation here Sunday, the like of which we have never before seen," he added.

Kolbus also argued the plan was adopted by the city commission after numerous public hearings which were attended by many of the plaintiffs and that any action should have been taken before now.

Expects 'Speedway'

Sharp pointed out that, although the one-way street signs already have been erected on the four streets affected by the plan, they have been covered since their erection and "there certainly can be no chaos unless the signs are uncovered."

He said to prevent confusion a restraining order should be granted to keep the traffic flow "at status quo until it is determined by this court whether the city or the plaintiffs are right."

Milsten pointed out the plan was adopted by a 3-2 decision of the city commission and argued there has not been sufficient time for an adequate study of the plan.

"We're putting in probably a speedway," he declared. "In every one-way operation, traffic is speeded. Let us not experimentally do something we might regret later."

Kolbus replied to Milsten's claim that the one-way street plan would turn downtown Tulsa into a speedway by pointing out that the speed limit on the one-way streets will remain 20 miles an hour as at present.

Plaintiffs Listed

The plaintiffs listed in the petition included the Chandler shoe store; Lerner's shop; Skaggs drug store; Streets, Inc.; Seidenbach's Mayo hotel; Greenlease-Ledterman, Inc.; Allen Lauhon Hardware Co.; D. H. Welch Insurance agency; Stern's Walkover shoe store, Walgreen Drug Co., Fuller White Chevrolet Co., DeHaven Flower shop.

C. A. Mayo Jr., Parkade Corp., Cook building, Harold's book store, Petroleum building, Henri's shoe store, Consumers Oil Stations, Inc., Mayo motor inn, Frank's Pig stand, Louis A. Randolph, Seidenbach Realty Corp., Babyland, Ben Franklin Mortgage Co., D. H. Welch Investment Corp., Alvin hotel, Ambassador hotel, Masoner's, Inc.

Bob McCormack Photography Co., Wermser hat store, Alvin garage, Irene Wooley, David Murray and Roy Selby, Glenciff Dairy Products Co., Jackson Cash Register Co., Baltimore Florists, Exchange Auto Electric Co., the Card Center, Betty's Jewel shop, Parrish and Clark Motor Co., Neil E. Bogan, Square Deal Lumber Co., Akin Food store.

Sewall Paint Co., Springer Electric Co., All Nite Drug Co., Tulsa Television laboratory, Oklahoma Lumber and Wrecking Co., Grant G. Forsythe, Claude Goltra, Oklahoma Janitor Supply Co., Forster-Riggs, Inc., Mary Lou's shop, Doshier Motor Co. and Couch Excavation Co.