

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B 1002
Apr 27, 2016
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10479-MLza-256 (03/23)

Short Title: Ferry System Stabilization Act.

(Public)

Sponsors: Representatives Tine, L. Johnson, Torbett, and Shepard (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STABILITY AND PREDICTABILITY WITHIN THE STATE FERRY SYSTEM BY RESTORING STATE CONTROL TO THE SETTING OF FERRY TOLLS AND PROVIDING STATE FUNDS FOR THE REHABILITATION AND REPLACEMENT OF FERRIES AND OTHER CAPITAL IMPROVEMENTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

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

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

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

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

(c) Revisions of Tolls. ~~The Department of Transportation shall report to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and all affected~~



* D R H 1 0 4 7 9 - M L Z A - 2 5 6 *

1 local transportation planning organizations 30 days prior to any change in toll rates or change in
2 the toll setting methodology by the Board of Transportation.

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

15 ...

16 (f) Authority to Generate Certain Receipts. – The Department of Transportation,
17 notwithstanding any other provision of law, may operate or contract for the following
18 receipt-generating activities and, except as otherwise provided in subsection (f1) of this section,
19 use the proceeds for ferry passenger vessel replacement projects in the manner set forth in
20 subsection (d) of this section; exclusively for prioritized North Carolina Ferry System ferry
21 passenger vessel replacement projects in the Division in which the proceeds are earned:

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

33 Proceeds may be used to fund ferry passenger vessel replacement projects or supplement funds
34 allocated for ferry passenger vessel replacement projects approved in the Transportation
35 Improvement Program. The Department may issue rules to implement this subsection.

36 (f1) Use of Receipts Generated From Shipyard. – The Department of Transportation shall
37 credit the proceeds from receipts generated under subsection (f) of this section from activities
38 performed by the North Carolina State Shipyard to a reserve account within the Highway Fund to
39 be used exclusively for improvements to the Shipyard, including equipment and associated
40 infrastructure. ~~Notwithstanding the restrictions on the use of proceeds set forth in subsections (d)~~
41 ~~and (f) of this section, the Department may use a proportional amount of the proceeds credited to~~
42 ~~each reserve account described in subsection (d) of this section to replace or repair equipment in~~
43 ~~accordance with this subsection if there is an insufficient amount of funds in the reserve account~~
44 ~~within the Highway Fund for the Shipyard.~~

45 (g) Confidentiality of Personal Information. – Identifying information obtained by the
46 Department related to operation of the ferry system is not a public record under Chapter 132 of the
47 General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal
48 Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all
49 information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial
50 information, transaction history, and information related to the collection of a toll or user fee from
51 a person, including, but not limited to, photographs or other recorded images or automatic vehicle

1 identification or driver account information generated by radio-frequency identification or other
2 electronic means. The Department may use identifying information only for purposes of collecting
3 and enforcing ~~tolls-user fees~~. Nothing in this section is intended to limit the right of any person to
4 examine that person's own account information, or the right of any party, by authority of a proper
5 court order, to inspect and examine identifying information."

6 **SECTION 2.** G.S. 7A-312(a) reads as rewritten:

7 "(a) A juror in the General Court of Justice including a petit juror, or a coroner's juror, but
8 excluding a grand juror, shall receive twelve dollars (\$12.00) for the first day of service and
9 twenty dollars (\$20.00) per day afterwards, except that if any person serves as a juror for more
10 than five days in any 24-month period, the juror shall receive forty dollars (\$40.00) per day for
11 each day of service in excess of five days. A grand juror shall receive twenty dollars (\$20.00) per
12 day. A juror required to remain overnight at the site of the trial shall be furnished adequate
13 accommodations and subsistence. If required by the presiding judge to remain in a body during the
14 trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from
15 out of the county summoned to sit on a special venire shall receive mileage at the same rate as
16 State employees. ~~Persons summoned as jurors shall be exempt during their period of service from
17 paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site of that
18 service."~~

19 **SECTION 3.** G.S. 136-189.11(b)(8) is repealed.

20 **SECTION 4.** The Board of Transportation shall cease collecting ferry tolls on the
21 effective date of this act and shall take action as expeditiously as possible to repeal its regulations
22 implementing ferry tolls. Prepaid tolls or commuter pass payments received by the Department of
23 Transportation for ferry trips on or after the effective date of this act shall be refunded or, in the
24 case of prepaid commuter passes, partially refunded based on the proportion of the time period
25 covered by the commuter pass for which tolls were in effect. Any funds remaining in the reserve
26 accounts described in G.S. 136-82(d) as of the effective date of this act shall be used for the
27 rehabilitation and replacement of vessels and infrastructure at the North Carolina State Shipyard
28 and the system terminals.

29 **SECTION 5.** Beginning in the 2016-2017 fiscal year, there is appropriated from the
30 Highway Fund to the Ferry Division of the Department of Transportation thirteen million eight
31 hundred fifty thousand dollars (\$13,850,000) in recurring funds to be used for the rehabilitation
32 and replacement of vessels and infrastructure at the North Carolina State Shipyard and the system
33 terminals.

34 **SECTION 6.** This act becomes effective July 1, 2016.