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., FRIDAY MORNING, MARCH 19, 1971

Compiling Task Readied In Park Case

By MORRIS CUNNINGHAM
From The Commercial Appeal
Washington Bureau

WASHINGTON, March 18. — Tennessee and federal officials Thursday laid plans for compiling the administrative record in the Overton Park expressway case.

The record will be an important factor when hearings begin in federal district court in Memphis. The Supreme Court remanded the case to the district court March 2.

The record will involve minutes, documents, transcripts, surveys and other papers bearing upon the decision of former Transportation Secretary Alan Boyd and his successor, John Volpe, to approve routing Interstate 40 through Overton Park.

With Citizens to Preserve Overton Park and other conservationist groups opposing the route, the case has been in federal courts for more than a year.

The Supreme Court held the administrative record is necessary to determine whether Boyd and Volpe, in approving the park route, took into consideration federal laws requiring that there be no "prudent and feasible alternative" to the park route and that the design include "all possible planning to minimize harm" to the park.

United States Atty. Thomas Turley of Memphis, one of those attending the Thursday meeting, said the record will "include thousands of pages." He said it probably will be large enough "to fill half a trailer."

He said it will include such things as traffic and population surveys, design and engineering studies, boring tests, cost estimates, hydraulic computations, drainage studies and many other items.

Tennessee Atty. Gen. David Pack, who formerly served as state highway commissioner, said the documents and papers involved are scattered through the state Highway Department, the Department of Transportation, and the state, regional and national offices of the Bureau of Public Roads.

The Supreme Court held that the record is vital to a proper judicial review of the decision to go through Overton Park.

"That administrative record is not . . . before us . . . thus it is necessary to remand this case to the district court for plenary (full) review of the secretary's decision," the court ruled in its March 2 decision.

Turley, David Wells, who is an attorney for the Bureau of Public Roads, and J. Alan Hanover of Memphis, special counsel for the State of

Tennessee, were named to coordinate compilation of the record.

Hanover and Turley earlier had argued that the administrative record was unnecessary for a final court decision in the case. They said affidavits and other materials they introduced were enough. But the Supreme Court overruled them.

Pack said, in respect to how long it would require to compile the record, "We are talking in terms of one or two months." Turley said he "would hesitate to predict how long it will take."

A thorough job of compila-

tion was promised. "Any part of the record we don't include," Turley said, "the other side surely will want."

Once the record has been compiled, catalogued and filed in federal district court, United States Dist. Judge Bailey Brown is expected to be asked to set a hearing in the case.

Pack called the meeting here very worthwhile. "The consensus," he reported, "was that we should direct our efforts toward compiling a full and complete administrative record."

Also attending the meeting, held in a conference room at the Department of Transporta-

tion, were Tennessee Assistant Atty. Gen. Lurton Goodpasture; Tennessee Highway Commissioner Robert Smith, and Robert Odle, development engineer for the state Highway Department.

Others present included Undersecretary of Transportation James M. Beggs; Francis C. Turner, federal highway administrator; Herbert F. DeSimone, assistant transportation secretary for the environment and urban systems; Michael Cafferty, deputy to DeSimone; Joseph A. Bosco, special assistant to Volpe, and Jeffery N. Shane, a Transportation Department attorney.

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