

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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BILL DRAFT 2015-MLza-256 [v.6] (03/23)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Ferry System Stabilization Act.

(Public)

Sponsors: Representative Tine.

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.

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.~~ for which tolls were in effect as of July 1, 2016.

(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.~~

(b1) Untolled Ferry Routes. – The Board of Transportation may not establish tolls on any ferry route for which no tolls were in effect as of July 1, 2016.



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1 (c) Revisions of Tolls. – The Board of Transportation may change toll rates or toll setting  
2 methodology. The Department of Transportation shall report to the Fiscal Research Division, the  
3 Joint Legislative Transportation Oversight Committee, and all affected local transportation  
4 planning organizations 30 days prior to any change in toll rates or change in the toll setting  
5 methodology by the Board of Transportation.

6 ...."

7 **SECTION 2.** Beginning in the 2016-2017 fiscal year, there is appropriated from the  
8 Highway Fund to the Ferry Division of the Department of Transportation twelve million five  
9 hundred dollars (\$12,500,000) in recurring funds to be used for the rehabilitation and replacement  
10 of vessels and infrastructure at the North Carolina State Shipyard and the system terminals.

11 **SECTION 3.** This act becomes effective July 1, 2016.