



**The Outer Banks Chamber of Commerce**  
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March 11, 2011

Sen. Kathy Harrington, Chair  
Joint Appropriations Subcommittee on Transportation

via: Electronic Mail

The Outer Banks Chamber of Commerce, on behalf of its more than 1000 members in Currituck, Dare and Hyde counties, is opposed to proposals to add a toll to the Hatteras-Ocracoke Ferry which connects the islands of Hatteras and Ocracoke, and to the proposed tax to use the Currituck-Knotts Island ferry.

The Currituck-Knotts Island ferry is the main mode of transportation for school children who live on Knotts Island and 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 re-enter 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 Ocracoke-Hatteras ferry is unique and the legal issues related to charging a tax on the ferry should be taken very seriously.

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

The Hatteras Island ferry is the only free travel option available to the Ocracoke Island residents and visitors, and we believe that it must remain so to comply with the North Carolina Constitution which has been interpreted to support that free travel is a right and not a privilege.

This view is reflected both in case law and North Carolina General Statutes including examples found in laws governing the North Carolina Turnpike Authority.

Two of those examples are as follows:

§ 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.)

At no time should residents and visitors of this state be forced to pay for the right to travel freely when there are no other options available. In the current economic downturn, such a move would also create additional economic impacts because it would discourage visitation. Tourism-related revenue losses on Hatteras and Ocracoke islands translate into reduced sales tax revenues which support the state budget. It is not just a local impact.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin A. Mann". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

cc: Gov. Beverly Perdue  
Sen. Stan White  
Rep. Tim Spear  
Rep. Bill Owens  
Dare County Board of Commissioners  
Currituck County Board of Commissioners  
Hyde County Board of Commissioners  
Jim Westmoreland, NCDOT