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## Another Appeal Is Considered In Park Case

The Overton Park expressway case, delayed for 17 years, yesterday appeared headed for more of the same.

A staff counsel for the Department of Transportation said the agency is considering an appeal of U.S. Dist. Judge Bailey Brown's April 20 remand order, which would require a new route decision by Transportation Secretary Claude Stout Brinegar.

Brinegar had opposed the remand, arguing the decision of his predecessor, John Volpe, was correct and binding. Volpe rejected the park route for Interstate 40 on January 18.

**Transportation Department Counsel** Dan Joseph said he already had made a recommendation on the appeal issue to the Justice Department's solicitor general, Erwin Griswold.

"That's a routine procedure. In every case, the Justice Department is required to make a decision on whether one of our cases should be appealed."

But Joseph refused to divulge his recommendation to Griswold, and Justice Department sources said it is against their policy to discuss "any phase of a pending case."

Nevertheless, reliable sources among the Citizens to Preserve Overton Park, plaintiffs in the case, said the citizen group itself "will almost surely appeal" Brown's remand order.

**The sources said they have heard** "through the grapevine" that the U.S. Transportation Department also is in favor of an appeal.

Brown's order set a 45-day deadline for Brinegar to file a new decision, selecting either the Overton Park route or a specific "feasible and prudent alternative."

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