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SENATE DRS45154-MHa-191 (03/12)

Short Title: Ferry Tolling/Replacement Funds.

(Public)

Sponsors: Senator Cook (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM THE FERRY
3 TAX AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
4 TRANSPORTATION FOR FERRY VESSEL REPLACEMENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-82 reads as rewritten:

7 "§ 136-82. Department of Transportation to establish and maintain ferries.

8 (a) Powers of Department. – The Department of Transportation is vested with authority
9 to provide for the establishment and maintenance of ferries connecting the parts of the State
10 highway system, whenever in its discretion the public good may require, and shall prescribe
11 and collect tolls on the ferry routes as established by the Board of Transportation following the
12 procedures set forth in this section. ~~require.~~

13 (b) Establishment of Tolling. ~~—The Board of Transportation may establish tolls on any~~
14 ~~untolled ferry route as set forth in this subsection. Prior to establishing tolls on an untolled ferry~~
15 ~~route, the Board of Transportation must receive a resolution approved by the Transportation~~
16 ~~Advisory Committee of each affected local transportation planning organization requesting~~
17 ~~tolls on that route. No later than March 1, 2014, the Department shall hold a separate public~~
18 ~~hearing in the geographic area of each untolled ferry route and invite each affected local~~
19 ~~transportation planning organization. At the public hearing, the Department shall present an~~
20 ~~explanation of the toll setting methodology, the impact of tolling on the availability of funding~~
21 ~~for other local transportation priorities, and the minimum and maximum toll rates. After the~~
22 ~~public hearing, an affected local transportation planning organization may consider and adopt a~~
23 ~~ferry tolling resolution. The Board of Transportation shall adopt the toll at its next regularly~~
24 ~~scheduled meeting after receipt of the ferry tolling resolutions required by this subsection. The~~
25 ~~Department shall collect the toll as soon as is feasible following its adoption, but in no case~~
26 ~~more than 180 days after adoption of the toll. The establishment of tolls by the Board of~~
27 ~~Transportation pursuant to the authority granted in this section shall be exempt from the~~
28 ~~provisions of Chapter 150B of the General Statutes. For purposes of this section, "affected local~~
29 ~~transportation planning organization" means any Metropolitan Planning Organization or Rural~~
30 ~~Transportation Planning Organization with geographic jurisdiction over any part of an untolled~~
31 ~~ferry route, and "untolled ferry route" means any ferry route for which no tolls were in effect as~~
32 ~~of June 30, 2013.~~

33 (c) Revisions of Tolls. ~~—The Department of Transportation shall report to the Fiscal~~
34 ~~Research Division, the Joint Legislative Transportation Oversight Committee, and all affected~~
35 ~~local transportation planning organizations 30 days prior to any change in toll rates or change~~
36 ~~in the toll setting methodology by the Board of Transportation.~~



1 (d) ~~Use of Toll Proceeds.~~—The Department of Transportation shall credit the proceeds
2 from tolls collected on North Carolina Ferry System routes and receipts generated under
3 subsection (e) of this section to reserve accounts within the Highway Fund for each of the
4 Highway Divisions in which system terminals are located and fares are earned. For the
5 purposes of this subsection, fares are earned based on the terminals from which a passenger trip
6 originates and terminates. Commuter pass receipts shall be credited proportionately to each
7 reserve account based on the distribution of trips originating and terminating in each Highway
8 Division. The proceeds credited to each reserve account shall be used exclusively for
9 prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the
10 Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel
11 replacement projects or supplement funds allocated for ferry passenger vessel replacement
12 projects approved in the Transportation Improvement Program.

13 ...

14 (f) Authority to Generate Certain Receipts. – The Department of Transportation,
15 notwithstanding any other provision of law, may operate or contract for the following
16 receipt-generating activities and use the proceeds for ferry passenger vessel replacement
17 projects in the manner set forth in subsection ~~(e)~~(d) of this section:

- 18 (1) Operation of, concessions on the ferries and at ferry facilities to provide to
19 passengers on the ferries food, drink, and other refreshments, personal
20 comfort items, Internet access, and souvenirs publicizing the ferry system.
- 21 (2) The Sponsorships, including, but not limited to, the sale of naming rights to
22 any ferry vessel, ferry route, or ferry facility.
- 23 (3) Advertising on or within any ferry vessel, vessel or at any ferry facility,
24 including including, but not limited to, display advertising and advertising
25 delivered to passengers through the use of video monitors, public address
26 systems installed in passenger areas, and other electronic media.
- 27 (4) Any other receipt-generating activity not otherwise forbidden by applicable
28 law pertaining to public health or safety.

29 The Department may issue rules to implement this subsection.

30 (g) Confidentiality of Personal Information. – Identifying information obtained by the
31 Department related to operation of the ferry system is not a public record under Chapter 132 of
32 the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the
33 federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all
34 information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial
35 information, transaction history, and information related to the collection of a ~~toll or~~ user fee
36 from a person, including, but not limited to, photographs or other recorded images or automatic
37 vehicle identification or driver account information generated by radio-frequency identification
38 or other electronic means. The Department may use identifying information only for purposes
39 of collecting and enforcing ~~tolls~~ user fees. Nothing in this section is intended to limit the right
40 of any person to examine that person's own account information, or the right of any party, by
41 authority of a proper court order, to inspect and examine identifying information."

42 **SECTION 2.** There is appropriated from the Highway Fund to the Department of
43 Transportation the sum of five million dollars (\$5,000,000) in recurring funds to be allocated to
44 the Division of Ferries of the Department of Transportation and used for ferry vessel
45 replacement.

46 **SECTION 3.** Section 2 of this act becomes effective July 1, 2014. The remainder
47 of this act is effective when it becomes law.