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## "Remand Order in Park Case Authorized"

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## Remand Order in Park Case Authorized

Erwin Griswold, Justice Department Solicitor General of the United States, has authorized the U.S. Department of Transportation to appeal the April 20 remand order in the Overton Park expressway case.

John Russell, public information officer with the U.S. Department of Justice in Washington, said the appeal was authorized yesterday.

The remand order by U.S. Dist. Judge Bailey Brown gave Transportation Secretary Claude Stout Brinegar 45 days in which to make a new route determination for Interstate 40, choosing the Overton Park route or a specific alternative.

Attorneys in the Transportation Department last week recommended to Griswold that the appeal be made but procedurally it was up to Griswold to make the final decision on the matter.

Brinegar had opposed the remand in briefs filed in federal court claiming it would be "entirely inappropriate" for him to make a new decision. He said his predecessor, John Volpe, was correct in his rejection of the park route last Jan. 18.

In his remand order, Brown said Volpe erred in failing to choose an alternative route.

Meanwhile, Citizens to Preserve Overton Park have already filed notice of appeal of Brown's remand order to the U.S. Sixth Circuit Court of Appeals in Cincinnati. Their appeal will be joined by that of the Justice Department. The appeal moves delay the timetable set by Brown for Brinegar's decision.

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