

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

S

1

SENATE BILL 812

Short Title: Ferry Tolling/Replacement Funds. (Public)

Sponsors: Senators Cook and Sanderson (Primary Sponsors).

Referred to: Transportation

May 5, 2016

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM THE FERRY TAX  
AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR  
FERRY VESSEL REPLACEMENT.

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 local transportation planning organizations 30 days prior to any change in toll rates or change 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 certain receipts generated under  
3 subsection (f) 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 purposes of  
5 this subsection, fares are earned based on the terminals from which a passenger trip originates and  
6 terminates. Commuter pass receipts shall be credited proportionately to each reserve account  
7 based on the distribution of trips originating and terminating in each Highway Division. The  
8 proceeds credited to each reserve account shall be used exclusively for prioritized North Carolina  
9 Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds  
10 are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or  
11 supplement funds allocated for ferry passenger vessel replacement projects approved in the  
12 Transportation Improvement Program.

13 (e) Powers of Department. — To accomplish the purpose of this section, the Department of  
14 Transportation is authorized to acquire, own, lease, charter or otherwise control all necessary  
15 vessels, boats, terminals or other facilities required for the proper operation of the ferries or to  
16 enter into contracts with persons, firms or corporations for the operation thereof and to pay the  
17 reasonable sums that in the opinion of the Department of Transportation represent the fair value of  
18 the public service rendered.

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

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

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

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

48 (g) Confidentiality of Personal Information. — Identifying information obtained by the  
49 Department related to operation of the ferry system is not a public record under Chapter 132 of the  
50 General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal  
51 Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all

1 information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial  
2 information, transaction history, and information related to the collection of a ~~toll or~~ user fee from  
3 a person, including, but not limited to, photographs or other recorded images or automatic vehicle  
4 identification or driver account information generated by radio-frequency identification or other  
5 electronic means. The Department may use identifying information only for purposes of collecting  
6 and enforcing ~~tolls-user fees~~. Nothing in this section is intended to limit the right of any person to  
7 examine that person's own account information, or the right of any party, by authority of a proper  
8 court order, to inspect and examine identifying information."

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

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

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

23 **SECTION 4.** The Board of Transportation shall cease collecting ferry tolls on the  
24 effective date of this act and shall take action as expeditiously as possible to repeal its regulations  
25 implementing ferry tolls. Prepaid tolls or commuter pass payments received by the Department of  
26 Transportation for ferry trips on or after the effective date of this act shall be refunded or, in the  
27 case of prepaid commuter passes, partially refunded based on the proportion of the time period  
28 covered by the commuter pass for which tolls were in effect. Any funds remaining in the reserve  
29 accounts described in G.S. 136-82(d) as of the effective date of this act shall be used for ferry  
30 vessel replacement in accordance with subsection (f) of G.S. 136-82, as amended by Section 1 of  
31 this act.

32 **SECTION 5.** Beginning in the 2016-2017 fiscal year, there is appropriated from the  
33 Highway Fund to the Department of Transportation the sum of twenty-three million ninety-five  
34 thousand dollars (\$23,095,000) in recurring funds to be allocated to the Division of Ferries of the  
35 Department of Transportation and used for ferry vessel replacement in accordance with subsection  
36 (f) of G.S. 136-82, as amended by Section 1 of this act.

37 **SECTION 6.** Section 5 of this act becomes effective July 1, 2016. The remainder of  
38 this act is effective when it becomes law.