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Brinegar Refuses To Act On Park Route Alternative

By WILLIAM BENNETT

From The Commercial Appeal Nashville Bureau

NASHVILLE, Oct. 2.—U. S. Transportation Secretary Claude Brinegar has refused the state's offer of an administrative method for partially settling the Overton Park expressway dispute, it was learned here Tuesday.

State Transportation Commissioner Robert Smith last month urged Brinegar to reconsider his predecessor's decision and to designate Overton Park as the only feasible and prudent route.

Earlier this year, former Transportation Secretary John Volpe ruled out the park route, but did not then specify an

alternative. The state contends he should have.

U.S. Dist. Judge Bailey Brown of Memphis subsequently ordered Brinegar either to rule Overton Park the only feasible route or to give an alternative.

Brinegar appealed that ruling to the Sixth Circuit Court of Appeals, which last week held that Brinegar did have the right to appeal.

In asking Brinegar to reconsider the Volpe decision and to designate Overton Park for the espressway, state officials had hoped to avoid lengthy litigation.

However, the secretary said in a letter to Smith that until the issues "before the court of appeals concerning the procedures to be followed in making a determination . . . are adjudicated, a decision by this department with respect to the construction of Interstate 40 through Memphis would be open to question."

Moreover, Brinegar said, "because of the adverse effect of the district court's order upon the department's general operations, were it to be established as a precedent, it is essential that we obtain appellate review of the order."

Brinegar told Smith he shared his desire to resolve the questions that have so long surrounded the proposed park route, but emphasized that the best way to do it is through the pending lawsuit.

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