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Get This Case On The Road

CONSIDERING the long years of delay, with hearing after rehearing, let us hope that Dist. Judge Bailey Brown will squeeze the Overton Park case into his court agenda at the earliest possible moment.

The Supreme Court decision which remanded the question of choosing a portion of the park for the east-west expressway (as a segment of Interstate Highway 40) was disappointing. In effect, the high court did not find enough information to work with, and bounced the ball back to Judge Brown, who has been through this before.

The technicality is that Washington decision makers in this issue may not have explained fully on the court record how they reached their decision to construct I-40 through Overton Park. The fact is that the route was chosen well before the 1966 and 1968 congressional laws which altered highway regulations. Several alternatives have been considered both before and since those acts, and Overton Park remains the logical choice for a strip of I-40 in the minds of those in administrative authority.

That is a point not to be forgotten. Judge Brown was told by the Supreme Court: "Although the inquiry into the facts is to be searching and careful, the ultimate standard of review is to be a narrow one. The court is not empowered to substitute its judgment for that of the agency."

And that refers to the Department of Transportation, which consistently has held that the Overton Park route is the right one.

The Supreme Court makes it plain that neither it nor the District Court will stipulate which route is best. That is an administrative decision. Judge Brown's job is to fill in the record, and decide whether the administrators complied with the law in making their decision. We hope he can do so without long delay—delay which would only extend the postponements which have gone on for more than a decade.