

COURT ORDER PLAN  
ADDITIONAL TRANSPORTATION REQUIREMENT  
CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
JUNIOR HIGH SCHOOLS

SCHOOL	NO. STUDENTS TO BE TRANSPORTED	NO. BUSES REQUIRED	BUS PARKING AREA	BUS PARKING AREA COST
Albemarle Road	297	6	S	-
Alexander	0		S	
Cochrane	394	7	U	5,400
Cotswold				
Caulwood	137	3	S	
Fastway	354	7	U	5,400
Alexander Graham	404	7	N	5,400
Hawthorne	135	3	N	3,800
Irvin Avenue				
McClintock	381	7	U	5,400
Northwest	97	2	N	3,400
Piedmont	473	9	N	6,200
Quail Hollow	274	5	U	4,600
Rinson	0	0		
Sedgefield	245	5	N	4,600
Smith	444	8	S	-
Staugh	253	5	N	4,600
Williams	0	0		-
Wilson	183	4	U	4,200
Kennedy	58	1	N	3,000
Randolph	12	1	S	
P-600 (Carmel)	218	4	S	
P-601 (Gunn)	0			
	4,359	84		56,000

1066a

## ADDITIONAL TRANSPORTATION REQUIRED

## CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

SCHOOL	NO. STUDENTS TO BE TRANSPORTED	NO. BUSES REQUIRED	BUS PARKING AREA	BUS PARKING AREA COST
Albemarle Road	176	4	E	4200
Allenbrook	189	4	S	-
Ashley Park	221	4	N	4200
Zain				
Barringer	205	4	N	4200
Berryhill	274	5	S	-
Beverly Woods	250	5	S	-
Billingsville	128	3	N	3600
Briarwood	222	5	U	4600
Brums Avenue	526	12	N	7400
Chantilly				
Clear Creek				
Collinswood	224	4	S	-
Connie Marie Davis	490	9	N	6200
Cotswold				
Davidson				
Derita				
Devonshire	276	6	S	-
Dilworth				
Double Oaks	587	12	N	7400
Druid Hills	312	6	N	5000
Eastover	42	1	N	3000
Elizabeth	30	1	N	3000
Enderly Park	79	2	N	3400
First Ward	533	12	N	7400
Hickory Grove	224	4	S	4200

ADDITIONAL INFORMATION REQUIRED  
 CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
 ELEMENTARY SCHOOLS

SCHOOL	NO. STUDENTS TO BE TRANSPORTED	NO. BUSES REQUIRED	BUS PARKING AREA:	BUS PARKING AREA COST
<u>Hidden Valley</u>	<u>302</u>	<u>6</u>	<u>N</u>	<u>5000</u>
<u>Highland</u>				
<u>Haskins</u>				
<u>Huntersville</u>				
<u>Huntingtowne Farms</u>	<u>195</u>	<u>4</u>	<u>N</u>	<u>4200</u>
<u>Idlewild</u>	<u>163</u>	<u>3</u>	<u>U</u>	<u>3800</u>
<u>Anav James</u>				
<u>Lakeview</u>				
<u>Lensdowne</u>	<u>292</u>	<u>6</u>	<u>N</u>	<u>5000</u>
<u>Lincoln Heights</u>	<u>456</u>	<u>9</u>	<u>N</u>	<u>6200</u>
<u>Long Creek</u>				
<u>Marie Davis</u>				
<u>Matthews</u>				
<u>Merry Oaks</u>	<u>119</u>	<u>2</u>	<u>N</u>	<u>3400</u>
<u>Midwood</u>				
<u>Montclaire</u>	<u>217</u>	<u>4</u>	<u>N</u>	<u>4200</u>
<u>Myers Park Elem.</u>	<u>153</u>	<u>3</u>	<u>N</u>	<u>3800</u>
<u>Nations Ford</u>	<u>201</u>	<u>4</u>	<u>S</u>	
<u>Novell</u>				
<u>Oakdale</u>				
<u>Oakhurst</u>	<u>105</u>	<u>2</u>	<u>N</u>	<u>3400</u>
<u>Oaklawn</u>	<u>405</u>	<u>9</u>	<u>N</u>	<u>6200</u>
<u>Olde Providence</u>	<u>147</u>	<u>3</u>	<u>U</u>	<u>3800</u>
<u>Pajk Road</u>	<u>160</u>	<u>3</u>	<u>N</u>	<u>3800</u>
<u>Paw Creek</u>	<u>225</u>	<u>4</u>	<u>U</u>	<u>4200</u>
<u>Paw Creek Annex</u>	<u>56</u>	<u>1</u>	<u>S</u>	

## ADDITIONAL TRANSPORTATION EQUIPMENT

CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
ELEMENTARY SCHOOLS

SCHOOL	NO. STUDENTS TO BE TRANSPORTED	NO. BUSES REQUIRED	BUS PARKING AREA	BUS PARKING AREA COST
Rana Road	244	5	N	4600
Sedgefield Elem.	164	3	N	3800
Selwyn	188	4	N	4200
Shamrock Gates	135	3	N	3800
Sharon	117	2	N	3400
Starmount	234	5	N	4600
Statesville Road				
Steele Creek	119	2	S	
Thomasboro	18	4	N	4200
Tryon Hills	328	6	N	5000
Tuckers Corner	190	4	N	4200
University Park	550	12	N	7400
Villa Heights	797	15	N	8600
Westerly Hills	140	3	N	3800
Wimpic	71	2	N	3400
Windsor Park	234	5	N	4600
Winterfield	199	4	N	4200
Pinewood				
Change in Attendance Area		17		
	12,429	269		200,200

**Deposition of J. D. Morgan March 19, 1970**

**[1]** This deposition was taken on March 19, 1970, at 10:15 A.M., in the Map Room of the Charlotte-Mecklenburg Education Building, Charlotte, North Carolina.

By consent all objections except as to the form of the question are waived and objections will be made and ruled on at the time of trial. With the consent of counsel, signature is waived.

**APPEARANCES:**

Plaintiffs—Julius L. Chambers, Esq.

Attorney at Law

Charlotte, North Carolina

Adam Stein, Esq.

Attorney at Law

Charlotte, North Carolina

Defendants—Benjamin S. Horack, Esq.

Attorney at Law

Charlotte, North Carolina

J. D. MORGAN, having first been duly sworn, was examined and testified as follows:

*By Mr. Chambers:*

Q. Mr. Morgan, we have an affidavit that you submitted to the Court on yesterday or the day before, listing your estimates of the number of students who live in the areas affected by the February 5th order and who would be provided transportation. We'd like to examine these figures. Do you have a copy of the figures?

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【2】 Mr. Horack: That's which pages?

Mr. Chambers: Beginning with item 2.

A. This is it right here, item 2, summary of total number of children in school in the entire system who live in different zones under the Court approved plan.

Q. Yes. A. Yes.

Q. I think according to your figures you have estimated you'd have 18,460 who would live in the rezoned area and of that 9,016 are now being transported and you estimate an additional 6,019 would have to be transported. A. That's correct.

Q. And you say that 3,425 would not need to be transported. A. That's correct.

Q. We'd like to see how you arrive at these figures. Do you have a map that you used in preparing these figures? A. Yes, and I believe, Mr. Chambers, the only way I am going to be able to do that will be to take the maps and go through it as we have listed here in item #2 school by school, grid by grid for all of them to show you.

Q. All right, would you do that for us? A. It will take us probably, I'd say, a couple hundred hours to do it. It took me over three hundred but now that I am this familiar with it we might be able to do it.

Q. Do you have your map? 【3】 A. Yes.

Q. With your grids and your estimates of students in those grids? A. These are the maps here. This is the senior high school map, here is the junior high school map here, and this is the elementary schools.

Q. Where is your demographic map showing the number of pupils in each grid? A. I submitted all three copies of those I had colored in color to the Court. However, these

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are the three maps that we worked from because they are a larger scale.

Q. But those maps don't show the number of pupils in each grid. A. I'll have to get my printout where I took them, apply my templet that we used that I demonstrated to you before and apply that on each school and then take the grids that we used and then get the number of children off of the computer printout on that.

Q. Would you mind letting me see the computer printout, whatever it is you used? A. Yes. If you will excuse me a minute. We returned it to Dr. Church. (The witness leaves the hearing room.) (He returns.) These are the printouts right here. This was done in January of this year. So it was from these the elementary, the junior high and senior high that I worked from.

Q. Now, what do those printouts show? A. It shows the number of children grade by grade, grid by grid.

【4】 Q. All right. Now, let's take East Mecklenburg High School. Can you find that on the printout? A. Uh huh. Here is East Mecklenburg.

Q. Now, according to the estimates that were made by your staff under the Court directed plan, East Mecklenburg would have 2147 students. A. All right.

Q. I'd like to know what your printouts show with respect to the number of students who would be assigned to East Mecklenburg, the total number. A. The total number presented to the Court shows 2100.

Q. Well, under this exhibit which was in the Finger plan, which is what I understand you operated under, you have a total of 2147 students assigned to East Mecklenburg. Now, will your printout show the total number of students who will be assigned to East Mecklenburg? A. Mr. Cham-

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bers, what I'll have to do to get that will be to take all the grids in East Mecklenburg off of my map there, come over here with the same number here and add all those grids together. I'll have to go to a map and pull off grid by grid all in the East Mecklenburg area and come back to this map here, this printout here, and take all the grids or any portion of those grids and apply that right back down to this right here and that should total, when we add them all up—this was taken from there and therefore it should add to **【5】** that number of children.

Q. Let's look at something smaller. We would like to add those printouts as exhibits, but let's look at a small elementary school and see how you got your numbers. Would you look at the printout for Villa Heights? A. All right. You didn't pick the easiest one.

Q. While you're doing that, why is part of the Villa Heights zone colored and part not colored? A. This indicated that the Villa Heights school was paired with certain other schools. That indicates the pairing. Another example would be Lincoln Heights is colored this color here because it's paired with Merry Oaks, with Albemarle, with Idlewild. So this map indicates the pairing.

Q. Why isn't all of the Villa Heights school zone colored blue? A. Well, this was the map that we started on originally to prepare for the Court and the attorneys felt this was too big and too cumbersome to be handled and managed effectively and could we reduce this down in scale to the size of a map that we sent in. So we ran a reprint of this map, reducing it in half, and when we started that we just stopped the fellows wherever they were in completing this map to go to work on the other maps and not spend any more time on this. The fellows were instructed and that's the only reason I can explain to you.

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Q. Let me ask you a question. Grids 209C, D and 300B, this 【6】 portion above this line colored blue, are these part of the Villa Heights district? A. Yes. This is the Villa Heights area. Under the new rezoned plan it would run up here like this and I've got a question mark as to why this line was run in. I have to go back and check some figures to see why that line was placed in here.

Q. You're saying that grids 298D and C are not part of the Highland district? A. Under the . . .

Q. Court order plan. A. No.

Q. All right. A. Because it shows Highland . . . all right, that's sufficient. You realize you're asking me to do something here that was done by someone else that submitted this.

Q. That submitted the attachments to the Finger plan? A. As far as calculating the total number of children in the area that was submitted to the Court previously, I did not work on that at all. But you're asking me to go back and get something that I've got to go back and pull out someone else's work here.

Q. You submitted the affidavit talking about the number of pupils who would be . . . A. I'm talking about the number of students in the rezoned area now. You asked me the total number of children submitted on 【7】 that and I only worked on the areas that had been rezoned.

Q. You have as an attachment in this affidavit the number of pupils who would be provided transportation under the Court directed plan, not only dealing with the rezoned areas but also with the paired schools. A. In the Villa Heights area, rezoning does not apply to Villa Heights. Villa Heights is paired and therefore all the children in grades 1 through 4 at Villa Heights would be transported to the schools that they have been paired with.

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Q. How did you determine the number of students who are in grades 1 through 4 in the Villa Heights school? A. I took the number of children . . . let me get that, I have that figure down in my office. If you'll excuse me to get that. (The witness leaves the hearing room and returns.) All right, Mr. Chambers, so you'll understand Villa Heights, if you will look at this document. Total number of students for which additional transportation is required by the Court ordered plan, and turn to the last sheet on that section. It's the last page of this document starting right here.

Q. I have that. A. All right. Now, if you will look at Villa Heights you will see that I have said paired 797, a total of 797. All right, that came from information that was submitted to the Court taken from the computer printout which I have right here showing the total.

【8】 Q. Wait a minute. Which exhibit are you referring to? Is that the attachment to the Finger plan? A. Mr. Chambers, I don't know which. That's the same you're using there?

Q. That's right. A. I thought it was, that looked like it.

Q. Yes. A. All right, flip back now to the sheet prior to that one.

Mr. Horack: Is there some way that we can identify?

Mr. Chambers: We will identify it as Plaintiffs' Morgan March 19th deposition Exhibit A, the Finger plan.

A. That is the same figure I worked from there, adding those up that is paired and that gives you the 797 that will be transported to the schools with whom they are paired.

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Q. What you are saying, then, is that you didn't really go and count the grids in Villa Heights. A. No. It was done on that submitted to the Court.

Q. You just took the numbers that were shown in the Finger plan, which is now identified as Morgan March 19 Deposition Exhibit A. A. For the paired schools, yes.

Q. For all of the paired schools you just took the number of students from Plaintiffs' Exhibit A. **[9]** A. That's correct for all paired schools. Mr. Chambers, let me clear up one thing. I took all of that but if you will look at this sheet here, however, I was told that it was submitted in here that this would also take place right here. So that your figures—if you want to add up figures and double-check me on it—you can find that assigned from areas to increase desegregation at Oakhurst, Shamrock Gardens and Thomasboro. Now, this was assigned from this so when I was doing my computation to figure the total number, I took the total number of grades 1 through 4 and came up with 4,984. Of grades 5 and 6 to be cross-bused back to those schools, I took a total of 4,932. To that figure the ones from Oakhurst, Shamrock Gardens and Thomasboro on there that were assigned to increase integration in those schools. That gave the 10,206 which I have on my sheet.

Q. The assignments to Oakhurst and Shamrock Gardens and Thomasboro would not be cross-busing. As I read it, this is just some black students assigned from inner-city to these schools. A. Well, you could refer to that as a satellite.

Q. This isn't cross-busing, is it? A. For those three schools, no. It would be a satellite. For my purpose of figuring I had to put those 209 to get the total number of children. I counted the satellite the same as a paired school.

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【10】 Q. So you came up with a total of 10,206. Is that the rezoning and the pairing? A. No, that's just the paired. In the summary you'll see here I gave the total number of elementary as 10,206 in the paired school. And in the rezoned schools I could have counted those 209 in this area here but I just kept all the elementary together there.

Q. You're talking about you could have put the black kids being bused to Shamrock Gardens and the other two in the satellite schools? A. Yes, the 209 could be placed there. The important thing to me was that it was 10,206 that would be transported one way or another. Then we come to the rezoned area and we broke the rezoned area into the 2,223, giving a total number of elementary children to be transported 12,429.

Q. All right. So that's how you say you arrived at the figure for the paired schools, by taking the number that is attached or shown in the Finger proposal. Show us how you arrived at the number of students in the zoned schools. Myers Park is an example. Let's look at Myers Park elementary.

(Off the record by consent at this time.)

A. All right. (Drawing on the map.) In these areas right here this would all be . . . I wish I had a copy of the Court order map with the colored areas. It would make it so much faster and easier.

【11】 Mr. Horack: May I inquire, I don't want to interrupt our proceedings, if we would go borrow from the Court one of those maps so that we can . . .

Mr. Chambers: We have no objection to it. We didn't get a copy of the maps.

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Mr. Horack: Obviously we haven't got one either.

A. The Court required three copies.

Mr. Horack: I understand the reason why but the fact remains we don't have one.

A. We sent the Court all three copies. We rushed through to get them.

Mr. Chambers: We don't mind going now to the court.

A. Let me check. I had the fellows to fix Dr. Self a copy. I said while they're at it make him a copy. May I check and see if he has it? I believe he has a copy of that which will help and save all this time in trying to go over them again.

(The witness leaves the hearing room and returns.)

Q. We are trying to determine the way they determine the number of students in Myers Park Elementary School.  
A. All right. Here we created this legend to make it clear for everyone to understand.

Mr. Horack: For the record may we identify we're looking at item 6A which is a map of the attendance areas of the elementary schools, which is a [12] colored map submitted to the Court.

A. The Myers Park area under the Court approved plan is this area here. We used the crossed hatch to indicate the original Myers Park area and the corresponding darker green color to show that portion that had been rezoned

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into Myers Park Elementary School. So that shows us the new area and it was only these children as we applied our mile and a half from this school under the amended order, it was my understanding that we were only to include those children that were more than a mile and a half from the Meyers Park Elementary School. So we counted all of the youngsters in these grids.

Q. You're talking about the dark colored grids? A. The corresponding green color. We counted all of those youngsters in those grids, checking the mile and a half out to make sure those would be eligible. As we indicated in the columns here, there were a total of 235 children in that area.

Q. Would you show us how you figured the 235? A. Four of them are now being transported. We know where they are being transported. We took, then, the 153 that would be more than a mile and a half from the school and there would be 78 in these areas that are less than a mile and half from the school.

Q. All right. Now show us, if you don't mind, how you determined there were 153 living more than a mile and a half from the school. **【13】** A. As I demonstrated to you before on the big map, we put the templet on it that demonstrates those children that live within a mile and a half of the school and we counted only those youngsters outside that area.

Q. Is this scale here one inch equal 4000 feet? A. This is the one of 2000 and this is the one 4000.

Q. Would you point out the grids in the Myers Park district that are more than a mile and a half from the Myers Park Elementary School? A. Let me get my templet to put on that. See, this is the same area that I was showing there.

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Mr. Horack: May I inquire, Mr. Chambers, do you want him to explain the process or do you want him to figure it out?

Mr. Chambers: Both.

Q. I understand that this printout here has the number of students in the grids and we would like for him to identify the grids so we can look at the printout to see the number of kids in the grid. A. That's right. Let me get my templet and put on that.

Mr. Stein: Could you also get a ruler that we could use?

A. Yes.

(The witness leaves the hearing room and returns.)

Q. You have attached to the map a circular instrument which I understand measure one and one-fourth miles.

¶14] A. That would indicated 6000 feet, that's 3 inches.

Q. I'm talking about your exhibit attached to the map. Does that measure one and one-fourth miles or one and one-half miles? A. It measures less than one and a fourth mile.

Q. Less than one and one-fourth miles? A. Yes.

Q. Would you identify the grids that are in the Myers Park district that are more than one and one-fourth miles from the school? A. That is a radius. Now, that is a radius of less than one and a fourth miles. It's not the distance we measure the way the road runs to the schools. In other words, you have to take the nearest way you can drive to the school. Therefore, you can't take the number of children straight down and say that's less than a mile and a half. You have to take the way the road runs, the nearest way to get to the school.

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Q. You're talking about applying a state standard now to the Court ordered plan. A. That was my understanding of the order we were to follow.

Q. Well, would you identify the grids now that are outside this one and one-quarter radius? A. All right.

Q. In the Myers Park District. A. 403—I got 9/10 on that; 370D.

【15】 Q. What was the first one that you got 9/10 on? A. I got more than a mile and a half.

Q. What was the first grid you indicated? A. 403B.

Q. That's entirely within the circle. A. But you have to know the distance it takes to get here, how you would drive.

Q. We have a circle that you say is one and one-fourth mile that you say you used to account for the roads and you don't use the circle of one and one-half mile. Now you're saying you include within that— A. We use it as a basic guide. We couldn't just apply that flat and say that was it entirely. We had to take our knowledge of where the roads run and how you get to the schools.

Q. Mr. Morgan, would you first of all tell us the grids that are outside this one and one-fourth mile circle in the Myers Park district? A. We have all or practically all of 370D.

Q. That's not all, it's about 75% of 370D. A. But if you will measure the distance on this road and run your car the nearest way you get to this school from this point right here, down Queens Road, right on down and get into the Myers Park School and it will be a mile and a half.

Q. Mr. Morgan, the only grid in the Myers Park district outside of the one and one-fourth miles would be 370D?

【16】 A. And a portion of 430D.

Q. And a small portion of 430D. A. Yes.

Q. That's not really 430D, that's really 456B. Would

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you come here and look at this grid? Now, this is 456B, is that correct? A. That's correct.

Q. And you've got a very small portion of 456B? A. Yes.

Q. And you've got about 75% because I understand this orange color here is not in the Myers Park district. A. It is.

Q. Why is it orange rather than— A. I explained that this coloring was before. See, the new lines run here.

Q. Let's look at your map. A. It runs all the way up here like that.

Q. So you've got a portion of 370D. Would you look at your printout of the exhibits and tell us how many students are shown in 370D? A. And 456B. 456B shows a total of 7 children.

Q. That's in the whole grid, is that correct? A. That's in the whole grid.

Q. And we have only a very small portion of that included in the Myers Park district. [17] A. There are four children in the area, in that particular area.

Q. Let's look at 370D. A. 370D, there are a total of 181.

Q. Well, let's see, your printout shows 150. A. No, it shows the total, see. You have to take all the children in the grid.

Q. A total of 181? A. A total of 181.

Q. How did you figure the percentage in that district who would be included in the Myers Park district? A. Well, Mr. Harrison ran a calculation on it as we worked with it. We worked grid by grid and all of that grid would be more than a mile and a half from the school. Furthermore, some portion of these grids, although it's within the circle and within as the crow flies within a distance here, nevertheless as the car would have to travel or the child

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would have to travel by the nearest road to get to the school, a portion of those would be within a mile and a half.

Q. Well, do you have a map of the present Myers Park district? A. I believe the old line of Myers Park ran something like this. You can see right here, here's the old line, right here up like this.

Q. How did those students who were living in grid 370C get to school? Grid 370C is in the present Myers Park district, is that correct? **【18】** A. Yes.

Q. And according to your circle there, they are more than a mile and a half from school. A. That's correct.

Q. How do they get to school now? A. As all the children in the inner-city now get to school.

Q. How is that? A. All of them in the city, whether they are a mile and a half or five miles, they walk to school.

Q. Would the kids in the new district 370D be any further from school than the bids in 370C? A. But our order was that transportation shall be provided for all children rezoned who are more than a mile and a half. That was my understanding of the order.

Q. Well, you say presently the kids in 370C walk to school. A. I don't know, Mr. Chambers, how they get there.

Q. Do you have a bus, do you provide public transportation? A. No, we do not provide it.

Q. Isn't there a bus from the City Coach line that runs out to Myers Park Elementary School? A. I do not know. We're showing, Mr. Chambers, that of those 181 at Meyers Park that I mentioned, we're showing that 153 of them would be eligible for transportation. So we only included of the total of 335 in this area—let me make the record straight in case there is a misunderstanding about it, **【19】** that we took off the total I called off 181 from the printout.

Q. You said there was a total of 181 in that grid. A. We

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said 153 of them would live beyond this mile and a half limit, so I was mistaken in about—

Q. You said your circle really is a mile and a fourth.  
A. As the crow flies, yes, but our experience has indicated that you can lay a ruler down or a straight line down and measure out that distance and when it actually comes to it those children will be a mile and a half or more as the roads run.

Q. Well, look at the Shamrock Gardens district. A. All right.

Q. You indicate there that 45 are included in the rezoned district and that you would have to transport an additional 45. A. In other words, there are a total—here's the Shamrock area, the original or that portion that remains in it or in the area after the lines were redrawn.

Mr. Horack: Identify that by color on the Court map submitted to the Court.

A. At Shamrock Gardens the cross hatch in yellow indicates that portion of the attendance area that will remain there. The darker corresponding yellow indicates the area that has been rezoned to Shamrock Gardens. And at Shamrock Gardens we say there are a total in the new area rezoned into it, there are a total of 302 children. There are 39 of those that are [20] presently transported and there will be 45 of them who will live in the rezoned area more than a mile and a half from the school. This would be the portion of the children that live the farthest from the school. And there would be 218 in the area that would be within walking distance of the school.

Q. All right. Now, let's use your circle again on the larger map for Shamrock Gardens and identify the grid

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that is outside of the circle. A. All right. Right here, applied on the Shamrock Gardens you can see the new rezoned area runs under this point here.

Q. Those are grids 299A— A. 299A.

Q. A portion of B. A. A portion of B and a portion of C.

Q. It's not really all of 299A, is it? A. No, it's a portion of 299A, B and C. 299—that was A?

Q. Yes. A. A portion of A, a portion of B.

Q. And a portion of C. A. And a portion of C.

Q. How many students are in 299A? A. All right. 28.

Q. How many are in 299B? A. 33.

【21】 Q. 299C. A. 102.

Q. You've got about one-half of C that's outside this circle. A. All right. Of those 163 in all areas there are approximately one-half of them who will require additional transportation or they are now being transported to a school.

Q. When you have half a grid, what do you do, divide two into the total number of students in the grid? A. Yes, if we say that there is one-half of it, then there will be 14.

Q. That's the way you make your determination? A. Yes.

Q. If you've got one-third, you divide it by one-third? A. One-third is one-third, that's right.

Q. Well, the point is you don't actually have a house by house count of students in each grid. A. Yes, we do.

Q. You do have? A. Yes.

Q. Then you can tell the Court now the number of students who live in a certain zone and attend school in another zone since you have a house by house count? A. Yes.

Q. You can tell the Court that now? A. Yes.

【22】 Q. It seems that all of the students in 299A, B and

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C are outside the 1957 city limits. A. Repeat your question.

Q. It seems that all of these students in 299 A, B and C are outside the 1957 city limits? A. 299A and B, yes, and a portion of 299C.

Q. Well, the portion of the students in 299C who live according to your circle more than a mile and a half from the school would be outside the '57 city limits. A. That's correct, but they were assigned to a school, Plaza Road here, that was less than a mile and a half from their home. Although they lived outside the '57 city limits, they were assigned to a school less than a mile and a half from their home.

Q. You're talking about the students in 299C were previously assigned to Plaza Road? A. That's correct.

Q. And where were the students in 299A and B assigned? A. 299A and B, all right. They were all assigned, all of these were assigned to Plaza Road.

Q. Now, where are the 30 students who are now being transported residing? A. In 299—in which?

Q. Well, you indicate in your report that 39 of those students are already being transported.

【23】 Mr. Horack: What school are we talking about?

Mr. Chambers: Shamrock Gardens.

A. Yes.

Q. Where do they reside now? A. They reside in either 299A or B.

Q. And you say they are assigned to the Plaza Road Elementary School? A. That's correct. According to these lines here, if I can make out the lines I'm looking at here, that's correct.

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Q. Would you tell us from your figures there the number of students you indicate would need transportation, the total number in Shamrock Gardens?

Mr. Horack: You mean additional?

Mr. Chambers: No, the total number.

A. The total number adds up to 84. That's 84 out of the total of 163 that have been rezoned into Shamrock. No, more than that. Some are within walking distance of Shamrock. There have been 302 rezoned into Shamrock Gardens, 84 of whom have transportation, 45 of them additional transportation and 49 of them now being transported.

Q. Would you look at the Billingsville district. A. All right.

Q. You indicate a total of 128 additional students to be transported. A. That's correct.

【24】 Q. Now look at the Billingsville district. A. Billingsville is indicated on the map by the remaining portion of the original attendance areas indicated in a cross hatched blue line. The rezoned area to it is indicated by a corresponding solid blue color.

Q. Now, would you use your circle again and tell us the grids that are outside the circle? A. All right. A portion of 432C, 458A, 458D, a portion of 458C, and 485B, a portion, the majority, practically all of 485B. It would be all of 485B and 458A.

Q. All right. Would you check and tell us the number of students living in those grids? A. Did anyone take them down as I was writing?

Q. Yes. A. That's 458A, B and a portion of C.

Mr. Horack: Can we get off the record a minute?

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Mr. Chambers: Yes.

(Off the record by consent at this time.)

A. I come out with a total in just those grids that I called out, 432C, 67 pupils; 458A, 46 pupils; 458B, 57 pupils; 458C, 45 pupils; 485B, 24 pupils; 485A, 69. I show on my report 272 so I deducted those portions in that, a total of 38 children just in those grids alone that would be excluded for a part of 458C. If you want me to, I can go back and check. I think I'm in the ball park but—

【25】 Mr. Horack: May I suggest that you double check the applicable grids? Not that our list wasn't correct but I got to meddling with your business. .

A. I said a portion of 432C, 458A, 458C—that looks like all of C. Now, for the record, let me recap my recount. 342C, 67 pupils; 458A, 46 pupils; 458C, 45 pupils, 458D, 45 pupils; 485A, 69 pupils; 485B, 24 pupils; 485C, 17 pupils; and 485D, 22 pupils.

Q. Would you total those up? A. I wanted to recheck before I gave it for the record.

Q. OK. A. There are a total of 335 pupils in those grids. Our record shows that 112 of these are now being furnished transportation and there will be 128 additional students to be transported, totaling 230 out of the 335.

Q. How did you determine that 112 are now being transported? A. They are now being transported, the vast majority of those are being transported out of the Pinehurst Apartments to Sharon.

Q. Are they the only ones? A. I said a large portion of the 112.

Q. Where are the others?

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(Off the record by consent at this time.)

Mr. Horack: Explain for the record just exactly what you said.

**【26】** A. In explanation of the 112 who are now being transported, I made the statement that the majority of those were coming out of the Pinehurst Apartments. Here is where McMullen Creek crosses Providence Road and all of those apartments are in this new area that has been reassigned to Billingsville Elementary School.

Q. Grids 485A and B? A. Pinehurst Apartments are all—a portion of them might be in B, yes.

Q. Are there other students—

Mr. Horack: He didn't explain where those students were previously transported.

A. These students in here are presently in the Sharon attendance area and are being transported to Sharon at the present time. This was a former county school and this, you see, was outside the '57 city limits.

Q. Are there other students in the rezoned Billingsville district who are also being transported besides those in the apartments you mentioned? A. There are a few in 485B and are now being transported to Cotswold and that will account for the 112. The 128 I'm accounting for for additional transportation will be all of these children in this area that are now within a mile and a half of Cotswold Elementary School and are now walking to Cotswold.

**【27】** Q. You're talking about grid 458A . . .? A. 432C, 458A and 458 C and D.

Q. Now, are all of those grids or the areas that you indicate you will provide transportation for for the Billingsville School outside the 1957 city limits? A. Yes.

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Q. You have estimated in a previous affidavit that it would take an hour and a quarter for the students in the paired schools to get to school. A. In my previous statement I stated that it would require a bus route of approximately two and a half hours a day averaging throughout the entire system. You cannot pick out an isolated situation and say that that is it, in an area like we were just looking at. You have to average it throughout the entire system and that's what we estimate the travel time it would take a bus.

Q. Two and a half hours round trip? A. Round trip, yes, sir.

Q. You're talking about to school and then in the afternoon back home. A. To school and back home.

Q. Are you talking about from the time the bus driver leaves home until he stops the bus after he unloads the students? A. Yes, I am.

Q. You're talking about the total time. A. I'm talking about the total mileage that a bus will have to **【28】** travel.

Q. From the home of the driver. A. Because our route description describes the route from the point where it leaves the driver's home to the last stop where it discharges pupils and parks.

Q. Mr. Morgan, why did you give the total time for the travel rather than one way trip as you have been doing for buses now operating? I show you, for instance, copy of the principal's monthly reports for the period December 1 to January 7, which is an exhibit that has been introduced. I note on that exhibit that in your reporting now you report only one way for time. A. Well, for the purpose of figuring the total mileage, I just figured the total mileage and total travel time. I was not figuring mileage one way and time one way. I was taking the round trip and I was using the

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round trip and the total mileage for that round trip. Our state form simply calls for it in this manner, total mileage for the route, and then they ask just time required to travel one way.

Q. My question is, you have been reporting time for just one way. A. Yes.

Q. But in this instance for the Court ordered plan you report time round trip. I was just wondering why you would report it for the round trip rather than the way you have been doing. A. No particular reason other than to show the total mileage and [29] the total travel time.

Q. Now, would you look at your map again, the one showing the paired schools. A. Would you like me to put that up?

Q. Yes, if you don't mind. A. This is the one we submitted to the Court.

Mr. Horack: Mr. Chambers, would you again identify for the record which map it is we're looking at?

Mr. Chambers: We're looking at map #1. The map we are looking at is the map showing the paired schools as submitted to the Court for the elementary schools.

Q. This map shows the schools that have been paired under the Court ordered plan. It also has a scale of one inch for 4000 feet. A. That's correct.

Q. All right. Now, would you take your ruler and let's start with the pairs here. How far is Albemarle Road from Lincoln Heights? A. That's a total of  $10\frac{1}{4}$  inches.

Mr. Horack: May the record show that the witness is making his measurements as the crow flies.

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Q. All right. Now, how far is Idlewild from Lincoln Heights? A. Approximately 10 inches.

【30】 Q. And how far is Merry Oaks from Lincoln Heights? A. Approximately 5 $\frac{3}{4}$  inches.

Q. How far is Hickory Grove from Tryon Hills? A. 8 $\frac{1}{8}$  inches.

Q. How far is Briarwood from Double Oaks? As the crow flies, 5 $\frac{1}{2}$  inches.

Q. And Devonshire? A. 7 inches.

Q. We're talking about as the crow flies. Approximately how far is it by route from Briarwood to Double Oaks? A. Well, I estimated this for the average. I can only tell you what we figured the average throughout the entire system and not isolating any one particular situation.

Q. Well, you would have to have some figure for all of the situations to get an average, wouldn't you? A. Yes, and that was based on our experience and the experience we are having with some of the in-city transportation now from the driver's home to pick up the youngsters to carry them back to school.

Q. Have you or have you not determined how far Briarwood is from Double Oaks? A. The exact mileage as to the way the bus would run, this has not been done and will not be until the assignments are made and the principals run their routes.

Q. How did you determine your average? 【31】 A. Based on our experience with the in-city transportation and knowing the experience from where the drivers live and our problems with locating drivers in the proper location.

Q. Well, Mr. Morgan, are we talking about in terms of your estimated average the distance from the school to the school to which the students are being assigned or the dis-

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tance from the driver's home around all of the students in the particular district and then carrying them over to the school? How are you arriving at an estimate? A. There are going to be many routes that will be more than the thirty miles daily. There will be other routes, of course, that will be less than the thirty miles.

Q. How are you determining that? A. Based on our experience and our operation with our present fleet.

Q. Could you tell us what that experience is so we can know what you are using to make that determination? I don't presently see any school there in the clustered schools that is more than fifteen miles from the other school or is fifteen miles from the other school. A. I have not said from school to school that it was fifteen miles. I am saying the distance the bus will travel will average thirty miles daily or more.

Q. I would like to know how you make that determination. A. I didn't pin it down. When we took the average I didn't pin [32] it down when we just took the elementary schools alone. We took into consideration and my testimony was for the entire system.

Q. Well, let's talk about the clustered schools. How did you determine an average for the time it would take for these buses to make the routes that you would have to go? A. Well, I had a principal to check a given situation the way his bus would have to go. I also secured information from the Transportation Department based on the experience of routing the buses and where the drivers live that it would take that mileage.

Q. Is any of that information written? A. No, sir.

Q. We are trying to find out how you made your determination and we would like to know, if possible, what you are basing your average on.

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Mr. Horack: I believe he already answered that.

Mr. Chambers: He said experience and we'd like to know what that experience is.

Q. Is it safe to say, Mr. Morgan, you really don't know?

A. No because I think our experience will prove and when the principals actually get the children assigned and work out the bus routes and we add them all up, I think you'll find that our figures are fairly accurate.

Q. Well, tell me what the experience is so we'll know what you [33] are making your estimates on. A. Well, you're speaking only of clustered schools and my testimony was based on all schools, junior high schools, senior high schools and elementary schools.

Q. Well, talk about the senior high and junior high for the present purpose. We want to know how you made a determination that it would be approximately an hour and a quarter for the students to get to school. A. Well, I had Mr. Harrison to run several checks on given situations and to . . .

Q. Let's talk about those checks that Mr. Harrison made. Do you have those in writing? A. No, sir, I don't.

Q. What checks did he make? A. As I say, I had one principal to check who is presently having experience at Idlewild and the way that it would be necessary for him to route his bus from Idlewild school to Lincoln Heights school and on the basis of his experience on routing buses, I asked him to make a run of that to show what it would do. I didn't pick out necessarily any other school, I just took that as one example of a principal who had considerable experience in making and he gave me the way his bus would have to run, which would be out Central Avenue and up Trade Street, across Trade Street to Beattys Ford Road and up Beattys Ford Road and into Lincoln Heights.

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He said that [34] this is the safe way a bus could be routed. That was one check I used. Then I asked Mr. Harrison to also run a check and to see what several typical situations would be and to give me an average based on that, where drivers lived and where the children lived and the best way to get to the school.

Q. What checks did he make? A. He ran some checks on schools and I don't know which schools he ran them on. I just asked him to give me what would be a fair representation so we would make sure that we were correct when we put our figures down.

Q. And you don't know what he did. A. I don't know the particular schools he used, no.

Q. Is he here? A. No, sir.

Q. Where is Mr. Harrison? A. I suppose he is at the Transportation Department or out on some of the routes maybe, I don't know.

Q. What time did the principal from Idlewild tell you it would take to get from his school to Lincoln Heights? A. Before I answer that, let me say this. In calculating the mileage, the speed at which we could go through town, we felt that an average of 12 miles an hour was as fast as we could travel through town. The principal, when he made his check, used his car and did not take a school bus and make the run. [35] As I recall, he gave me a distance of either 13 or 14 miles one way and that just included the distance from his school to the Lincoln Heights School. He did not take into consideration where the driver would live or how many pupils would have to be picked up beyond that point who would live more than a mile from Idlewild School who would be going there.

Q. What time did he tell you it would take? A. He said he could not judge it by using a car versus a bus.

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Q. He didn't tell you how long it took him to drive?  
A. No. Just from the school I guess we could multiply it out and travel 12 miles an hour. What would 12 miles an hour times 13 or 14 miles give you in time?

Q. I thought maybe you had some figures that you were using to make your estimates. A. I had on distance but not on time because I couldn't compare a car's travel time with that of a bus.

Q. Now, did Mr. Harrison give you some estimate of time? A. His estimate of time was that it would require throughout the entire system an hour and a quarter travel time on an average for all the routes.

Q. Is that from the bus driver's home? A. Yes.

Q. Is that picking up students in the neighborhood also? A. It's allowing for picking up some at the farthestmost point.

Q. Would the time be reduced if you just used the time from [36] school to school? . . . rather than pickups. A. Yes. But by law, if they are more than a mile from the bus route we've got to route the bus to them. This is state law.

Q. If they walk to school as they are doing now? A. Well, you're mixing apples with oranges now. A child walks to school if he is less than a mile and a half. However, the law states that we must route a bus, if he's transported to school, it must be routed within one mile of his home. So all of those children who are more than a mile from the school, the bus must be routed to pick those youngsters up.

Q. The only question I'm trying to find out is whether you plan to route the buses for the clustered schools from school to school or around the area to pick up the students. Of course, that will have some bearing, too, on the number

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of buses you will need. A. Not on the number of buses but on the travel time.

Q. Well, would you state whether you have tried to route the buses from school to school or some other way? A. Depending on what we find to be the safest way to get the children to school. If we find that it's unsafe to congregate 500 children at a school with buses coming in another direction in there, it may not be wise to do this and we would certainly want to route the buses to provide the safest way for the children to get to school.

Q. At present you don't know how you're going to route the buses. [37] A. Not until the children are assigned and the principals can pinpoint where they live and then make their runs and set their stops, and so forth.

Q. And you don't know how much time it would take to get the students to school. A. Well, I'll state my original estimate. There will be some children that it will require an hour and a quarter or more.

Q. Well, now, have you seen the charts that were prepared by the plaintiffs of the time and distance presently required for transporting pupils to school? A. No, sir.

Q. Let me show you these charts. This is for the period September 5 through October 4, 1967. That was taken from your principal's monthly reports and it shows that you have 48 buses now traveling an hour and a half.

Mr. Horack: Does Mr. Morgan understand that this chart was prepared by you?

Mr. Chambers: I just said that.

A. Yes, sir. I have not seen it before. But you must know the circumstances on the routing of each bus and where it runs and how it runs and how many stops it makes,

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what kind of traffic is involved before you can take the existing transportation, which the vast majority of it is out either in the periphery or the rural area. This is where you get averages like this, where they could make better time traveling than they can **[38]** interstate traffic.

Q. We are going to talk about the present inner-city transportation but for the purposes presently we just wanted to show from your record what was presently happening in the city. A. I don't know.

Q. I see three buses that are traveling four hours a day.  
A. Yes. You have to know the circumstances surrounding that before you know what's taking place on that because that is in a section that is isolated. I know of one example of a situation that's isolated around Lake Norman and they must travel out into Iredell County and come all the way back down in order to get there. That's bound to be an isolated situation.

Q. I understand that one of those buses goes to Garinger High School. That is in the city, is it not? A. I would have to check the records. Garinger is located on the periphery. It's in the present city but it's out in the periphery. It's not in the inner-city.

Q. Is not Eastway Drive that runs by Garinger one of the major thoroughfares? A. Yes. But the roads that branch off it to run out into the rural area of the county.

Q. Well, I recall some of your testimony in the other depositions where you indicated that you have some problem with student drivers traveling long periods of time and your records **[39]** indicate that the bus going to Garinger is driven by a 16-year old student. That's takes three hours and fifty-five minutes to get to school. A. How many loads does the bus make?

Q. Three. That students seems to be able to make his

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route, drive three hours and fifty-five minutes one way and get to school. A. I don't know what his schedule is and what his load is. He may miss as many as two periods a day.

Q. The average that you have given for transporting pupils under the Court ordered plan would be the present average the buses are traveling in the system today. In fact, it would be less than the present average, would it not? A. I have not made that comparison.

Q. Did you not submit an affidavit testifying that your present average was an hour and thirty minutes? A. I'd have to check back. I have talked for seven or eight hours. I would have to check back and see.

Q. Is it true that your buses today travel an average of an hour and thirty minutes one way? A. If that's what I testified, if I testified to that we must have made some check to verify it. I don't recall.

Q. Do they or do they not, if you know? A. I don't know the average other than what you were showing me there.

**【40】** Q. Do you know whether they travel an average of 47.9 miles a day? A. I'd have to go back, Mr. Chambers, and check our records.

Q. Do you have those records available? You're talking about taking your principals' monthly reports which we have already introduced? A. Yes.

Q. Would you take your rule again and let's complete the distance in the paired schools. Would you tell us how far your rule shows it is from Huntingtown Farms School to Bruns Avenue? A. 9 $\frac{5}{8}$  inches.

Q. How far is Sharon School from Bruns Avenue? A. 8 $\frac{7}{8}$  inches.

Q. How far is Starmount from Bruns Avenue? A. 9 $\frac{1}{8}$  inches.

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Q. How far is Park Road from Marie Davis?

Mr. Horack: I'll object to this, Mr. Chambers. The maps are in the record and it's purely a mechanical thing to measure them. All of these schools are as the crow flies, the distance indicated by a rule extending between any two designated schools. I don't think we need to sit here and have Mr. Morgan do all the mechanics of all the ruler measurements.

【41】 Mr. Chambers: We'd like to get it in the record.

Mr. Horack: It's already in the record, the maps are in the record.

Mr. Chambers: In testimony in the record.

A. Mr. Chambers, in all sincerity let me point out to you again and I know you understand that measuring this doesn't tell you anything. It just gives you the distance as the crow flies. You have to know the way the roads run and actually run the road to get there. It doesn't tell you anything.

Q. Mr. Morgan, you didn't really know how far it was from one school to another. A. I have not measured the distance. I told you that until the routes are established and the way the buses run, we will not know that.

Q. Well, we're trying to get an estimate. A. I can give you school by school, of course, as we are doing right here. Unless you're checking my measuring against your measuring to see whether we come out the same. Marie Davis to Park Road  $3\frac{1}{8}$  inches.

Q. What about Pinewood to Marie Davis? A.  $3\frac{1}{2}$  inches.

Q. You don't have an estimate, Mr. Morgan, of how far those schools are apart. A. The only estimate I have is

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what I originally testified as the distance the buses will have to run.

【42】 Q. You testified that in determining whether to provide transportation for students that you used the measurement of one and one-quarter miles. Can't you do the same thing for the schools or would a different rule apply? A. Well, as I said, the averaging out of the distances, it would average out that, but that scale just tells you that point and beyond that point you'd have to actually, as I say, measure it on to the end of the attendance area to find out the accurate figure.

Q. You mean that a different rule would have to apply in determining the distance between the schools than between the home of the child? A. No. We did this to get the number of children who would be transported.

Q. Did you think that was a safe and fairly accurate way of determining the number of children, using the measurement of a mile and a quarter? A. Yes.

Q. Why don't it also determine the distance from school to school? A. Repeat that question.

Q. Why wouldn't your same method for determining the distance of the child's home from the school, namely, the mile and a quarter circle that you had, also determine the distance from school to school? 【43】 A. Well, as you move out from a relatively small area the roads begin to branch out in many directions from that and feed into the main roads.

Q. You're saying that the same rules would not apply, is that what you're saying? A. I'm saying you'd have to take each individual bus route into consideration before you could.

Q. You have made an estimate of the average on some information you say you got from Mr. Harrison and you

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don't have any more accurate way of determining the distance from school to school than what you have given us.

A. No.

Q. Now, moving to your estimated number of buses, I take it that you again have estimated the number of students who need transportation and divided it by 44. A. No, sir.

Q. All right. Would you turn to your estimate of the number of buses that would be required?

Mr. Horack: May we get off the record?

Mr. Chambers: Yes.

(Off the record by consent at this time.)

RECESS FOR LUNCH

A. Mr. Chambers, for the record I wanted to clarify your question so I'll make clear to you about the ruler. You asked me why if I did it with a templet on that why I couldn't do it **[44]** with the ruler the same way for the balance of the area and I stated that as you move into the outer area and a bigger circumference the roads run out in different directions and spread out further. But we use the ruler just as you were using it there to estimate mileage but we have found from experience and trying it out many, many times in the past that using the distance that the ruler will measure as the crow flies—for example, we measured one there from Lincoln Heights to Idlewild. I believe I stated that that was 10 inches. Now, the method which we use to calculate to give us an idea of exactly how many we are speaking about—

Q. How many miles? A. Yes. Would be on this map, which is a 4000 foot map, a scale of 4000 feet, then that

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would give you 40,000 feet measuring it that way. We have found through experience that by adding 25% to measuring it that way will give you a fairly accurate mileage distance as the road runs to the school. This comes about only through the vast experience we have used in trying this method out time and again. I didn't make that clear to you. I wanted to make sure when you asked me could I, yes, we can but you must add 25% to that.

Q. What does that give you? A. That would give you, of course, 10,000 more on to that which would give you 50,000 feet.

Q. So all of these schools, then, you could estimate. [45] A. From school to school, we can, but beyond that point, now, we cannot. There are some other factors that have bearing on it.

Q. What other factors? A. If I might use this example here when you measure out to this school here.

Mr. Horack: What is that school?

A. It's Idlewild, from Lincoln Heights to Idlewild which is the one we used where we had ten inches for easy figuring purposes. When you figure that, you can figure the distance fairly accurate from Lincoln Heights to Idlewild. Now, not having that experience in the inner-city streets with this—this is the method we use in the outlying areas and I have not applied this same principle and not had the same experience of applying that rule to the inner-city and to say unquestionably that it would work, I could not. But the other point that I was making . . .

Q. Mr. Morgan, just on that point, we were talking a moment ago in terms of the rezoned areas and they were inner-city, as I recall, and you felt that you could use your

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one and one-quarter mile diagram for those. A. Yes, but the rezoned areas are areas tied more closely together than what we are talking about here and I don't know the network of roads and all coming across here. But I could assume that we could apply it and get it fairly accurate.

【46】 Q. The areas you're crossing are the same areas you used for the one and one-quarter mile, aren't they? A. Yes, but I say I have not had the experience of whether or not a direct route from Lincoln Heights over here, the manner in which it has to be run. I testified before either 13 or 14 miles. What would this figure out? If I divide my 5280 into that, that comes out to  $9\frac{1}{2}$  or close to 10 miles, we'll say. Now, my statement was that the principal gave me by car the way he would have to route the bus. That came closer to being 13 miles. That would be a principle which we'd apply or a method we would apply but you never actually know until you get on the ground and run it. The other factor that I was pointing out that would be different would be this right here. If on a road like this at this point here, which is a road that runs by Idlewild School, Idlewild Road, there is a child that lives more than one mile from this school, then that bus must be routed to pick that youngster up and, therefore, the bus driver may live at this point but instead of coming to here to pick them up, he may have to run the route all the way out here to a safe turning around point and turn around to pick the youngsters back up that live a mile from this walking point here.

Q. Aren't those children already bused at Idlewild School? A. If they are more than a mile and half they are, yes. But you were asking me the question could they not walk into the 【47】 school. Your question to me was could they not walk into that school and be picked up.

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You're stating now can these children not ride that same bus and ride it into Idlewild and transfer?

Q. Yes. A. Yes. That adds mileage to what that child travels. He's not going to travel from here to here, he's going to travel from here to there to there. I'm getting at total mileages he is going to travel.

Q. The point is that in the Idlewild district the children are already being bused to school and you have the same compact areas in the inner-city schools that you are presently operating on and those children are already walking to school and I don't think that any of them are more than a mile and a half from the school. A. Then using our calculations here, then, you're just going to transport them 10 miles farther than now.

Q. I understood that's what the Court ordered. A. That's what I'm saying but I thought you were trying to get at examples of how children. . . . I just wanted to make sure I cleared it up for you. I was trying to clear it up, at least.

Q. Another thing, the 12-mile per hour trip that you talked about for the Idlewild School, was that contemplating your bus stopping on the route to the school? A. This was calculating the overall time. There would be times [48] when he would make more than 12 miles an hour. There will be times when he will make zero miles per hour when he stops. So we figured a fair way to average it out would be the 12 miles. This way my opinion. Mr. Harrison thinks I am too high. He does not believe it will average that but I was of the opinion that we could probably average that.

Q. If the bus ran from school to school would it average more than 12 miles an hour, instead of stopping? A. A bus can certainly average more when it travels straight

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non-stop but remember the stop lights in the city is going to slow you down.

Q. I understand but you have an overall average of 12 miles an hour now and you're stopping to pick up children. In addition you're stopping for stop lights. A. And I pressed on this say one time we get him he may not average that in here, no. One time you get him out here, he can move freely.

Q. We're talking about 12 miles an hour now on the overall trip from wherever he picks up the children to the school to which he is carrying them, is that correct? A. Yes

Q. And that includes the inner-city traffic. A. That's correct.

Q. And you say that if the bus ran just from the school to school without stopping to pick up children that the average would **【49】** be greater than 12 miles an hour? A. No.

Q. It would not be? A. No.

Q. Mr. Morgan, maybe you don't understand the question. If you average now 12 miles an hour on your overall trip, stopping to pick up children, and you're going to run directly from school to school, are you saying you would have the same mileage per hour? A. Let me see if I can explain it to you this way. In working to figure out this average miles per hour, we made allowance that the children in highly compact areas would be able to walk into the school there and be picked up and taken on a trip without picking up additional children, just the normal stops as required by heavy traffic in the inner-city, stop lights and intersections and whatever other problem they run into, and coming out to this school here.

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Q. That's Idlewild? A. That's Idlewild School from Lincoln Heights. By the same token, we said that this child traveling in the other direction, that the bus must stop to pick them up out here and it might be longer going this way and what we tried to do is to take throughout every school we had and try to get an average which is a dangerous thing to do, I realize, but we tried to get an average and to make sure we had as accurate an average [50] as we could come up with on the travel time and we did take those things into consideration when we were computing it.

Q. In computing the 12 miles per hour average did you anticipate the bus stopping from Idlewild to Lincoln Heights to pick up children?

Mr. Horack: I believe he answered that, that that was not as you suggest but an overall average of all schools everywhere.

Mr. Chambers: I am asking in that overall average is he anticipating the bus stopping on the trip between Idlewild and Lincoln Heights.

A. No, but I was anticipating it stopping before it got to Idlewild.

Q. You testified a moment ago that children who would be west of Idlewild who would be living more than a mile and a half from the school would have to be picked up and transported over to Lincoln Heights. A. A child living more than a mile from the school, yes.

Q. West of Idlewild? A. I don't remember that I testified west, I meant east. This is east.

Q. Take the child who would be west of Idlewild and is more than a mile and a half from school. A. All right. Then he must be transported into Idlewild and from his

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present transportation transferred onto a bus at 【51】 Idlewild, doubling back over the same route he came, to go to Lincoln Heights.

Q. Does your estimate anticipate that or does it anticipate the bus going from Idlewild to Lincoln Heights stopping to pick them up? A. I anticipate the average of all of them working together.

Q. Was the factor of the bus stopping on the way from Idlewild to Lincoln Heights considered in your determination of 12 miles an hour average? A. Mr. Chambers, what I'm saying is that one time the bus gets its load to here at Idlewild, then it would not necessarily be picking up any more children on the way to Lincoln Heights.

Q. You did anticipate that in making your average of 12 miles an hour, the bus stopping? A. The bus would have made its stop when it picked up its last child at Idlewild to go to Lincoln Heights and would have had its load and, therefore, would not be picking up any more children. But we might find it advantageous, if we had 36 children on this bus at Idlewild, to run this bus by here and stop and pick up those children on the way to Lincoln Heights. This way the child is going to be involved in the same amount of time.

Q. The only question I'm asking is did you consider that in determining that the bus would travel an average of 12 miles an hour. 【52】 A. We took all the factors into consideration.

Q. Now, if you eliminated that factor, that is, the bus stopping, would your average still be 12 miles an hour? A. Let me make sure I understand the question now. You're saying that if the child was brought into Idlewild and put on the bus then?

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Q. Mr. Morgan, in making your average of 12 miles an hour, one assumes you talked about the speed limit of the bus, the speed limit of the city, that is, to travel 35 or 20 miles, whatever it is, an hour, the stop lights the bus would have to stop at and the distance and what the bus would be doing on the route from wherever it was going to where it was going. Now, one of those factors that we understood you to say that you considered in determining it would run an average of 12 miles an hour over the trip was that the bus would stop en route to the school to which it was going. A. It could or could not.

Q. Well, we asked if you had anticipated that it would and that's all we're trying to find out. A. We're not tuned in on this. I'm not tuned in with you.

Q. Well, let's move to something else. Would you use your same 25% addition to the measure of inches on Park Road and Marie Davis to get how far those schools are? A. We would use the same method on all schools to determine our estimates until the buses are actually routed and the stops [53] set up. I gave that distance.

Q. Marie Davis to Park Road is 3 1/8 inches and what was your estimate of the distance between Pinewood and Marie Davis? A. We used Park Road, approximately three miles.

Q. Let's turn to your estimate of the number of buses that will be required. Before getting into that, Mr. Morgan, we want to get these distances in inches between schools because we don't have a copy of the map. We would like to get them in the record. A. Mr. Chambers, let me ask you this, we will have to make some copies of these maps. Well, we can do it here. I was just trying to save some time.

Q. Would you give us the distance between Hidden Valley and Druid Hills? A. 3 7/8 inches.

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Q. What is the distance from Beverly Woods to First Ward? A. Call it  $7\frac{1}{2}$  inches.

Q. What is the distance from Lansdowne to First Ward? A.  $8\frac{3}{4}$  inches.

Q. And from Olde Providence to First Ward? A. 11 inches.

Q. What is the distance from Ellenbrook to Oaklawn? A. 5 inches.

Q. And from Paw Creek to Oaklawn? A. 8 inches.

【54】 Q. Paw Creek Annex to Oaklawn? A.  $7\frac{15}{16}$ .

Q. What about Tuckaseegee to Oaklawn? A.  $7\frac{1}{16}$  inches.

Q. What is the distance from Hickory Grove to Tyron Hills? A. If something is going to check on this, I want to make sure I'm right. I don't know if that makes that much difference.  $8\frac{1}{8}$  inches.

Q. What is the distance from Montclaire to University Park? A.  $10\frac{1}{8}$  inches.

Q. What is the distance from Rama Road to University Park? A.  $10\frac{5}{8}$  inches.

Q. What is the distance from Selwyn to Villa Heights? A.  $6\frac{1}{2}$ .

Q. And from Windsor Park to Villa Heights. A.  $4\frac{1}{4}$ .

Q. From Winterfield to Villa Heights? A.  $4\frac{1}{2}$  or  $7/16$ .

Q. That covers them all. Would you look now at your estimate of the number of buses. At East Mecklenburg you indicate that you have estimated you have 465 additional students to transport and that you would need 11 buses. A. Yes, sir.

Q. Now, would you tell us how you arrived at this 11? A. Yes, sir. For the senior high schools we calculated, as we 【55】 have on all of this, that we use 54-passenger buses.

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Now, this is a figure that we have used standardizing throughout the entire system using this size bus. Realizing that in some cases we will be able to use a larger capacity bus and in other situations it will require a smaller type bus. Mr. Dark, in discussing city transportation with us some time ago when it appeared that the legislature was going to enact a law providing transportation for all, stated to us that he felt like in an area such as ours it might be wise for us to go to 48 or 36 passenger buses but, nevertheless, for our purpose here, we have stuck strictly to the 54-passenger capacity bus. Now, a 54-passenger bus has nine seats on each side of the bus for a total of eighteen seats. Each seat has a span of 39 inches. In our calculations for seating adults, which the majority of seniors are adults, we figure it takes 18 inches rump space for each child, thereby you can only seat 36 senior high school children on a 54-passenger bus. For our calculations here for junior high schools we used a figure of 40 children per bus, and we did this school by school. So, to answer your question, at East Mecklenburg 465 children, we divided 40 into that at that school and came up with 11 buses with 25 children over. So we said that. . . .

Q. That you'd use 11 buses. A. We'd use 11 buses, yes, sir.

Q. Did you consider the buses already operating in that school [56] district? According to the principal's report you now have several buses now operating in the East Mecklenburg school district. I call your attention to the principal's report beginning November 27, 1969, and ending January 9, 1970—it shows presently East has one bus transporting 44 students. A. The average number transported daily on the first trip. The first trip is to East and

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it shows 44, that's correct. By the same token, it shows it transporting only 39 elementary children. You see that?

Q. On the second trip? A. On the second trip, yes.

Q. And 5 more on the third trip. A. Well, this third trip I would have to check to see where that bus runs. The third trip could very easily be when it makes its second trip to Lansdowne that that same bus picks up five drivers and this bus runs to East Mecklenburg with the five drivers.

Q. But it shows that it transported 44 high school students to East Mecklenburg. A. Yes.

Q. On the first trip. A. On the first trip, that's correct, and, Mr. Chambers, I'd have to know again exactly where that bus route is. That's only 9 miles that it's running and it could be very easy that the last four of those children are picked up right close to [57] the mile and a half limit which means they'd only have to stand for that short distance. You'd have to go back and know the route description of this to tell exactly what is taking place.

Q. I understand that but the fact is that it presently transports 44 high school students on the first trip to East Mecklenburg and 39 elementary students to Lansdowne and five more students on a third trip, is that correct? A. The five more would be the system where this bus in this compact area from Lansdowne to East Mecklenburg is a relatively short distance and the drivers have to get over there and we allow a bus to carry the drivers to the school. This is the only way we can get drivers.

Q. Here's a second bus going to East Mecklenburg that carries 58 students to high school on the first trip, 33 students to Idlewild on the second trip and 4 more students on a third trip. A. That's correct, high school 58.

Q. And 33 to Lansdowne on the second trip? A. That's correct.

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Q. And 4 more on a third trip. A. Right.

Q. Here's a bus, the driver's name is Hugh McCrory, that carries 32 students to East on a first trip, 38 students to Oakhurst on the second trip and 1 student on a third trip, is that [58] correct? A. I would assume that the 32 and the 38 are correct. If that's the only bus at Oakhurst, then . . . I don't know.

Q. It shows further on in the column that the 1 student on the third trip goes to East. A. That's the only bus at Oakhurst. That's the only reason for it.

Q. That bus makes three trips, is that correct? A. If you want to call the trip from Oakhurst to East Mecklenburg the third trip. It's officially recorded it runs with no children on it.

Q. It's making a trip from Oakhurst to East. A. It's making a trip from Oakhurst to East to take the driver over there and have it serviced as well. That's the central service point.

Q. That's the third trip the bus makes. A. That's right.

Q. Here's another bus driven by Ralph Marett. It carries 39 students on the first trip to McClintock and 2 students to East. Is that correct? A. Yes, two drivers. Two students the second trip . . . Mr. Chambers, to know exactly on these reports, what they are doing, I'd have to call the principal of East Mecklenburg in to explain this third trip and these second trips with 1 or 2 children. All I can do is to give you the experience that I [59] have stated there that I think those are drivers rather than students.

Q. Well, Mr. Morgan, the records show that you have been rather liberal in the number of students the buses carry and also the number of trips the bus makes under the present system but under the estimates you make here you have the bus making one trip and carrying a limited number

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of students. Will you explain why the difference? A. Run that through again.

Q. Your records show now that you permit a bus to carry more than your 40 students that you have indicated and the bus to make more than the one trip as you indicated and under your estimate for the additional buses that would be needed you say you're going to have one bus making one trip carrying 40 students. Would you explain why the difference? A. By the same token you see one bus here carrying 19 children and why the difference there? I can't explain the difference to you without knowing the route.

Q. The 19 students are on a second trip, are they not?  
A. First trip.

Q. And how many on the second trip? A. 19. So that indicates that we're not putting them. . . .

Q. They are not going to East, though, are they? A. These are smaller children and you can put many more elementary children on a bus than senior high school children.

【60】 Mr. Horack: May I ask him a question off the record?

Mr. Chambers: Yes.

(Off the record by consent at this time.)

Q. Mr. Morgan, in an affidavit that was submitted by the Board from Mr. John W. Harrison, Sr., he attaches the explanation for the principals' monthly bus reports. Would you read for the record what column 8 is supposed to show? A. Column 8, maximum legal capacity of bus. The rated seating capacity of North Carolina public school buses is based on minimum standards for school buses

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adopted by the 1964 National Conference on School Transportation. In rating the seating capacity of a school bus, it is assumed the bus load will be comprised of pupils in grades 1 through 12, having various weights and sizes. Under the rating standard each standard 39-inch seat will provide seating space for three pupils. The pupils seating capacity to a particular school bus may be calculated by multiplying the number of bus seats by 3. The State Board of Education, under authority granted by statute, permits local school authorities to assign to a bus and transport at the same time pupils in excess of the bus rated seating capacity by 25%. Aisle space in the bus is sufficient to provide one and one-half square feet of standing space for each pupil standee. Grab handles on top of each seat are provided for each standing pupil. The maximum legal [61] rated capacity of a school bus may be determined by referring to the following table: The table gives the type of bus for conventional type buses, for transit type buses. Number seats per bus; under conventional type buses panel 12, 16, 18, 20 and 22; the number seats per bus transit type buses, 8, 10, 12, 22, 23, 24, 26; rated pupil seating capacity for conventional type bus, 18, 36, 48, 54, 60 and 66; for the transit type buses, 20, 25, 30, 66, 73, 72, 78. 25% of rated seating capacity conventional type bus, 0 with an asterisk saying no standees permitted due to lack of standing space, 9, 12, 14, 15 and 16; for the transit type buses, 5, 6, 7, 16, 18, 19. Rated pupil maximum capacity, conventional type buses, 18, 45, 60, 67, 75, 82; for transit type buses, 25, 31, 37, 82, 91, 90 and 97.

Q. Now, the present state regulations and what appears to be the practice as shown by the principals' monthly reports is that you transport more than 40 senior high school

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students on a 54-passenger bus, is that correct? A. We're transporting 44 students on a 75 capacity bus.

Q. Now, that 75 capacity is 25 times the seating capacity. A. According to those records, whatever it is. I'll have to go back.

Q. Is that correct? A. I don't know. The chart for a 75 conventional bus would have a total of 10 seats on each aisle, a total of 20 seats. Is [62] that your question?

Q. As I understood column 8 from what you read, the rated maximum capacity would be 25 times the seating capacity. A. The rated pupil seating capacity is 60 with 15 standing.

Q. Column 8 asks for the maximum legal capacity of the bus? A. The rated pupil maximum capacity was 25%; on a 54-passenger is 67.

Q. Right. The rated maximum capacity of the bus driven by George Johnson to East is 68 and that 68 represents, does it not, 25 times the seating capacity on the bus? And in that bus you transport to East 58 students. A. This chart does not show maximum legal capacity 68.

Q. It shows 67. A. It shows 67.

And it shows on that 67 capacity bus 58 children being transported to East Mecklenburg.

Q. And that is your 54 seating capacity bus that you have been talking about, is it not? A. That would mean, yes, on the seating capacity there would be. . . . That would indicate, based on what I have said, of the 36 seated on a bus that there must be 22 standing or there are some little folks on the bus, one. There are some little seniors on the bus where they are able to get three to a seat.

Q. Are you stating that you presently have 22 students standing on a bus? [63] A. No. I do not know, Mr. Chambers, without seeing the bus, and I don't know how

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close . . . even if this bus is doing this, I don't maintain that is right and is a safe way to transport them.

Q. The fact is that you can carry more than 40 students on a 54-passenger bus, more than 40 seniors. A. Yes, you can put more than that on but I don't think it's a safe thing to do. It wouldn't be necessarily by choice.

Q. I notice that the state rules talk about the rules being applicable to all students grades 1 through 12 for the seating capacity. A. That's what the state rules say.

Q. And your practice in the system now shows that's what you're doing. A. The practice shows that we are now . . . we don't mix them all up on buses. Those are all senior high or elementary or junior high school children.

Q. I understand. The point is that you limited your number of students that you would transport on these additional buses to 40 and I was curious why you would have a different rule for the additional buses than what you presently operate under. A. Well, in transporting the distance we will be, we think this is the safest way to do it.

Q. They are not going to be transported any further than they [64] are already transported. A. I don't know. I can't tell you how many of those are real close to a school. There may be 15 standing but they might not stand but a mile and a half. We don't think it's safe, nor should children with books and other gear they have to take back and forth to school try to stand on a bus through the city of Charlotte.

Q. Are you telling the Court that on the 54-passenger bus you can't put 54 senior high school students sitting? A. That we cannot seat 54?

Q. Yes. A. No, sir, I don't think we can.

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Q. Well, your rules indicate that you can. A. That's what the rules say but we have to judge it from our actual experience.

Q. Your actual experience shows that you're doing it.  
A. We don't show we're seating them.

Q. Now, for East you say you will need 11 more buses and I would like to know whether you considered the buses that you already have operating there in making that determination. A. Yes, we did.

Q. All right. Would you tell us what consideration you gave to the buses you have operating there now? A. The buses that we have operating in the present East Mecklenberg area—the area that has been rezoned to Independence, [65] those children who are now eligible for transportation and are riding to East Mecklenburg would ride those same buses to Independence High School.

Q. What about those students who are presently in the East Mecklenburg district and will remain in the East Mecklenburg district? A. All right. As you can see, the present East area runs from this point right here back to the school at this point right here.

Q. And the end of the county line. A. And to the end of the county line bordering South Mecklenburg and Independence. Now, from this area that has been added . . . and the youngsters from the north side are presently being transported out here. Now, in estimating or in our computation of the number of buses needed, none of the children . . . let me check before I say none. There are presently in the East Mecklenburg area that live in a rezoned area would continue transportation wherever they're going, but we're interested, I gather, in the 465 children that have been rezoned into East Mecklenburg. Based on our buses that are now operating out of this area, it would require

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the 11 new buses to handle the youngsters that have been rezoned into it.

Q. Mr. Morgan, did you consider in arriving at that estimate utilizing these same buses to pick up these students in the northern part of the school district? 【66】 A. We can't do it.

Q. Could you tell us why you couldn't? A. Because the loads they are presently making into the schools.

Q. Well, do you know how many buses you have operating the East Mecklenburg area that live in a rezoned area Chambers, but I don't know where. The reason you couldn't tell it from this is because there are other buses serving East that are going to other elementary schools or junior high schools, making other trips, and we cannot utilize those buses for making more trips than they are now making. Our overall record is that our buses are now making 1.8 trips and to add any more trips on to these buses would mean that the drivers would have to make their same trips and add other trips on top of that.

Q. You, in effect, excluded any possibility of the buses now operating transporting students added on the rezoned areas. A. We feel like the ones we are now operating are operating at capacity, making as many trips as we can get out of them.

Q. Even the ones carrying 19 to Cotswold? A. It's making two trips, I believe.

Q. Yes. A. The time element.

Q. It says here that it travels one hour one way and your buses going to East travel one hour and thirty-five minutes. A. Mr. Chambers, let me see what you're getting at. I don't 【67】 know what you're getting at.

Q. Your bus carrying 19 students to Cotswold travels one hour. A. All right. You're talking about John Marett.

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Q. Yes. A. It's making two trips.

Q. That's correct, and it takes him one hour. A. And it takes him one hour to make those two trips. Now remember this, this is in a very compact area. Cotswold is a very small area.

Q. I understand, but it also says he travels 13.6 miles on the first trip, 23.5 on the second trip and he does both trips in an hour. A. He is traveling 6-3/10 miles. I remember now. This is the total mileage. So that is 6 miles and let's just say 6 and 12, that's 18 miles.

Q. That he travels in one hour. A. That he travels in one hour.

Q. And your estimates in the compacted area for the additional buses is one and a quarter hours for 12 or 13 miles. A. That's correct. And again you'd have to know the area and know what problems they have along the bus route and how many stops they have to make to pick those 19 children up.

Q. I understand. This is the same kind of compact area that you say the buses at the paired school district would be traveling. **【68】** A. Some of them yes, not all of them.

Q. This bus traveling one hour, the one driven by John Marett, and it makes the two trips and the bus makes three trips at East which you say you couldn't utilize for the additional students travel one hour and thirty-five minutes, is that correct? A. The one transporting the 44 children, the time required to make those two trips. . . .

Q. Three trips. A. Those three trips is an hour and thirty-five minutes.

Q. And that's the one driven by Harry Stegall? A. Yes.

Q. The one driven by George Johnson makes three trips in one hour and thirty-five minutes? A. Yes.

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Q. And the one driven by Hugh McCrory makes three trips and it takes one hour and forty-five minutes. A. But you've got to know the distance on that third trip from Idlewild to East Mecklenburg, Mr. Chambers.

Q. Yes, I understand that, Mr. Morgan. The question that we had is why you could not utilize the buses that you presently have operating in the system to carry the additional students. A. Well, they'd have to make those trips, they make three trips and what you're proposing to do is to add four trips to it and the time schedule is getting them to idlewild and East [69] Mecklenburg would mean the travel time back from that point all the way back to the beginning point and pick these children up and add a fourth trip to it.

Q. I'm not talking about adding a fourth trip. The bus now operating in the East district would have to make a trip around in the northern area, it does that now, is that correct? A. I don't know where the route is.

Q. You have buses operating in the north. A. We have buses operating in the northwest area.

Q. And is there anything that would prevent him from going further to cover the whole northern area? A. Well, this bus. . . .

Q. On the first trip. A. This bus at Idlewild that you're speaking about, though, look here. Here's East Mecklenburg and here's Idlewild school, see here?

Q. I understand. You're pointing northeast of East Mecklenburg. A. I'm pointing to Idlewild which is just a very short distance. What you're saying is that I could run that same bus back, all the way back to here.

Q. The bus already runs north of East High School and the only question I'm asking is why couldn't it run further north to cover the whole district on the first trip. A. I'd have to examine the routes and know. . . .

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Q. You didn't consider that in deciding that you would need [70] 11 additional buses for East. A. We considered that bus was already making two trips.

Q. You didn't consider the possibility on the first trip of it covering the whole district. A. And we know that it already has 44 students on the first trip.

Q. I understand that the rezoned area will cut off some of those children. You indicated a moment ago that some of the students now attending East will be going to Independence. A. We made our adjustments as we went through this to make sure we were not duplicating buses. I'm trying to say we're going now just to do away with it. All the buses in this area were not necessarily assigned to here.

Q. I understand that but we'd like to know what happened to these students who previously were in the East district and now are going to Independence. Why couldn't the bus that was previously picking them up now cover the added district? A. Well, the children right here that had transportation to East that are now assigned to Garinger. You can't isolate just one situation, you've got to take what happened to these children in here. The bus you are speaking about could very easily have been utilized to haul these children in this direction here.

Q. Was it utilized to carry them to Garinger? A. Yes. We took every one of the areas.

[71] Q. When you cut off the area previously in East and added it to Independence, how many buses did East lose? A. I'd have to go back. . . .

Q. Don't you have some records on that? A. No, sir, I don't. I don't know what we did. We've worked up so many figures and so many different times that I don't— As we went through it, we made our calculations to make sure we were not.

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Q. Are you telling the Court you do not know how many buses you would be assigning to Independence? A. Yes, we know. I'd have to go back through the records.

Q. Can you show us the records now? A. No, sir, I'd have to go back.

Q. We'd like to see them, Mr. Morgan. A. I'd be glad to do that.

Q. Can we stop now and do it? A. I don't know whether I can dig them up at the moment or not.

Q. Do you know how many additional buses Garinger will require, if any? I'm talking about the rezoning and cutting off part of the East district. A. No because we tried to utilize those buses and make those calculations as we went along.

Q. Can you show us how you utilized them? A. I can get the men in here who worked with me on it and we did them one by one because I had computations made by more than [72] one person rather than just me, isolating them out. We had two people working on the map and two over here taking it down.

Q. We'd like to examine whoever would know. You have submitted an affidavit saying you will need these additional buses and we'd like to find out. A. I'm also stating on my honesty that we worked out to utilize what buses we presently have in operation.

Q. We'd like to see the figures, Mr. Morgan. We'd like to know how many of those buses presently in operation are going to be used. Could you show us one example where you utilized an existing bus? A. (No answer.)

Q. Mr. Morgan, let me call to your attention also that under the Court directed plan East Mecklenburg would have 2147 students assigned to it. There are presently 2140 students assigned to East Mecklenburg. The school is ac-

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quiring only 7 more students and we'd like to know, if you could tell us, why you're going to need 11 more buses to carry the 7 more students. A. Repeat that question for me, please, sir.

Q. Read it back.

(The Court Reporter reads the question on Line 14 above.)

Mr. Horack: May we go off the record just a moment?

【73】 Mr. Chambers: Yes.

(Off the record by consent at this time.)

A. Mr. Chambers, in the rezoning the Court order instructed, as was interpreted to me, that all children that were rezoned into a school and lived more than a mile and a half from that school would be eligible for transportation. Is that correct?

Q. Yes, sir. A. 465 children in the inner city . . .

Q. Let me say only that my interpretation of the order is slightly different, but go ahead. A. Well, the number of children that we list here to provide additional transportation for live inside the pre-'57 city limits and therefore have never had transportation. Those children were all shifted to East. So apparently to balance that off, the youngsters who were at East Mecklenburg were shifted to other areas so that explains why East Mecklenburg would have the same number of children but to promote integration we brought these 465 children here out to East Mecklenburg who had never had transportation before.

Q. Mr. Morgan, your affidavit submitted to the Court shows that you have only 25 students living within the

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radius of a mile and a half of East which means that presently you are transporting over 2115 students to East Mecklenburg. A. All right. It means that there are that many children [74] eligible for transportation to East Mecklenburg now. To help you understand it, let me show you the whole picture. Those children who were taken out of East Mecklenburg and were entitled to transportation, we utilized those buses that were being used to East Mecklenburg to transport those children to the schools to which they were assigned and I used as an example East Mecklenburg to here. Now, you want to know where I got Garinger, the additional students for Garinger. The Garinger area was extended all the way almost to West Charlotte. None of these children in here—see, here's the pre-'57 city limits line—none of these children in here have ever had transportation. All of those have been rezoned to the Garinger area so we must provide them transportation.

Q. Mr. Morgan, the only thing you're doing is just shifting some students from one school to another and you indicated you were going to utilize some of the buses from East in transporting students to Independence. Now, how many buses are you going to utilize that are presently in existence for transporting students to Independence that were previously assigned to East? A. This is what I'm saying, I'd have to go back and count the grids and these buses in here.

Q. Would you stay at the map a moment and let me call to your attention that at Independence you presently have 1212 students assigned and you assign under the Court order 1481. [75] Does that tell you anything about the number of additional buses that you will need? A. Now you're beginning to tie the whole picture together. See where the Independence new line comes? Now you begin to get the whole picture. Right here is the Independence line.

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Q. You're pointing north of Independence? A. I'm pointing north of Independence. Now, as you can see, these children have been transported to Independence. These will now be transported from right here on the county line all the way across the county to center city, West Charlotte.

Q. Those children are already being transported. A. Now, those children that are in here are already being transported and they will be provided transportation there and that's what happens to the children at Independence.

Q. What buses are going to go from East to Independence? A. The buses that we presently have in here, we took these grids down and estimated how many children would be in there and we applied the same principle to them going over here as we had previously done.

Q. Mr. Morgan, who helped you determine the number of buses or how you would utilize the buses in existence? A. To do this, I had a total of 11 people in here. We worked 675 hours on this to get the figures and to make sure we had them right and doublechecking them.

Q. Is there anybody on your staff or who assisted you who can [76] tell us now how many buses previously assigned to East will be assigned to Independence? A. Yes. I'll have to go back and dig this out again and bring these people in here to help me do the counting and all to show you where we did it. But I can assure you it's there.

Q. We would like to see it, Mr. Morgan. A. You see what happened to the children, Mr. Chambers, when you began to question me about the balance of children?

Q. No, I can't. The problem that I have, I don't see your utilization of the buses already in existence. A. Well, it's just because I don't show it on the chart. The Court didn't call for me to give the number of buses we were using over there and, therefore, not calling for that information, I

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didn't keep a record. I kept a record only of the Court ordered information and that's why I'm saying I'll have to go back and recalculate now. I'm stating something again that we figured the utilization of them at that time to make sure we were not having buses standing idle. Now I'll have to go back and figure that because I didn't keep records. I didn't know I would be called upon to present that information. But I can explain to you what happened to the children and how we utilized the buses and can show you where all of these children have been assigned, for example, to West Charlotte.

Q. Let me ask you this, Mr. Morgan. You indicated a moment ago that you had not devised any new bus routes under the Court [77] ordered plan. A. No, and the actual route descriptions cannot be made until the children are assigned, the principal pinpoints where they live and runs his bus along those routes.

Q. How can you testify now that you're utilizing those buses when you don't know where they're going to run? A. We knew how many children were in this area. Look at West Charlotte just a minute. To show you how we utilized our buses, we said at West Charlotte that there were 1409 children in the rezoned area for West Charlotte. To show you how we utilized our buses, we said that 1135 of them are now being transported and thereby we did not add any buses to it but we utilized those same buses that transport the 1135 children to transport them all to West Charlotte. Now, we did this, we took West Charlotte and we applied that same principle of the measurement that I showed you to West Charlotte and we took all outside of this area, who did not presently have transportation but lived more than a mile and a half from the school, and we came up for the West Charlotte area that we would have 219 more.

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So we're saying that we'll only have to transport 219 additional children to West Charlotte. What I'm trying to demonstrate is that we did utilize those buses and we took them out of the numbers.

Q. How many buses do you have assigned to West Charlotte? A. Again, that information was not asked for and we took the [78] ones that would be going and added five buses to West Charlotte to transport those youngsters.

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Q. Mr. Morgan, yesterday when you were talking about how you utilized the present buses in the system you made reference to your chart that you submitted in your affidavit to the fact that in your column talking about students now transported and additional students to transport, I call your attention to that chart. Start on East Mecklenburg.  
A. All right. Let's see, Mr. Chambers, which—

Q. This is the chart showing the children living in different zones under the order directed by the Court. Your second column there shows the students living in the new zone who are now being transported. Would you tell the Court how many you say at East Mecklenburg, for instance, 4 students are now being transported. How many of your existing buses are being utilized to transport these four students? A. I do not know.

Q. You say for Garinger that 365 are now being transported, in the new zones. How many of your existing buses are being used to transport these students? A. I don't have those figures. I guess we could go back through the monthly reports and pull out the number of buses that are being used to transport those children.

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【79】 Q. The thing we were interested in, you indicated some buses were being shifted to other schools, etc., and you advised the Court that you won't need bus transportation for these students because they are now being transported. We'd like to know how many of your buses are being utilized or will be utilized under the plan directed by the Court to transport these students. A. Well, those that are now being transported that live in a rezoned area will be utilized out of the present fleet of buses we now have.

Q. I understand that but we'd like to know how many buses you are saying you will need to transport these 365 to Garinger. A. That live in a rezoned area to Garinger—

Q. Could you just give us a number? A. No, sir, I couldn't.

Q. You can't give us a number of any of these schools? A. No, sir, I can't. For the record, Mr. Chambers, I don't know whether toward the end of the meeting that I became confused over your question or not as to the number of buses running by areas and I'd like to clarify if I did misunderstand and if I told you wrong I want to correct it. I was using total numbers of children off this report that are now transported.

Mr. Horack: Are you trying to get back to the same map?

【80】 A. Yes. At the close of the meeting I was attempting to show and I'm afraid as I got to thinking about it last night and reworking the way I was telling the Court was that the total number of children that had been shifted from the East Mecklenburg area to the Independence area, we would utilize the same buses. Now, I do not know, Mr. Chambers, how many buses are in there. I stated that as

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we went through it we computed. I think this is where I was getting off track. All we said was that if we are now transporting the 23,000 children on the total number of buses we are now using that those buses would be utilized not in this area, from East Mecklenburg to Independence, from the Independence area to West Charlotte, from the East Mecklenburg area to Garinger, and so forth. Now, to tell you the exact number of buses in this area, I could not because—

Q. Mr. Morgan, you also couldn't say whether those buses in the Independence area, for instance, already being used or those you propose to assign could not also be used to transport the additional students that are now being added to that district. A. Well, the buses that we are now utilizing in Independence, in refining it through the year, we are utilizing the total number of buses it takes to transport them to Independence. Therefore, I could not assume that any more would be available from Independence to come pick up additional children [81] without adding more trips to those buses now being used.

Q. But your number of students at Independence will remain basically the same. A. Yes.

Q. Why will additional buses be needed if you're going to have the same number of students? A. It could be that additional buses will be needed here because I do not know this yet until the principal actually runs the route in there. I could not tell you for this reason, Idlewild School is located close to Independence—I mean close to East Mecklenburg. If it is located close to East Mecklenburg, then on the second run that it makes to the elementary school the driver has time to meet his second period class at East. He may not have time to meet his class and get back to Independence which may be five times as far away. It would put him 10 or 15 minutes late to his class.

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Q. But you don't know that. A. We will not know it until the principals actually run it but I can assume that it will take more buses to serve this area because of the rezoning for it as well as anyone can assume it will take less buses.

Q. Would you tell the Court what factors you are using to assume more buses? A. The fact that I am saying that a bus that now brings the second load to Idlewild Elementary School and then comes on **[82]** to East Mecklenburg.

Q. You told me that— A. I'm saying where it may take more buses. The bus that now runs its first load into East Mecklenburg runs a second load and comes into Idlewild. When the bus driver unloads the children at Idlewild he is real close to East Mecklenburg and can get over there in a very short period of time to meet the second period class. I'm saying now, then, in reorganizing this and when the principal gets down to it, when they make the first load into Independence and the bus has to come back in there and make a load into Idlewild, that driver may not have time to get all the way around back to Independence as he would to get to East Mecklenburg. It could make him, I don't know, 10, 15 minutes late or more for his class there and, therefore, we wouldn't have a driver.

Q. Would you state, Mr. Morgan, whether that driver now going to East is making two or three trips? A. As demonstrated there, if you want to count the third trip, the trip where he hauls student drivers only.

Q. Do you call it a third trip in the principal's monthly report? A. You have to account for it some way and they have been using this for the entire state. They have no way of showing another trip.

Q. Is it accounted for as a third trip? A. It has to be

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on their reports but we don't count it as a [82] third trip where he's only hauling drivers.

Q. It's a third trip according to the report you filed with the state. A. Yes and the state can't adopt a special form for us here in Charlotte-Mecklenburg.

Q. You call it a second trip going to McClintock after he drops the children off at East, is that correct? A. Yes. He drops the children off at East and makes another trip, a second trip to McClintock.

Q. Isn't it possible that instead of the bus going now directly to East for the first trip that the bus will be routed to McClintock and then to Independence? A. All right. It could be routed then to Independence and then he has to get back to East Mecklenburg.

Q. The students are assigned to Independence, that's what you were telling us. A. Yes, but the driver may not be assigned to Independence. If you're talking about the driver living as close to the school as possible—

Q. You don't know where the driver lives. A. No, but we would try to find one as close to the school as possible.

Q. And that's the extent that you have considered the buses now in use for transporting the students in a new attendance zone, what you have just described. [84] A. Yes. Mr. Chambers, just as I told you about the original areas, we won't actually know because this is going to change the whole bus-routing system throughout for our existing fleet as well as the new fleet. This is the entire thing that has to be done.

Q. Mr. Morgan, I understand that there are presently 5000 students transported by City Coach Line in the city to and from school each day. A. I believe that was a statement made by Mr. Deaton.

Q. Do you know how many of these students will now be

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riding school buses rather than city coaches? A. No, I do not.

Q. And you don't know what effect the relief from the 5000 who might be assigned to school buses will have on the system either? A. Repeat that for me.

(The Court Reporter reads the question on Line 13 above.)

Mr. Horack: Repeat that again for me.

(The Court Reporter reads the question on Line 13 above.)

Mr. Horack: Which system are you talking about?  
Mr. Chambers: City buses.

A. Free transportation provided for youngsters—I do not know how many of them would discontinue riding a city bus but under the order, whereby no children will be provided additional transportation in the existing areas, a great many [85] of those are now served by the city buses.

Q. I thought you testified yesterday that you don't know exactly where those students lived who rode city buses.  
A. I say I do not, but we know this . . . when I say I don't know, I don't know the exact location, we know in the attendance area of that school. Myers Park, for example, we know out of the present Myers Park area that so many are served now with city buses. Many of them are within a mile of the school. I see those buses stopping and getting children less than a mile from Myers Park.

Q. Just as an example, what would prevent the City Bus Lines from providing service for all the students in the Myers Park area? A. If they have that capability.

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Q. Well, if you are now providing public transportation for some of them, wouldn't it relieve some of the 5000 now riding the city buses? A. I don't know that it would because many of those are less than a mile and a half from the school now, riding on the buses.

Q. There's nothing that would prevent them from continuing, is there? A. Those less than a mile and a half, they have no transportation one way or the other.

Q. Doesn't the city bus operate in the northern part of the Myers Park district? **[86]** A. I don't know where their buses run.

Q. That's in the city, isn't it? A. That's right.

Q. Doesn't the city bus operate in the northern part of the Garinger School district? A. See, right here is where the Myers Park line cuts off. They have no buses in this area now serving the Myers Park children and we did not include any of these children presently being served by those same buses, we didn't include them in this.

Q. I understand, but the city bus line operates in the northern area of the rezoned Garinger district, they operate in the northern area of the Myers Park High School district, do they not? A. I would assume they do.

Q. And some students now living in the northern area of the Myers Park district have opted freedom of choice to go to the Myers Park School when you closed Second Ward High School. A. You say they did?

Q. I'm asking if you know that to be true. A. No, I don't.

Q. Well, you didn't consider that factor, either, in determining the number of additional buses that would be needed. A. I considered only the number of children in the rezoned area that would be additional children.

**[87]** Q. Would you state for the record whether you considered the City Coach Lines transportation as a pos-

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sibility for reducing the number of buses that would be needed? A. By contract transportation?

Q. By any kind of transportation. A. Yes, we approached the coach company.

Q. I'm talking about, Mr. Morgan, in determining whether the City Coach will provide all the transportation that would be necessary for the Myers Park High School, did you or did you not consider that? A. I don't know.

Q. And you didn't consider whether City Coach Lines would provide some of the transportation in the Garinger High School district. A. No, I had no instructions to.

Q. You didn't consider whether the City Coach Company could provide some of the transportation for the students now in the West Charlotte High School district, the rezoned district? A. No.

Q. Do you know this area here, Mr. Morgan, the area north of 85 commonly referred to as Northwood Estates area? A. Just off Beattys Ford Road?

Q. Just off Beattys Ford Road. A. Yes.

Q. Do you know that those students are now being transported to [88] North High School? A. Yes.

Q. Did you consider the reduction in the number of students who would be now assigned to West Charlotte and less than a mile and a half from West Charlotte? A. Yes, because that's the total number of the children in the rezoned area for West Charlotte.

Q. Did you consider their reduction in the number of students who would be required transportation? A. Yes.

Q. Will you show us where you considered it? A. Mr. Chambers, as far as these youngsters are concerned here from North Mecklenburg, there are a number of children not just in the Northwood Estates here but in this entire area north of Interstate 85 to the new rezoned line. All

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of these children were assigned in here and we said there. . . .

Q. Assigned to West Charlotte? A. Assigned to West Charlotte. We're saying that there are 1135 of them who are being transported there.

Q. Who are being transported to West Charlotte? A. Who are being transported to North Mecklenburg. See, all of these children here in Northwood Estates and all of this entire area all the way out here to Interstate 85, all those north of Interstate 85, all these are being transported now to North Mecklenburg and our count gave us a total of 55 who [89] would live in the area that is within a mile and a half of the rezoned West Charlotte area who would not be transported. Now, that's in the rezoned area only, we had 55 children.

Q. Are you saying there are only 55 children from Northwood Estates who will not be provided transportation? A. In the West Charlotte area.

Q. That's your estimate of the total number of children in that area? A. Yes. Or it could be not in the Northwood Estates alone, Mr. Chambers, but it's all within a mile and a half of this school. Some of them could be over in this area here.

Q. You're pointing to an area east of Beattys Ford road? A. Yes, sir.

Q. That's the only reduction in the number of students being transported to North who now would be assigned to West Charlotte that you counted? A. That's right, yes, sir.

Q. Going again to your estimate of the number of buses required, as I understand what you're testifying to about your determination of the number of buses, you would take a 54-passenger bus and assign only 40 students to it

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and you then divided it into the number of students you estimate would need additional transportation. A. Yes, sir. And, Mr. Chambers, in addition to that, you called my attention to something that I went back last night and [90] reviewed. Out of the first five months reports you had picked out only one situation, bus #17, and. . . .

Q. I thought we talked about three or four buses. A. We did but I was using 17 as one in particular that you talked to me quite a bit about which showed on the fourth month report 58 children on the first trip which went to East Mecklenburg. So I went back and looked at each one of these and I found that bus 17 the first month of school transported only 32, the next month 33, then the next month 58, which indicated to me that something was going on in the way of increase in enrollment or something that brought about an overload on that bus. So I looked back and then I came on to the fifth month, which was not available at the time I submitted this to the Court, which I went back and got also and indicated that same bus is transporting for the fifth month 36 and for the sixth month 36.

Q. 36 high school students? A. Yes, sir.

Q. Did you check, Mr. Morgan, the other buses transporting students to East Mecklenburg?

Mr. Horack: Let him finish whatever comments he wishes to make on this.

A. I was simply pointing out that Mr. Chambers had picked out just one month here where the average number of youngsters transported daily was 58, whereas if you looked at the entire [91] picture you get a different picture. If this bus had an overload, then we came back and made

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adjustments to that bus in the fifth month and the sixth month where only 36 were riding in it.

Q. Let's look at bus #12. A. I did the same thing for bus #12. The first month it had 51, the next month it had 48.

Q. What month is this? A. This is the first month.

Mr. Horack: May I ask that we identify, Mr. Morgan, you're referring to the first, second, third, fourth, fifth and sixth months. Identify those by calendar, months and years, please.

A. These are principals' monthly bus reports.

Mr. Horack: What month for what year?

A. For the current school year, 69-70 school year.

Mr. Horack: The first month being what, September?

A. September 2 to October 1. During that month bus #12 transported 51; the second month adjustments were made to where it transported 48; the third month it was adjusted to where it transported 46; the fourth month 44; the fifth month 41 and the sixth month 41. So we are constantly, as this county changes and enrollment grows, we are trying to balance our buses and you can pick out any month and maybe find a bus loaded beyond what we would say is desirable to have on a bus. [92] We are constantly working to reduce this all the way through.

Q. Look at the same page, Mr. Morgan, for the bus driven by Chris Nelson. A. That's the one for Randolph Junior High School.

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Q. Would you read that out for us? A. All right. Now bus #37, which is a bus that serves Randolph Junior High School. These are junior high school youngsters and this is where I indicated on the form that we use that we will put more junior high school children on a bus than we will on elementary.

Q. And along with that same explanation, did you increase the number in determining the number of buses you would need for elementary and junior high schools? A. Yes, sir.

Q. What number do you use for elementary? A. We worked out a formula to use the same formula all the way through senior high school 40, and we said number of students 54 to 58.

Q. What do you mean by that? A. In other words, on a 54 capacity bus, which is a 67 maximum, we stated from 54 to 58 one bus. In other words, it would take one bus utilizing 54 to 58 children.

Q. Why did you divide 40 into the numbers? A. That was for senior high schools.

Q. What are you using that for now? **¶93** A. This is elementary and junior high school. They are smaller children and more children can get on a seat.

Q. Instead of 40 for the junior high schools you used 54? A. 54 to 58 for one bus. We worked out how many buses it would take if you had that many children. Two buses would transport 108 to 116. I did this on a chart form so I could look when we were computing this up, that we could look over on the report and see school by school the number of children you can put on a bus. And then we looked at the number of children in the rezoned area assigned to these schools and applied this formula against it to arrive at the number of buses.

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Q. All right. Now, would you read the number of students transported on the bus we are talking about? A. All right. On bus #37 there were 68 on the first trip, 52 on the second trip.

Q. How many on the third trip? A. The third trip, which was to carry drivers only, to get them from the school where they stopped to the senior high school, 3 children. So that means that there were three drivers from two other buses that must have stayed at Randolph that got on there to ride on that bus to East Mecklenburg. The second month there were 76 and 75. Now, this tells you something because it must be a rapidly growing area where the children had increased. The third month there were 75 [94] and 68. On the fourth month there were 63 and 59; on the fifth month there were 70 and 63; and on the sixth month there were 67 and 59. So as they fluctuate and we try to adjust and utilize buses in an area, we try to balance the loads off. Of course, we are not always able to do that. Because we're transporting this number, Mr. Chambers, I'm not saying that makes it right. It's a necessity that we have to live with because we don't have money to buy more buses to put on to relieve the loads.

Q. Now, you were talking about high school. I'll show you the principal's monthly report for Garinger High School for December 1, 1969, to January 9, 1970, the bus driven by Jessie Tennent transported 53 children to Garinger Senior High School, is that correct? A. Yes.

Q. The bus driven by George Mahatha transports 30 children to Garinger High School on the first trip, is that correct? A. That's correct.

Q. The bus driven by Frank Wallace transports 51 students to Garinger High School and the bus driven by Jerry

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Dahl transports 56 students to Garinger High School, is that correct? A. That's correct.

Q. The bus driven by Joe Thompson transported 62 students to . . . 61 to Hidden Valley and 30 to Garinger High School. A. Yes.

【95】 Q. The bus driven by Dean . . . well, another bus transports 65 students to Garinger and 38 on a second trip to Garinger, is that correct? A. Yes. Now, Mr. Chambers, to do that I'd need to get every monthly report and put it out in front of me and look and see what's happened for the first month and the second month. I selected one month here. It may have been a growing area, there may have been changes in it. I just can't pull out one month.

Q. All of the bus reports that you have given us are of record and are before the Court. A. Yes, sir.

Q. Now, for these additional buses you also have a column here about the parking areas and you say that in many instances you need to make some additional parking facilities for the buses. Do you anticipate under your estimate that each of these buses will go on one trip to the one school with the number of students indicated and will park there all day? A. We state that there will have to be space for them to pull into that school and unload whether they stay there or not. We still have to have unloading space and a safe way to unload the children whether they stay at that particular school or not.

Q. Well, I understand that you are transporting 760 some black students from the inner-city now out to some white schools. 【96】 What additional space did you provide for at those schools, the black schools from which the students are being transported? A. At some of the schools we already had spaces available for them. At Sharon, for example.

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Q. I'm talking about the schools from which these children are being transported. Oaklawn Avenue is one example, you're transporting some students from that area. Did you provide any additional spaces at that school? I'm talking about for the 764 black students you are now transporting out to white schools. A. At Oaklawn we said that the number of buses required there would be 9 and we would have to have space available to park the buses.

Q. Are you presently transporting 764 black students from the city to the white schools? A. Scattered out to various areas, yes.

Q. Didn't you testify earlier that Oaklawn Avenue was one of the streets that you traveled and isn't it a fact that some of the black students being transported now come from the Oaklawn School? A. Oaklawn . . . unless they exercised freedom of choice to go from majority to minority situation, Mr. Chambers, they were not supposed to be going from Oaklawn School.

Q. Did you close Fairview School at the end of the 68-69 school [97] year? A. Yes.

Q. Do you know where the Fairview attendance area was? A. I could locate it on the map.

Q. Do you know where the black students who constituted the 764 students going into white schools now reside? A. I know the attendance area in which they reside.

Q. What attendance areas? A. Well, Fairview, Bethune, Isabella Wyche, Zeb Vance, Alexander Street, elementary children.

Q. What about the 73 students who were in overcrowded black schools? A. If they exercised a freedom of choice to go.

Q. I thought you reported to the Court they had exercised a freedom of choice. A. I don't know how many of

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them did. Now, let me say about this, these schools have been closed. Now, we're doing something there we have been talking about differently from these other schools. We're talking about all walking in to a point to be picked up. We're running the bus through the area and picking them up at key points along the way and making that a route as we would for any bus.

Q. Did you make any additional ground preparations?  
A. The schools were closed and we ran the buses through the neighborhoods not to do that.

【98】 Q. Would you explain how you arrived at an additional 7000 parking areas space for Garinger High School?  
A. Well, at Garinger Senior High School we are presently parking them in drives and so forth, which is not what we want and we have not had the money to go to Garinger and develop a bus parking lot for these buses.

Q. You're presently not parking them in areas that you tell the Court you need for the new buses? A. We don't have the space prepared for it and we have to park them in the streets and what not. As money is available we will provide spaces. If I get money to do it with, I'll do it.

Q. Are you telling the Court that you are presently parking these buses on the sidewalk and now you tell the Court for the additional buses you've got to have some parking areas? A. We park them on the drives, not the sidewalks.

Q. You can't park these 11 additional buses you estimate you need for Garinger the same way? A. I don't think so.

Q. Why can't you? A. Because we already have a number of buses there already and to add 11 more to the fleet—

Q. How much space do you have there now? A. The survey that was made, we actually do not have a bus parking lot there now, but we need one and it's been 【99】 recommended we put one there, and haven't had the money to do it.

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Q. I understand that but I would like to know, if you can tell us, how much space you've got there now. A. Land is available to convert it to space but we have—

Q. Mr. Morgan, do you understand the question? Could you tell us how much space you have there now that you're utilizing for parking? A. We're utilizing the drives, and so forth, to park them in.

Q. You're saying you're utilizing all of the drives, is that what you're saying? A. No, we're utilizing the back drives. The front drives, where it was necessary for traffic, student traffic, we keep the buses separated from the student traffic altogether.

Q. How much of the back drives were you using? A. How much of it? I'd have to go out and actually see.

Q. You made this report without being able to tell the Court presently how much you have. A. I made it on the basis of the additional buses we would have there.

Q. Would you tell the Court why you would need 5400 additional spaces at Myers Park High School?

Mr. Horack: Excuse me, Mr. Chambers, you're reading from that last column. Those are dollars not spaces, are they not?

【100】 Mr. Chambers: I don't know.

A. That's dollars. It would take \$5,400.00.

Q. Would you tell the Court what you have to do there to spend that amount of money? A. We would have to develop a bus parking lot.

Q. Do you have a bus parking lot at Myers Park now? A. We do not have a bus parking lot now. They utilize the drives around the gymnasium and all at the present

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time and that's utilized for city bus transportation which we estimate that will still have to be continued because of the area we have not provided transportation. They'll still come in there by city bus transportation which by necessity will have to be continued since the children in the present Myers Park attendance area that's left in the area will continue utilizing city transportation because no other transportation is provided for them.

Q. Do you have school buses at Myers Park now? A. I believe we have.

Q. And they park in the driveway? A. Yes, sir.

Q. But these new buses can't park in the driveway? A. There are just so many you can park in the driveway.

Q. Can you tell the Court how much parking space you have in the driveway now at Myers Park High School? A. Well, we have the area from the back of the auditorium to the [101] gymnasium where all the city buses line up in the afternoon to pick up the children. I have observed those buses along the streets.

Q. Can you tell the Court how much space you have now at Myers Park that you presently utilize for parking buses? A. We estimate that this is for seven additional buses there.

Q. But you aren't talking about the same type of parking space for these additional buses. A. No, sir. We're talking about a safe way of parking them and not just parking them on the streets.

Q. You can't tell the Court how much parking space you now have at Myers Park that you utilize for parking. A. Only that area I described.

Q. Do you know the square footage? A. No, sir, I don't.

Q. Can you tell the Court why you say you would need

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to spend \$6,600.00 at South Mecklenburg High School? A. Yes, sir, because the present area we have will not take care of it and you have to expand the present bus parking lot.

Q. Do you have a bus parking lot now? A. Yes, sir.

Q. Do you know how much square footage you have there? A. I can get it off the plans in here. We have it.

Q. May we see it? **【102】** A. Yes, sir. (The witness leaves the hearing room and returns.) Here is the plot plan of the school and to give you the square footage I will have to measure it off.

Q. Can we make a copy of that, Mr. Morgan? A. Yes, sir. I think I can get a copy of it, I'm sure I can. Would you like it?

Q. Yes, please. We'd like to get a copy. A. This demonstrates, Mr. Chambers, to you how we feel that it's necessary for the safety of children to arrange bus parking areas separate from all other traffic. For the safety of children, to load and unload and service the buses and parking the buses, this demonstrates what we try to do. And I say again we don't have any space like this that we say is safe for children to, for buses to park and it's a desirable way and a safe way and I'm saying that we've got to expand South Mecklenburg. You can see right here that we have an area where this parking lot will have to be expanded to take care of it.

Q. Mr. Morgan, according to the plan directed by the Court, South Mecklenburg will have 2247 students, is that correct? A. That's correct.

Q. And it presently has 2114, is that correct? A. Yes.

Q. According to the affidavit that you filed with the Court only five students live within a mile and a half of South **【103】** Mecklenburg. This is the affidavit you filed with the

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Court showing the students within a mile and a half and students living within two miles. A. That came off of a different exhibit, didn't it?

Q. Yes, sir, that's the exhibit you filed on March 13. A. That's right, I remember it. South Mecklenburg indicates that five children live within . . .

Q. According to your testimony all students living within a mile and a half or beyond a mile and a half of South Mecklenburg are presently provided transportation. A. Transportation is available for them.

Q. Now, would you explain why you're going to need so many more buses at South Mecklenburg when you are already transporting about all the students in there? A. Mr. Chambers, we are not transporting all of those children now. Many of them drive their own cars to school.

Q. Will they stop driving with the new arrangement? A. We do not anticipate them stopping. They haven't exercised it heretofore and we don't have a reason to believe they'll change their pattern.

Q. Do you anticipate you're going to need that many more buses out of the rezoned area? A. Yes.

Q. You do? A. Yes, sir. May I explain why?

【104】 Q. Yes, if you don't mind. A. We have found that in areas that the income of the parents is not as great, they exercise the right to ride a bus more than those who live in a more affluent area. And so we estimate from that based on the experience of those who utilize it when it's provided in an area like that that the children assigned to South Mecklenburg from this inner-city area will most certainly utilize transportation. This comes from the principal of the former Second Ward School and . . .

Q. I'm looking at the map, Mr. Morgan, and it seems like the present attendance area is just about the same thing as

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what the new zoned area will be. A. The South Mecklenburg area comes, as you can see, and stops off at this point here and you're adding all of this.

Q. You're adding . . . A. All of this to it.

Q. Well, let's specify for the Court. You're adding 342 grid C and D, 343 grid C and D, 369 grids A and B, 368A and a part of B, 367 B and C and D. A. That's right, you're correct. It comes on up here.

Q. A part of D? A. All of D.

Q. Part of D is already included. A. Yes, part of D is already included.

Q. Well, do you know how many buses you presently have at South? **¶105** A. We'd have to look on the report or I can call the Transportation and ask him how many buses.

Mr. Horack: Mr. Chambers, isn't this the same line of questioning which Mr. Morgan has already answered and explained in the example that involved East Mecklenburg and Independence?

Mr. Chambers: No, it isn't, Mr. Horack. We're talking about Mr. Morgan's estimate of the additional parking space.

Q. Mr. Morgan, I show you a copy of the principals' monthly report for a period December 1, 1969, to January 9, 1970, and ask you if it does not show the buses serving South. A. Well, it shows not only those serving South but other schools around South.

Q. Is it prepared by the principal of South Mecklenburg? A. That's correct but, Mr. Chambers, there's another factor that enters into this. As the buses come in, they may come in and not necessarily terminate at South Mecklenburg and stay there. They may go on to another school

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and they'll have to unload the children there and space has to be provided for them to unload.

Q. Mr. Morgan, I thought you testified earlier that the buses that stay at the school are accounted for by the principal of the school and that's why we have the report from South Mecklenburg. **【106】** A. Yes, that's right, he accounts for the ones that stay there but I'm saying he is not accounting for those that pass through.

Q. If he accounts for those that stay there, he would show those that are there that require parking space. A. Yes, but what he would not show would be the number that he must provide a space for to unload and go on for another trip.

Q. Well, if there is any other bus that passes South Mecklenburg to unload or pick up students, they would be shown in the principal's monthly reports, would they not? A. They would show, that's correct, in the reports. That's right.

Q. And you have given us copies of these monthly reports which we have introduced as exhibits. A. Yes, sir.

Q. Turning to your exhibit about the cost . . .

Mr. Horack: What page is that?

Mr. Chambers: It's not a page. It's the Court Ordered Plan, Charlotte-Mecklenburg Schools, Senior High Schools, showing capital outlay, cost operation, personnel.

Q. Do you have that? A. Yes, sir.

Q. Under capital outlay you've got 69 buses which you estimate you will need. Are these 54-passenger buses you're talking **【107】** about? A. Yes, sir.

Q. And you estimate a cost of \$5,387.64 each. A. Mr. Chambers, this was the contract price this past year. As I

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indicated in previous testimony that the bids that have come in to units in the State of South Carolina and Georgia, they have been averaging \$400.00 more per bus than this, but I could not testify that will cost us that until the new contracts come in.

Q. Do you know that the State Board of Education has already received bids for the next school year? A. It was my understanding they were going to take bids on the 27th of March. That was the information I had from the Division of Purchase and Contracts in previous correspondence. Have they received them?

Q. Well, I can't . . . A. Excuse me, I thought maybe you knew something I don't know.

Mr. Horack: Let's swear Mr. Chambers.

Q. Under column B you have equipment \$1,750.00. Would you explain what that is? A. The equipment needed is a variety of the different types of equipment that was estimated that would be needed to service these buses such as air compressors, small tools, grease guns, and the like of that that we would need this additional equipment for servicing the buses.

【108】 Q. You don't already have such equipment? A. We have equipment but it's used to capacity now.

Q. Now, how did you estimate the cost of \$1,750.00? A. It was run through at the present cost of each of these items.

Q. Do you have any record of what you did to make that computation? A. I don't have it with me. I'd have to go back and dig out where and how we figured that out.

Q. You estimate you need three additional service trucks. How did you arrive at that? A. To service the number of

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buses that will be on the road. We'd have to have the formula we currently use.

Q. What is that formula? A. I believe it is that one service truck will service, I believe it will service 20 to 25 buses. I'm giving you a range here of between 20 and 25.

Q. Is that the state formula? A. That's the formula we found we need here in our system.

Q. For 20 to 25 you need one? A. Yes, sir.

Q. What is the state formula? A. I don't know that the state has a formula. You know, it varies from county to county, the complexity of the situation. You know, we have one of the most complex programs in the [109] system here that we have in the state.

Q. I understand. You have a gasoline delivery truck. What's your formula for determining the gas delivery truck? A. We need one truck for a minimum of 69 and when you reach past that, we say when you get over into the 84 then you've got to have more than one for it.

Q. Well, now, could you tell us your formula, whatever it is? I'm talking about determining the senior high school buses. A. Gasoline trucks.

Q. Gasoline trucks, that's right. A. Mr. Chambers, we have stated that it would take, for senior high schools, one truck to service 69 buses.

Q. So your formula is that you need one truck to service 69 buses. A. Well, we have stated that this one would serve it here. What I was trying to get at was that in trying to work this out to show you senior high school by junior high school by elementary school that we said that it may be, when I turned over two gasoline trucks for 84 buses at the junior high schools, then that possibly that that gasoline truck could help pick up some of the load of the senior high schools.

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Q. I would just like to know your formula that you worked with. A. Well, it was based on the number of gasoline trucks that it now takes to serve our present fleet.

Q. How many gasoline trucks do you now have to service? A. I'll have to go back and get that.

【110】 Q. Do you have that information available? A. We used it. I'd have to call and get it.

Q. Could you call now and give us the number of gasoline trucks? Also check the service trucks, if you don't mind. A. Is there anything else?

Q. We'd like to know the number of supervisory personnel you have and the number of clerical personnel you have.

(The witness leaves the hearing room at this point and returns.)

Q. Are you ready to give us the formula for determining the service trucks? A. Yes, sir. You had asked the present number we now have. We presently have 12 which we were short on servicing our vehicles. We have two on order, have been on order for some time and we're expecting delivery soon. So that will give us 14. Taking this 14 into the approximately 300 buses we are now operating—this is for all programs, the regular school program, Child Development Centers—that . . .

Q. Let me ask you this, Mr. Morgan. How many buses do you regularly use for the regular academic program, not the special programs? A. I believe I said in the report here that the regular program . . . I submitted to the Court.

Q. Wasn't it 280? A. It was 284. I believe that's right.

【111】 Q. OK. A. But on this formula here of service trucks, 14 into the approximately 300 buses would give one

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service truck for each 21 buses, and I testified that our formula ran somewhere 1 for 20 to 25 buses. So currently we are using 1 for each 21 buses. We now have five gas trucks that are serving the 300. That's 1 per 60. Now, there is one thing, Mr. Chambers, that I think I alluded to this and I don't know whether I made it clear or not. For the purpose of the Court, to separate senior and junior and elementary, we tried to put down figures here, but we do not operate a system for senior high schools and a system for junior high schools and a system for elementary schools. We tie the whole thing together and to get the clear picture of what we did and how we applied what we are presently doing against that, we'll need to take all of them for the entire system because we are a centralized operation. I'll do it any way you want to but it would be better for us, I think, to get the overall picture.

Q. How many gasoline trucks do you presently have?

A. Five.

Q. How many supervisory personnel do you presently have? A. We have three and we're badly understaffed.

Q. You have three? A. Yes.

Q. How many clerical personnel do you presently have?

【112】 A. We have four and we are understaffed again.

Q. And the three supervisory personnel are taking care of the 300 buses, or the 284 buses, and your four clerical personnel are taking care of your 284 or 300 buses. A. Yes, sir.

Q. Now, in your cost of operation how did you determine the average daily driver salary? A. This I requested Dr. Cameron, who is the Controller for the system, to figure this out for me, the actual salaries taken, and to give us an average salary of our present operation.

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Q. Well, what factors did he consider in arriving at this average daily salary? A. The average daily salary was taken by taking the total salaries paid to all drivers and getting an average for the present fleet of drivers.

Q. Do you pay drivers by the hour? A. Yes, sir.

Q. Well, let's see now, you have buses that you recommended for the additional transportation required who would be making one trip, is that correct? A. Yes, sir.

Q. And the buses now operating are making two and in some instances three trips? A. Yes, sir.

Q. Well, how did you use your present system to determine the 【113】 salary for the additional bus transportation? A. By taking the average hourly salary times the estimated number of hours that we said it would take for the fleet to get them there.

Q. Was this estimated number of hours that it would take the fleet to get there your one and a quarter hours and two and a half hours a day? A. Yes, sir.

Q. And you estimated one driver for each bus you told the Court you thought you would need? A. Yes.

Q. Now, how did you arrive at your figure for gasoline and oil and grease, and so forth? A. That came from our current records of operation, taken directly from that, and applied on a mileage basis to this.

Q. Is that 15 mile average one way? A. Yes.

Q. How did you determine your mechanics' salaries? A. We based that on the present salary schedule of the mechanics.

Q. How many mechanics did you estimate you would have? A. Well, again we went back to the number of mechanics that we have presently to operate our fleet on and applied that same formula just as we did to the gasoline trucks and supervisors and so forth, and we also

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did this; we scattered them out according to the number of apprentice mechanics, the number [114] of mechanics 2 and mechanics 1 we would need. We didn't put all top mechanics in here. We put them on the same basis as we have now.

Q. You don't know how many mechanics you now have?  
A. I'd have to dig it out from the records.

Q. How did you estimate your repair parts? A. Based on our current figures on parts that it takes. We did not allow for any increase in parts. We are experiencing anywhere from 3 to 6, 7% increase in the cost of parts and tires, and so forth. We did not allow that in there. There are a number of factors, Mr. Chambers, and I feel like my figures are really conservative and will be low because we did not allow for the increase in the cost of these items.

Q. Well, did you allow for the fact that these additional buses are not going to be traveling like the buses you now have in service? A. Yes, we made the allowance for it.

Q. For just making one trip? A. Yes, sir. We based it on a mileage basis.

Q. Who made these computations for you? A. I had several people working with me.

Q. Would you just explain for the record how you allowed for all of these factors in your determination that repairs would run \$16.56 per day? A. This was based on what our current records show that it is [115] costing us to operate our present fleet.

Q. What adjustments did you make to allow for the factors we have been discussing?

Mr. Horack: Would you mind repeating the factors, Mr. Chambers?

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Mr. Chambers: The ones we just discussed, Mr. Horack. Mr. Morgan said he made allowances for all these factors.

A. I didn't make allowances for the rising cost factors.

Q. You made allowances for the fact that the additional buses would be making one trip. A. I said we took it on the mileage basis.

Q. What did you do, determine the cost you average now to run the buses you now have and use that as a daily average? A. Mr. Chambers, look down at tires and tubes. We did not make any allowance for tires and tubes the first year because we said if we get all new buses it will not be necessary to put tires and tubes on them the first year but it is going to be necessary for a certain amount of repairs even though it's a new bus. We experience breakdowns and mechanical failures.

Q. Mr. Morgan, I'm only trying to find out how you determine your average daily repairs. A. Based on our current operation.

Q. Average daily cost for repairs today? A. Yes, sir.

【116】 Q. And that is the only factor you considered? A. Yes, sir.

Q. I think you testified that you presently have three supervisors. How did you estimate you would need one supervisor for the high school and three for the junior high schools and five for the elementary schools? A. We based it upon the work load of the present supervisory staff that we now have.

Q. You now have three supervisory personnel servicing the 300 buses? A. We now have three supervisors servicing the 300 buses.

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Q. And you would estimate you would need nine to service the 492 buses? A. Yes, sir. I have requested in my budget each year for an increase in supervisory personnel, that we do not have enough for them; I have requested each year that we need more men, that our buses were badly lacking in mechanical repairs, our fleet is going down for the lack of personnel and if we're going to add this many more to it, our fleet is going to soon get in such a state of repair that I would not want to be responsible for the operation of these buses unless we get adequate people that it will take to do it. We're treading on dangerous ground.

Q. The Board of Education felt that you didn't quite need that many people. **【117】** A. I don't know. The money wasn't available.

Q. And the Board of County Commissioners didn't appropriate funds for it. A. We didn't get the funds to operate on.

Q. How did you determine you would need five additional clerical personnel? A. Well, we now have four for 300 buses and we came up with five for the additional 400.

Q. What would these clerical personnel do? A. They keep all records of bus reports, of cost, salaries, and all of the regular routine work that goes into running the Transportation Department.

Q. They keep records? A. They keep records, yes, sir.

Q. I notice in your elementary schools you say you need a bus dispatcher and an assistant bus dispatcher. What is a bus dispatcher? A. A bus dispatcher is a person that we must have in order to use these buses as they are being used for more and more activities and to keep up with the fleet of buses that will be operating, in making sure that a bus is sent out if there is a breakdown in a bus and it

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requires a substitute bus somewhere, to get it, or doubling a load or whatever we have to do to get the buses to school. We must have some of these people in order to look after the buses, and to make sure **【118】** we've got them in the right place, and so on and so forth.

Q. How many bus dispatchers do you have now? A. We don't have any. We're utilizing our three people about 14, 15 hours a day to do this.

Q. You don't have any assistant bus dispatchers then. A. No. I finally got another person added to the staff this year who we refer to as a technical person, really in a coordinating position to handle just nothing . . . we use him for many more things. He was employed to handle the field trips, the special programs that are in effect, the concerts, and so on and so forth, and we are finding his duty eaten up with other things now rather than doing that which we employed him to do.

Q. Like what other things? A. Investigating accidents, check routes, working with drivers to keep enough drivers on hand, training drivers, and things of this type.

Q. Well, who takes care of arranging for the transportation of pupils when buses break down now? A. That's done by the person that is available in the office.

Q. Now, you talk about mechanical supervisors for the elementary schools. How many mechanical supervisors do you have now? A. We have one.

Q. And you estimate you need two? A. Yes, sir.

**【119】** For the elementary schools? A. Well, again, we pulled it out, Mr. Chambers. I'd have to tie the whole fleet of buses to it. Just for the purposes here we simply put it under elementary and this was just for a system of showing. That's where the largest number of buses are.

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They'd also have to help supervise some of the existing of the ones for junior and senior high schools.

Q. Well, what does the mechanical supervisor do? A. He occupies the same position as when you go into a garage to have your car repaired and you meet the man on the line to tell him what is the trouble and he's the expert who can analyze and take down what is wrong and then direct mechanics to repair that. If they don't know what's wrong, they call upon that person to come help them.

Q. Where is your present mechanical supervisor located?  
A. In the bus garage.

Q. How many bus garages do you have? A. One.

Q. Do you anticipate building another one? A. We are needing very badly now to add to our existing plant and we had put money in this past bond issue for the expansion of this facility but we didn't get enough money to do it. We have had to delay it. We have three men, these three supervisors I'm talking about, occupying three desks in a space that's about 12 by 12.

【120】 Q. We're talking about mechanical supervisors?  
A. Well, I was just illustrating to you our need for space and we'd have to also add space to our present plant.

Q. Well, at present you don't have any funds or any plans for building any addition to the garage or building another garage. A. One of two things. We can't continue servicing where we are. We have got to either expand in a satellite operation or in the present facility. Or, Mr. Chambers, I'll say this, if we don't, all I can say is that I'm deeply concerned and I have expressed this before to the school officials, that I'm deeply concerned about continuing our present operation as crowded as we are.

Q. I see. Would your answer be yes or no to the question?  
A. That we do not have money to do it with, no, sir.

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Q. You don't have present plans to do it. A. We have plans prepared.

Q. But you haven't any authorization from the Board to do it. A. No, sir.

Mr. Horack: May I make an inquiry? Are we talking about plans with reference to your existing fleet?

Mr. Chambers: Yes.

Mr. Horack: You're talking about the needs of the existing fleet.

【121】 A. Yes, sir.

Q. What about your personnel manager, how many personnel managers do you have now? A. None. Just our Director is having to look after all of this.

Q. You don't have any personnel manager now? A. No, sir.

Q. What about the driver training supervisor, how many do you have now? A. Well, the driver training supervisor. This is furnished by the Department of Motor Vehicles.

Q. You have indicated here you have to pay for it. A. I'm saying we need, in addition to what the State furnishes, we've got to have one of our own.

Q. How do you know the State won't furnish this one? A. Personnel Manager?

Q. Driver training supervisor. A. Well, in addition to . . . excuse me, I'm off the track there. We need, in addition to what the State furnishes, we need another person who can work with nothing but training drivers, recruiting drivers.

Q. Mr. Morgan, you reported to the Court that you estimate you'd have to have 400 and some buses. Now, we have

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gone over several instances of additional personnel that you told the Court you would need and some of them you say you don't even have such persons now. We're trying to find out what basis [122] you have for telling the Court why you're going to need a driver training supervisor. You told us that the State already furnished that person.

Mr. Horack: He explained that.

A. Well, let me see if I can make it clear. At the present time the Department of Motor Vehicles furnishes driver trainers but they don't do the complete job.

Q. As you would like to see it done. A. As it's got to be done to see that these youngsters are properly trained and trained on specific pieces of equipment. It may be that they will take their training on one type of equipment and they may be assigned to a different kind of bus and we need a person on our staff who can fill in and substitute for them just as we're doing now. We're doubling up with the three people we have now.

Q. Have you approached the State about providing another one? A. We asked them and they assigned us  $\frac{3}{4}$  of one. This is still not adequate.

Q. You're saying that because of the additional buses you have to have this person or without these buses you have to have him? A. And we're going into. . . .

Q. Would you answer that? A. I'm saying because of the additional buses we'll have to have them.

[123] Q. Because of the additional buses you have to have the driver training supervisor? A. Yes. We're going into something beyond the State operation.

Q. Well, we're going to come to that. Have you approached the State about providing this person if you have to put the buses into operation, this driver training super-

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visor? A. That is one of the things on that list of activities I gave you that I was to do and I haven't had a chance to.

Q. I see. So this is an item that might be paid for by the State? A. The State, Mr. Chambers, as you know, furnished the minimum to any system and the minimum is not enough to insure the safe operation of buses in this school system.

Q. Are you saying that's true even today without the additional buses? A. Yes, I'm saying it's true today.

Q. Now, what is this bus route specialist? A. All right. This is a person that we need to check bus routes for safety, that the buses are running in the safest manner possible, that the stops are safe, adjusting routes when it becomes necessary, rerouting buses, and working with the principals of the schools to make sure that the bus routes and the buses are routed in the most efficient manner to give the greatest service to the children, working altogether with routes. Presently we've got men doubling up on it and not **【124】** half-way doing the job. It's not being checked out.

Q. Are you saying you don't have one now? A. We are utilizing people presently to do that that do not have the time to do it.

Q. You don't have a bus route specialist today? A. We've got really, I think, three of them. They are the three supervisory personnel that's doing all these other jobs.

Q. And these additional nine that you're adding couldn't do that? A. No, sir, I don't think so.

Q. So you don't have a person today with the title of bus route specialist? A. No, sir.

Q. Now, all of these duties you were just describing you said that the bus dispatcher would be doing basically. A.

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The bus dispatcher, I said, would be sending buses where you have a bus broken down. He wouldn't be checking routes.

Q. I see. Mr. Morgan, have you checked the new attendance zones to determine which one of these zones would qualify for state support in terms of providing transportation? A. No, sir.

Q. And all this money you indicate down here, the zones that would qualify for State assistance, you would receive the same kind of State support you have been receiving in the past. A. Mr. Chambers, it was not in my directions to estimate where **[125]** the money would come from or who would bear any portion of the expense. I was simply directed to get the overall picture and not take into consideration where the money would come from.

Q. Mr. Morgan, you have filed an affidavit and have testified this cost would be money that would be paid for by the local Board of Education. Now, have you considered, again, what portion of these funds that you estimate you would need would be paid for by the State? A. May we go off the record?

Mr. Chambers: Yes.

(Off the record at this point by consent.)

Mr. Chambers: Read the last question.

(The Court Reporter reads the question on Line 5 above.)

A. My answer is no.

Q. Just as an example, Mr. Morgan, the State provides transportation for students who live outside the 1957 city limits who attend schools outside those limits or who live

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in the city and are assigned to schools outside those limits, is that correct? A. Under the present law the State furnishes the operational money for the transportation of all children who are eligible for transportation outside the '57 city limits and for those children that are assigned inside the '57 city limits to schools outside the '57 city limits. Was that your question?

【126】 Q. Yes. Just as an example, Tryon Hills is inside the city limits of '57. A. Yes.

Q. And Hickory Grove is outside the city limits. A. That's correct.

Q. Students being transported from Hickory Grove to Tryon Hills would receive State assistance. A. I don't know what the present law . . . that letter we got from Dr. Phillips and Davis and all that, I don't know.

Q. Excluding what you understand to be the anti-busing law, under the present State law would the students who are assigned from Tryon Hills to Hickory Grove be provided State transportation? A. I don't know what the present State law is.

Q. Didn't you just describe, Mr. Morgan, that the students who are living inside the '57 city limits and are assigned to school outside those limits are provided State transportation? A. Yes, but, Mr. Chambers, you asked me under the present law. Until that present law is cleared up, I . . .

Q. We also said exclude what you understand to be the anti-busing bill. A. If they applied the present law to this situation, yes.

Q. Would the students under the formula you have given us a moment ago and excluding any consideration of the State 【127】 anti-busing bill, who reside in Tryon Hills

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and assigned to Hickory Grove be provided State transportation? A. Yes.

Q. Would the students in Hickory Grove assigned to Tryon Hills be provided State transportation? A. Yes.

Q. Would the students in Devonshire and Briarwood who are assigned to Double Oaks be provided State transportation? A. For those children who are eligible for it, yes. I don't know the lines up in here, Mr. Chambers.

Q. Were eligible under this formula you mentioned a moment ago, is that what you're saying? All right, you want to talk about Lincoln Heights and Merry Oaks and Idlewild and Albemarle Road? A. Yes, right. Now, under the present law, excluding what you described . . .

Q. You're talking about excluding the anti-busing bill? A. Yes. The children assigned from Lincoln Heights to Albemarle Road and to Idlewild would be eligible for transportation.

Q. Under State support? A. Under State support, yes. Those assigned to Merry Oaks would not be.

Q. Except those students residing outside the '57 city limits who are in the present Lincoln Heights zone. A. Right. And the children assigned from Albemarle Road and ~~128~~ Idlewild would be eligible for State transportation. Those children in Merry Oaks that live outside the '57 city limits and assigned to Lincoln Heights would be eligible, but those inside would not be.

Q. Mr. Morgan, have you determined the number of students, the average number of students who are eligible for bus transportation but who do not utilize buses for getting to and from school? A. Mr. Chambers, under the original exhibits that I submitted to the Court I was requested to figure up State transportation, Finger plan; State transportation, Board plan; and the same thing with-