

January 9, 1986
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Community Calendar

DOT Public Hearing Tonight In Hot Springs

State transportation officials will hold a public hearing tonight to discuss a North Carolina Department of Transportation (NCDOT) proposal to make improvements to US-25-70 from Hot Springs in Madison County to the Tennessee state line.

The hearing will start at 7:30 p.m. in the Community Building, Hot Springs. Department personnel will be at the hearing to explain the proposed project, right-of-way requirements and procedures, the Federal Highway Administration's involvement in federal-aid projects and housing relocation advisory assistance.

NCDOT personnel will present three alternate locations and designs at the hearing. The recommended alternate follows the existing

US-27-70 from west of Hot Springs to the North Carolina state line. Design plans call for a 24-foot road with changes in alignment to lessen curves and improve traffic operations.

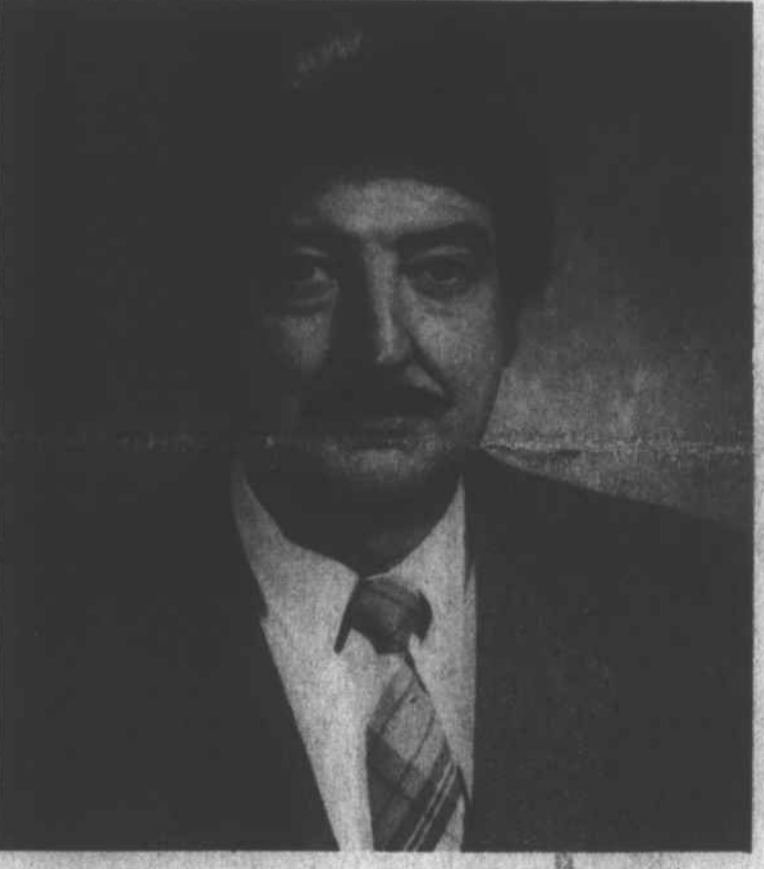
The public is invited to attend the hearing and make comments, ask questions or submit material pertaining to the project. Additional material may be submitted until January 20 to W. A. Jarrett, Jr., public hearing officer, NCDOT, P.O. Box 25201, Raleigh, N.C. 27611.

A map of the three alternate locations and the environmental report are available for public review at the Hot Springs City Hall.

For further information about the hearing contact Garfett by mail or call (919) 733-3244.

County GOP To Meet

The Madison County Republican Party will hold a meeting Jan. 12, at 3 p.m. in the Madison County Courthouse. In the event the Courthouse is unavailable, the location of an alternate meeting site will be posted on the Courthouse door. All party members are urged to attend.



JAMES DEDRICK BROWN
 ...files in sheriff's race

All Charges Against Ponder Dismissed

By ROBERT KOENIG

A jury of five men and seven women were selected Tuesday for the mail fraud trial of Madison County Democrat leader Zeno Ponder. The panel heard opening arguments and testimony on Tuesday as federal prosecutors called several Department of Transportation employees and Ponder's attorney to the stand.

Ponder, his wife, Marie; a nephew, Leonard Ponder, and Marshall Kanner, described as a business associate of the family, are each charged with 17 counts of mail fraud in connection with four land purchases made in Madison County in 1982.

The four defendants were originally indicted on six counts of mail fraud by a federal grand jury meeting in Asheville in December. On Monday, the grand jury returned additional indictments, adding 11 more counts of mail fraud to the original charges. Federal prosecutors charge that Ponder, then a member of the state Department of Transportation board, used inside information on proposed road projects to purchase property along the route of a planned Spring Creek-Marshall road. Ponder entered not guilty pleas to all charges.

In his opening statement to the jury, Bell characterized Ponder as "the driving force in getting projects approved by the Madison County Board of Commissioners and the North Carolina Department of Transportation." Bell said that the timing of Ponder's action was the key to the prosecution's case and that the government would seek to prove that he and the other defendants were attempting to purchase property while pushing for road projects in Madison County.

Defense attorney Herbert Hyde told the jurors that Ponder obtained the property in order to give the state a free right-of-way for the proposed road linking Spring Creek and Marshall. Hyde said that Spring Creek residents were promised the road by then-Gov. Bob Scott when voters were being asked to approve a consolidated high school in the early 1970's.

Hyde told the jurors, "If Zeno Ponder is guilty of anything, it is overgenerosity. And perhaps one more thing - trying to bring to fulfillment a promise he thought was fairly made."

The prosecution opened testimony in the case by calling Jack Murdock, a DOT secondary roads officer, to the stand. Murdock was consulted by DOT division engineer Earl McIntire when the proposed road to Spring Creek was first considered. He was asked if secondary road funds could be used for a project creating a new road.

Murdock explained that the proposed project was to have been broken into phases because the county's share of secondary road funds for one year would not cover the cost of the entire project. Plans called for improvements to a 4.3-mile section of Little Pine Rd., followed by improvements to Sweetwater Rd. The two roads would be linked by a new bridge to be constructed over the French Broad River near Redmon.

Murdock told the court that most secondary road projects do not include funds for right-of-way purchases, but that an exception could be granted by the DOT board on a project the size of the proposed Spring Creek road project.

DOT deputy secretary Billy Rose also testified on Tuesday. Rose was the state highway administrator in 1982. He told the court that he and then-Transportation Secretary William

EXTRA

Wednesday afternoon, U.S. District Court Judge Woodrow Jones dismissed all remaining counts of mail fraud against Zeno Ponder, Marie Ponder, Leonard Ponder, and Marshall Kanner.

Jones dismissed charges on a motion presented by Ponder's attorneys Herbert Hyde, Bob Long, and David Matney.

Dismissal followed the close of the government's evidence presented by U.S. Attorney Charles Brewer and Assistant U.S. Attorney Ken Bell.

Complete details of the two-day trial will appear in next week's edition of The News Record.

Brown Enters County Sheriff's Race

James Dedrick Brown of Mars Hill entered the race for Madison County Sheriff on Monday, filing with the county Board of Elections.

Brown, 45, is a native of Madison County raised in the Little Pine community and now makes his home in Mars Hill.

The son of the late Walter and Annie Mae Roberts Brown, he is married to the former Sharon Chandler, a native of Walnut. They have three daughters: Tina B. Hernandez and Tammy and Tara Brown.

Brown attended Madison County

public schools and earned his high school diploma while serving in the U.S. Army. He currently operates the Big D's Fast Stop in Mars Hill and is owner and operator of the Marshall Paving Co. Late last year, Brown was appointed to serve as Madison County's license plate agent.

Brown served as Madison County Sheriff for a brief time in the early 1970's, succeeding Roy Roberts, who resigned. He was later defeated by Sheriff E.Y. Ponder in the general election. In announcing his candidacy, Brown said that he has long

been interested in law enforcement in Madison County. Over the years, Brown said, many residents of the county, Democrats, Republicans and independents have expressed their concerns about law enforcement in Madison County and encouraged him to run.

Brown was one of four Republicans filing for offices on Monday. Mars Hill businessman Bob Phillips and Joe Fowler of Walnut both filed as candidates for the county commission during the opening day of the filing period. Doyle Cody of Mars Hill also filed for the race for Clerk of

Superior Court.

Incumbent Clerk of Courts Jim Cody of Marshall was the lone Democrat to file on Monday. Cody filed for re-election.

Madison County Sheriff E.Y. Ponder said Tuesday that he is undecided about whether to seek a ninth term. Ponder told The News Record, "I'll run if five or six people ask me to. But one of those people will have to be Mrs. Ponder."

Sheriff Ponder's brother, Zeno, is also rumored to be considering entering the county commission race, but said Tuesday that he is not "an eager candidate."

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Panel Recommends Not To Hire 16 And 17-Year-Olds

By ANN GREEN
 The News And Observer

The National Transportation Safety Board, citing concerns about accidents, has recommended that North Carolina school officials stop hiring 16- and 17-year-olds as school bus drivers.

The safety panel's recommendations were issued last month after an investigation of a bus wreck involving a 17-year-old driver in Ashe County in March 1985.

The board found that bus accident rates were "significantly higher" for the younger drivers than for drivers 18 years old and above, Willis E. Bush, a spokesman for the panel in Washington, D.C., said in a telephone interview Thursday.

"We issued a safety recommendation because we see a safety problem that needs to be addressed," he said.

The board has recommended the same thing for South Carolina and Alabama because those states also use high school students to fill their bus driver ranks, Bush said.

The states are not required to comply with the recommendations. But the panel investigates thousands of accidents each year, ranging from airline crashes to marine accidents, and its recommendations often are heeded, Bush said.

Using statistics from the last three years, the panel computed the accident rate per million miles driven by 16- and 17-year-old bus drivers in North Carolina, then compared it to the accident rate for bus drivers 18 and older.

In 1983, the rate was 12.7 accidents per million miles for the

16- and 17-year-olds vs. 8.1 accidents for older drivers. In 1983-84, it was 14 accidents for the younger drivers vs. 10 for older drivers, and in 1984-85, it was 13.2 accidents vs. 9.2.

In the Ashe County wreck, a bus carrying 22 teenagers ran off N.C. 88, rolled over once and went down a steep embankment. All the students were injured, most suffering cuts and bruises, but there were no fatalities.

"We were trying to find out what caused the accident, and in this one, we determined that inattention of the school bus driver was probably the cause of the accident," Bush said.

B. Norfleet Gardner, North Carolina's school bus transportation director, said Thursday by telephone that he disagreed with the panel's findings on the Ashe County wreck and questioned its assessment of the state's driver safety record. Gardner also said it would cost North Carolina millions of dollars to replace its youngest drivers.

"Year after year, we've had one of the best (safety) records in the nation," he said.

In the Ashe County wreck, there was a student discipline problem on the bus, he said. "It was not a driver problem," he said.

Gardner said that according to statistics compiled last year by his office, the state had 12,915 school bus drivers. Their ranks, according to age, included: 391 16-year-olds; 2,898 17-year-olds; 2,699 18-year-olds who were still students; and 1,927 adult drivers, including a few who were 18-year-olds but were no longer students. That

had fewer than 7,000 student bus drivers, or about 54 percent of the total.

Gardner said school systems use students as drivers "basically because of convenience. They are handy because they are at school, they are easily trained, and they are easily supervised. They're available all day, and, of course, it's because of the economy."

School systems usually have trouble finding adults willing to drive buses for wages that range from \$3.35 an hour to several dollars above that, he said. "Few adults want a part-time job that only pays minimum wage," Gardner said. The differences in pay depend on driver experience and how much money local school systems can add to the pay.

No firm figure was available on how much it would cost the state to replace its 4,200 16- and 17-year-old bus drivers. But raising the pay of bus drivers costs the state \$7 million a year for every \$1 the pay jumps, according to Gardner.

Looking at the safety record, he said there were eight fatalities involving school buses in North Carolina last year.

Six of those who died were students involved in a truck-school bus collision in Greene County. The bus driver was 18, but officials have said the truck crossed into the path of the bus.

The other two fatalities were students run over by buses. "Both involved adult drivers," Gardner said. One fatality was in the Charlotte-Mecklenburg system and involved a 25-year-old bus

driver, he said, and the other was in Cumberland County and involved a 19-year-old driver.

The Greene County accident also was investigated by the safety panel last year, Gardner said. But the results of the investigation into that accident, described by federal officials as the nation's worst school bus wreck in at least five years, have not yet been released.

Asked why that accident and the Ashe County accident were investigated, Bush said: "We pick and choose accidents, based on taking a look at significant safety issues. One of the areas we've been interested in is school bus safety."

The Charlotte-Mecklenburg school system is phasing out its use of student bus drivers because of concern about how the students handled heavy traffic and because of safety concerns raised by parents.

In that school system, there are only 40 student drivers left in a

total of 637 drivers, and the students are 17- or 18-year-olds. So far, the system has noted a dramatic 40 percent decrease in its accident rate this year compared to last, said William H. Neely, assistant director of transportation for the school system.

In Wake County, the latest statistics available Thursday showed the system employing 668 bus drivers - 15 of them 16-year-olds and 205 of them 17-year-olds.

