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Volpe's Departure Clouds Park Expressway's Future

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From The Commercial Appeal Washington Bureau

WASHINGTON, Dec. 8. — The immediate future of the long-dalayed Overton Park expressway project in Memphis has been further clouded by President Nixon's nomination of a new secretary of transportation.

Departing secretary John A. Volpe already was on record as holding there is no prudent and feasible alternative to routing Interstate 40 through the park. But the views of Claude Stout Brinegar, the President's nominee to succeed Volpe, are unknown.

The crucial question of the I-40 route through Memphis is scheduled to go before the secretary of transportation for a fresh review and decision about the middle of next month.

Brinegar is coming to Washington from a position as senior vice president of Union Oil Co. of California.

A fresh review and decision by the transportation secretary is necessary because the Supreme Court ruled Volpe's decision was not based on an adequate administrative record, a record compiled before Volpe became secretary.

The high court's ruling resulted in proceedings in federal district court in Memphis, new hearings, and the compilation of a new, more carefully structured administrative record.

Rex Wells, chief of the Federal Highway Administration's environmental

development division, said this new record, along with a final environmental Impact Statement now being drafted, should be ready for the new secretary's consideration about mid-January.

The change in secretaries, however, is not expected to have any adverse effect on the administrative record, as happened when Volpe succeeded Alan S. Boyd. This time the record has been put together under what amounted to guidelines laid down by the federal judiciary.

Some advantage could accrue, one department source said, because Brinegar will be taking his first look at the Overton Park expressway dispute and will be more impervious to a charge of prior bias than would Volpe, who already had expressed his preference.

Transportation Department officials, however, say they know practically nothing about Brinegar.

"We're completely in the dark," said one. "We have no idea how he feels about conservation, mass transit, diversions from the highway fund or anything else. Everything is up in the air. What is going on over here is a big guessing game."

Brinegar is certain to be questioned closely about his views on these and many other issues when he comes before the Senate Public Works Committee for a hearing on Senate confirmation of his appointment.

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