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Review Begins In Park Case

By MICHAEL LOLLAR

The first phase of review in the Overton Park expressway case began here yesterday as a contingent of federal highway officials sifted through 25,000 pages of legal records spawned by the environmental battle.

David Wells, chief counsel for the Federal Highway Administration, led the advance troupe which is compiling data to be used by Secretary of Transportation John Volpe in his consideration of alternatives to the park route for Interstate 40.

"Mr. Volpe can't review anything until we get it ready for him," Mr. Wells said.

With him were Rex Wells, head of the environmental development section of the highway administration; Marvin Espeland and Andrew Dilk, assistant attorneys under David Wells; Robert Odle, development engineer for the Tennessee Highway Department, and Stuart Logan, development engineer for the Federal Highway Administration at Nashville.

They spent most of the day in conference with United States Atty. Thomas F. Turley Jr. and Memphis attorney J. Alan Hanover, chief counsel for the Tennessee Highway Department.

Mr. Turley said the federal officials returned to Washington last night with 1,000 pages of documents selected from the administrative record in the 16-year-old case and 9,000 pages of transcripts from the 27-day trial which ended on Nov. 4.

He said that he, Mr. Hanover and State Atty. Gen. David Pack met with Mr. Volpe in Washington last week and decided to catalog the facts of the case to "get them in a reviewable form."

"I'm sure we'll probably be back in Memphis several more times before we have everything we need," David Wells said, but "Mr. Volpe will probably not make the trip himself."

Rex Wells said, "There is no way yet to estimate when Mr. Volpe will arrive at a new decision." Other highway department sources have indicated the review will take at least six months, including about three months of "paperwork" to comply with the stringent National Environmental Policy Act. The environmental act was applied to the case after it was remanded to Mr. Volpe on Jan. 5 by United States Dist. Judge Bailey Brown.

In his remand order, Judge Brown said "the evidence is overwhelming" that Mr. Volpe did not consider alternate routes when he took office in 1969, and that even if he had he would not have interpreted existing environmental provisions to be as stringent as they were later interpreted by the United States Supreme Court.

Judge Brown ruled, however, that Mr. Volpe satisfied the law in his consideration of design elements of the expressway route and does not have to reconsider design in the current review.

C. A.
2/17/1972
Page 37

OPE 20-08