



The Outer Banks Chamber of Commerce

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June 14, 2012

The Honorable Phil Berger
Senate President Pro Tem
NC Senate
16 W. Jones Street, Room 2008
Raleigh, NC 27601-2808

Dear Senator Berger,

The Outer Banks Chamber of Commerce, on behalf of its more than 1,100 members in Currituck, Dare and Hyde counties, remains adamantly opposed to proposals to add a toll to the Hatteras-Ocracoke Ferry which connects Hatteras and Ocracoke islands, and to the proposed tax to use the Currituck-Knotts Island ferry.

Since the Chamber first objected in March 2011, the list of reasons to keep the Hatteras-Ocracoke ferry free has grown due to complications brought about by hurricane damage. Not only are workers and residents who depend on the ferry struggling financially and thus can't afford another tax, there also is concern about the future of NC 12 north of Hatteras Island. The temporary bridge over the breach on Pea Island is just that - temporary. If a storm or other problem eliminates this access, then the Hatteras-Ocracoke ferry will be the only scheduled way off of Hatteras.

Taxing the Ocracoke-Hatteras ferry brings with it unique practical challenges and potential legal issues.

Ocracoke residents and visitors pay to use the ferries connecting the island with the mainland. This existing toll has made it financially difficult for the Hyde County islanders to reach the courts and government offices located on the mainland. Proposals to raise the tolls on the Ocracoke-mainland ferries is estimated by Hyde County government to add another \$60,000 in expenses to this struggling county which already has cut many services.

The only free option is to take the ferry to Hatteras, transverse the banks north to Nags Head, west on NC 64 to NC 264, and drive approximately another 60 miles - a trip of about four and a half hours.

The North Carolina Constitution has been interpreted to support that free travel is a right and not a privilege. Taxing riders on this ferry so that only those who pay can access and leave Ocracoke Island invites local residents to challenge the Constitutionality of the tolls and the associated limitations on their ability to travel within the State.

In addition, the legislation requiring that tolls be placed on ferry routes is an unnecessary and unfair expansion of the enabling authority of the North Carolina Turnpike Authority which was limited by prior General Assemblies to the following:

§ 136-89.187. Conversion of free highways prohibited. The Authority Board is prohibited from converting any segment of the non-tolled State Highway System to a toll facility, except for a segment of N.C. 540 under construction as of July 1, 2006, located in Wake County and extending from the N.C. 54 exit on N.C. 540 to the N.C. 55 exit on N.C. 540. No segment may be converted to a toll route pursuant to this section unless first approved by the Metropolitan Planning Organization (MPO) or Rural Planning Organization (RPO) of the area in which that segment is located. (2002-133, s. 1; 2006-228, s. 3; 2008-225, s. 5.)

§ 136-89.197. The Department shall maintain an existing, alternate, comparable non-toll route corresponding to each Turnpike Project constructed pursuant to this Article. (2002-133, s. 1.)

The Currituck-Knotts Island ferry is the main transportation for school children on Knotts Island who attend school on mainland Currituck County. The only other option is for the school buses to drive west through Virginia Beach and Chesapeake, Va. and reenter the county from the west. When weather prevents use of the ferry and this route must be taken, it makes for a very long day for the school children and adds significantly to the school system's transportation cost.

The effects of imposing tolls on the citizens and residents of the coastal area who are served by ferries without any other reasonable means of access will be profound particularly when many of these areas remain in the process of recovering from Hurricane Irene. Please consider these negative effects and the potential consequences for the State and take action to amend the currently proposed budget in a manner which does not require tolls on coastal ferries which do not already have tolls.

Sincerely,



Robin Mann, Chair
Outer Banks Chamber of Commerce
Board of Directors

Cc: The Honorable Beverly Perdue
Senator Pete Brunstette
Senator Neal Hunt
Senator Stan White
Senator Richard Stevens
Representative Tim Spear
Representative Bill Owens
Currituck County Commissioners
Dare County Commissioners
Hyde County Commissioners