



September 25, 2013

10:00 AM

Jones County Civic Center
832 Highway 58 South, Trenton, NC 28585

Technical Coordinating Committee (TCC) Agenda

- 1. Call to Order** – *Linda Staab, Chairman TCC*
- 2. Public Comment Period**
- 3. ACTION: May 28, 2013 & June 25, 2013 Minutes**
Minutes of the March 26th, 2013 and June 25th, 2013 meetings are attached and presented for approval.
- 4. Staff Report**
 - a. 2013 Meeting Schedule 10:00–11:30 a.m.
 - i. November 19, 2013
- 5. Standing Committee, Commission, and Association Reports**
 - a. **Croatan Regional Bike Plan** *Rob Will*
 - b. **Highway 17 Association Update** *Marc Finlayson*
 - c. **Highway 70 Commission Update** *Patrick Flanagan*
 - d. **Eastern NC MPO/RPO Coalition Update** *Patrick Flanagan*
 - e. **Logistics Update** *Stephanie Ayers*
 - f. **Transit Update** *Carol Long, Terry Jordan & Randy Cantor*
- 6. NCDOT Division Reports**
 - a. Division 2: *Jeff Cabaniss*
 - b. Division 3: *Patrick Riddle*
 - c. Planning Branch: *Saeed Mohamed*
 - Carteret County CTP Update
 - Onslow County CTP Update
 - New Bern Area MPO Update
- 7. Strategic Mobility Formula Update**

This is the latest information regarding the new system for evaluating and funding NCDOT projects.

8. NCDOT Maps of Statewide/Regional/Division Facilities

Here are the maps of which facilities start out in any given tier. We will review these maps for any oversights or reclassifications. They can be found online at:

<https://connect.ncdot.gov/projects/planning/Pages/ResourcesMPO-RPO.aspx>

9. Ferry Tolling Legislation

There is new ferry tolling legislation. We will discuss this new policy and how it affects RPOs.

10. ACTION: Local Input Points Policy

New legislation requires MPOs and RPOs to submit the process by which they assign Local Input Points to NCDOT for review and approval. We will discuss and amend our policy to adhere to this requirement.

11. Feasibility Study Traffic Forecast Presentation

Transportation Planning Branch is going to teach us what goes into traffic forecasts and how they are calculated. This is important given the major projects we are currently conducting feasibility studies on.

12. Other Business

13. Adjournment



Technical Coordinating Committee (TCC)

Minutes

May 28, 2013 Regular Meeting

10:00 a.m.

Jones County Civic Center

832 Highway 58 South

Trenton, NC 28585

Attendance

TCC

Jim Jennings, Carteret County Planning Director
Shirley Powell, Carteret Co Economic Development
Kyle Garner, Beaufort Planning Director
Linda Staab, Morehead City Planning Director
Scott Sherrill, Pine Knoll Shores Town Clerk
Don Baumgardner, Craven County Planning Director
Katrina Marshall, Havelock Planning Director
Terry Jordan, CARTS Director
Jayne Robb, Jones County Economic Development
Franky Howard, Jones County Manager
Carol Long, OUTS Director
Timothy Richards, Onslow County Planning
Anthony Prinz, Jacksonville MPO Director
Marc Finlayson, Highway 17 Association
Stephanie Ayers, NC Port Authority Planning Director

NCDOT

Jeff Cabaniss, Division 2 Planning Engineer
Patrick Riddle, Division 3 Planning Engineer
Saeed Mohamed, Transportation Planning Branch
Neil Lassiter, Division 2 Engineer
Sue Powell, PTD Mobility Development Specialist

STAFF

Patrick Flanagan, ECC Planning Director
Rob Will, ECC Community Planner

1. Call to Order

Linda Staab, Technical Coordinating Committee (TCC) Chair called the meeting to order at 10:15 a.m.
It was determined there was a quorum.

-Scott Sherrill mentioned a reminder for Ethics Awareness.

2. Public Comment Period

There were no public comments.

3. Approval of Minutes

Motion was made by Patrick Riddle to approve the minutes as submitted for the March 26, 2013 Down East Rural Planning Transportation Organization (DERPO) TCC meeting, second by Tim Richards, and unanimously approved.

-There were no reports submitted to correct minutes.

4. Staff Report

The meeting schedule is July 23, September 24, and November 26, 2013. A suggestion was made to move the November meeting to the 19th. This movement was unanimously agreed upon by all members.

5. Standing Committee, Commission, and Association Reports

- a. Croatan Regional Bike Plan. Rob Will explained that the bike plan is currently in review and will be in counties to be approved.
- b. Marc Finlayson gave a quick recap of Highway 17 Association Update. R2514 Hwy 17 through Jones County. Row in June for Hwy 17.
 - July 1, 2015 to break apart on segment C & D
 - Year 2016 for segment B
 - June projects on schedule and completed by June for segment A/B March or April 2014
 - Northern Washington bypass completed by November 2013
 - Wilmington to start late this year.
- c. Highway 70 Commission- Patrick Flanagan reported that there were no new updates.
- d. Eastern NC MPO/RPO Coalition. Patrick explained that the coalition meeting covered new legislation/funding.
 - Staff to meet next week and the next meeting will be the second week of June.
 - TCC Meeting may be needed by the end of June if we want to have our own formula.
 - East of I95 Coalition meeting dates
- e. Stephanie Ayers presented the Logistics Update. The Gate relocation project is underway. Wood Pellets projects are going forward.
 - There is a new Director of Logistics, Rudy Lupton, out of Raleigh.
- f. Transit Update. Carol Long said that funding may be decreased by 2% - waiting on more news with that information.
 - NEMT – Medicaid paid for transportation and was trying to get a broker to contract with counties; not happening at this point.

6. NCDOT Division Reports

- a. Division 2: Jeff Cabaniss. Handouts were submitted for Carteret, Craven, Jones, and Pamlico
 - i. Timing ends in June for summer work for Gallant's Channel bridge. Contact is Charles Cox.
 - ii. Discussion regarding the Coast Guard command and who to send letters too. Go to www.beaufortbridgefacts.org
- b. Division 3: Patrick Riddle. Handouts were submitted for Onslow
 - i. US 17 Widening projects were mentioned.
- c. Planning Branch: Saeed Mohamed.
 - i. Carteret County CTP Update- Adoption in June or July
 - ii. Onslow County CTOP Update- Change up in staff but no report of progress. Anthony Prinz said CTP must get started due Jacksonville MPO model update
 - iii. New Bern Area MPO Update- No major updates
 - Neil Lassiter mentioned the lack of assistance of staffing on the CTP Projects and Mike Bruff will look into options.
 - Patrick Flanagan- James Upchurch said the Carteret Plan can be used to input in the STIP.
 - Jim Jennings said the CTP comments must be approved by Mike Bruff and then

submitted to Board in June or July. Jim would like to see a Carteret County meeting.
Saeed said a draft will be online.

7. ACTION: Planning Work Program (PWP) FY 2013-2014

Patrick Flanagan passed out one handout (excel sheet)

- \$15,280- Data Collection & Assessment
- Categories - Estimate – General overview and quarterly reports break this down
- We can move money from one project to another for anything under 25%
- Down 109.118 – Population of MPOs being removed.
- Kyle Garner suggested next year to go over all items.

A motion was made by Kyle Garner to approve the PWP, seconded by Stephanie Ayers, and unanimously approved.

8. ACTION: Five Year Calendar FY 2013-2018

Handouts were passed out and reviewed- for future work the RPO hopes to accomplish.

Jim Jennings – Census information study data/ would like the RPO to assist with maps

A motion was made by Scott Sherrill to approve Five Year Calendar, seconded by Shirley Powell, and unanimously approved.

- Strategic Mobility Formula adoption effect calendar.
- Can be changed at any time.
- Linda suggested an exercise for planning calendar to have more specific items in the calendar and tie in the regional approach.
- Agenda next year using sub-committee

9. Strategic Mobility Formula

Patrick Flanagan provided a PowerPoint for discussion and review.

- Three workgroup members – Patrick Flanagan, Neil Lassiter, and Stephanie Ayers (Meet Mondays in Raleigh)
State=40 Reg. = 30 Div. =30
DOT Data Driven
70% data, 30% Local in Reg.
50% data, 50% Local in Div.
- Anything let by July 1, 2015 will stay the same and not move to SMF
- Be concerned for Bike and Ped. Watch funded by Powell Bill
- Senate Bill is highway (100 point scale- all projects compete; Bike VS Hwy)
- Municipality can add money to list and goes to another local project.
- Stephanie Ayers said the rail in the port will be finished in October 2013.
- Patrick Flanagan will email dates for the meeting to explain formula and how it would work.

10. Other Business

There was no other business to address at this time.

11. Adjournment

A motion was made by Jim Jennings to adjourn, seconded by Tim Richards, and unanimously approved.

Respectfully submitted,

Linda Staab, DERPO TCC Chair

Patrick Flanagan, DERPO Secretary



Technical Coordinating Committee (TCC) Minutes

June 25, 2013 Specially Called Meeting

9:00 a.m.

2nd Floor Conference Room

O'Marks Building

233 Middle St.

New Bern, NC

Attendance

TCC

Jim Jennings, Carteret County Planning Director
Shirley Powell, Carteret Co Economic Development
Randy Cantor, CCATS Director
Linda Staab, Morehead City Planning Director
Scott Sherrill, Pine Knoll Shores Town Clerk
Don Baumgardner, Craven County Planning Director
Chad Strawn, Craven County Planning
Terry Jordan, CARTS Director
Jeff Ruggieri, Director of Development Services
Carol Long, OUTS Director
Timothy Richards, Onslow County Planning
Anthony Prinz, Jacksonville MPO Director

NCDOT

Jeff Cabaniss, Division 2 Planning Engineer
Patrick Riddle, Division 3 Planning Engineer
Saeed Mohamed, Transportation Planning Branch

STAFF

Jodi Laird, ECC Administration
Patrick Flanagan, ECC Planning Director
Lauren Tuttle, ECC Community Planner

12. Call to Order

Dan Baumgardner called the meeting to order at 9:07 a.m. It was determined there was a quorum.

Mr. Baumgardner read aloud the ethics statement.

13. Public Comment Period

There were no public comments.

14. Action: Strategic Mobility Formula

Dan Baumgardner explained the purpose of today's meeting which was to review the alternative formulas for recommendation to the TAC board to be considered for the North Carolina Board of Transportation.

Patrick Flanagan gave a quick overview from the last meeting.

- The Strategic Mobility Formula replaces the Equity Formula on how to fund project from DOT (and includes all modes of transportation.)

- There are three levels: 40% of the funds will go to State wide projects, 30% to Regional projects, and 30% to Divisional projects.
- State Formulas for three buckets: State, Regional, and Divisional
 - State wide bucket (airports, railroads, interstate routes, natural highways, major roads, etc.)
 - Regional bucket (US highways, NC Routes not included in state wide bucket)
 - Divisional bucket (is everything else that is not a US or NC highway)
 - ***A project that starts out as a state wide level and goes through the data process and doesn't do well enough to get funded drops down to regional bucket and gets rescored based on the regional criteria and competes for that money and if it still doesn't do well enough it drops down to divisional and rescored on divisional criteria (thus can be funded from all buckets). Projects cannot move up- only cascade down so this important when determining a formula for evaluation.
- As an RPO we have input, for Regional level 70% is scored on data and 30% of local input. For the Divisional it is scored 50% data and 50% local input.
- There is an incentive for local funding (for highway projects only) if a municipality or county wants to put in money to elevate a project to get built then the next project they want from their area will then get 50% back from their next project. Collaboration is allowed. Jim Jennings asked if the same would apply if a developer was contributing. Patrick Flanagan answered yes.
- Shirley Powell asked on the state maintained routes excluding replacement vessels under the regional bucket – does that include dredging? Patrick replied no that is operations and maintenance matter.
- Tim Richards asked via phone if the bill was reconciled by the House and Senate. Patrick replied yes it is going to the governor's office this week. Mr. Richards also asked if military falls into freight and multimodal in all three levels? Patrick replied correct.
- Key dates to adopt July 1, 2013 Strategic Mobility Formula. Workgroup presents formula to BOT on July 10. Workgroup addresses all recommendations. BOT approves on August 7. It will go before the Joint Legislation Transportation Oversight Committee for a 30 day review. On October 1st it will be resubmitted to JLTOC to be finalized.
- MPO/RPO responsibility once program is initiated: We must formulize how we grade our projects/ Submit all new projects to be scored in January/ DOT will calculate scores and give back to us in April/ Then have 3 months to assign local input points in July/ Finalize and determine what projects will be funded.

Action: Strategic Mobility Formula

HIGHWAY- State Default		Statewide	Regional	Divisional
Criteria	Weight	Weight	Weight	Weight
Benefit/Cost	30%	30%	30%	20%
Congestion	30%	30%	30%	20%
Economic Competiveness	10%			
Safety	10%	10%	10%	10%
Multimodal (Freight & military)	20%	Access/Conn. 5% if required by DOT	*Other 30% is local input points	

- Three weeks ago, planning staff from all MPO/RPO in Region B (division 2&3) got together to come up with alternate formula for our region (Greenville down to Wilmington). Above are the default percentages for all three levels.
- Accessibility/Connectivity criteria measures connecting rural populations to commerce center (drive time factor). NCDOT likes this criteria and maybe told to include in our formula which will make 25% Congestion and 5% to Accessibility/Connectivity.
- Anthony Prinz asked why the 5%. Patrick Flanagan said because the workgroup doesn't like the criteria. *Accessibility/Connectivity is a good idea however the measurement process needs to be refined. Project just outside the urban area score well but doesn't make a connection to rural area. The map would show how criteria would be scored out which under emphasizes what our key interest are (Hwy 70 & 17).

- **Measurement Breakdown:**

Benefit/Cost- takes travel time savings which will be improved by building this project.

Calculation of freight movement and normal traffic with the time they are saving and plug it into a monetary value and divide by cost.

Congestion is the current volume over the built capacity of the road.

Economic Competiveness is 50% of the jobs added over 30 years and 50% of the \$ value added to the economy. (Long term jobs not construction of project)

Safety is calculated by crash density of 33%, crash severity of 33%, by crash rate of 33%.

Lane width/shoulder width is existing versus the DOT design standard.

Multimodal is combination of 25% the volume and capacity on the STRAHNET network that is not interstate.

HIGHWAY- Our Proposed Formula		Region B	Division 2	Division 3	
Criteria		Weight	Weight	Weight	
Benefit/Cost		20%			
Congestion			20%	20%	*Other 50% for local input points
Economic Competiveness					
Safety		25%	20%	20%	
Multimodal (Freight & military)		25%	10%	10%	

*Placed a lot of weight on Multimodal because we are the only one with STRAHNET maps, major military bases, and ports.

- The state default criteria were designed to be set up in a way that if a statewide project was dropped then it would still score well on a regional level and funded. As a region, do not want to pay for big ticket projects out of regional bucket, which is just over 34 million annually. Built formula where statewide projects would not be scored well if dropped to regional level.

Anthony Prinz pointed out that the default formula is not designed with local interest in mind.

- The divisional levels formula agreed on the same formula. Congestion was used in the division level versus the regional level so that projects like Trent Road would be addressed on a divisional level. Safety was a big issue and multimodal as we are the only ones in the state with military base and ports.
- All MPO/RPO in the region must unanimously agree on the regional formula and every MPR/RPO must unanimously agree on the divisional formula. Deadline in July 1, 2013.

Anthony Prinz commented, “Nobody expected any of the regions to be able to do this given the time frame- and I believe it was intentional and strategic. Given the work the Eastern RPO/MPO Coalition has done in the past has enabled us to act quickly” to not accept the NC DOT default formula. This formula is not permanent.

- Looking at the numbers from SPOT 2.0 and there is no formula that will make all of our projects shoot to the top, but this is our best option at this point.
- There is no new revenue but rather build confidence back into DOT to pick projects fairly.
- Jim Jennings commented that he had no problem and supports this proposal.

Jim Jennings made a motion to approve the alternative formulas for Region B and Divisions 2&3, seconded by Scott Shirley, and unanimously approved.

15. Other Business

Linda Staab pointed out that Neil Lassiter is retiring at the end of the month and it would be nice to send him a letter of appreciation.

Patrick Riddle mentioned that Senate passed a bill that TCC members are no longer subject to ethics requirements.

16. Adjournment

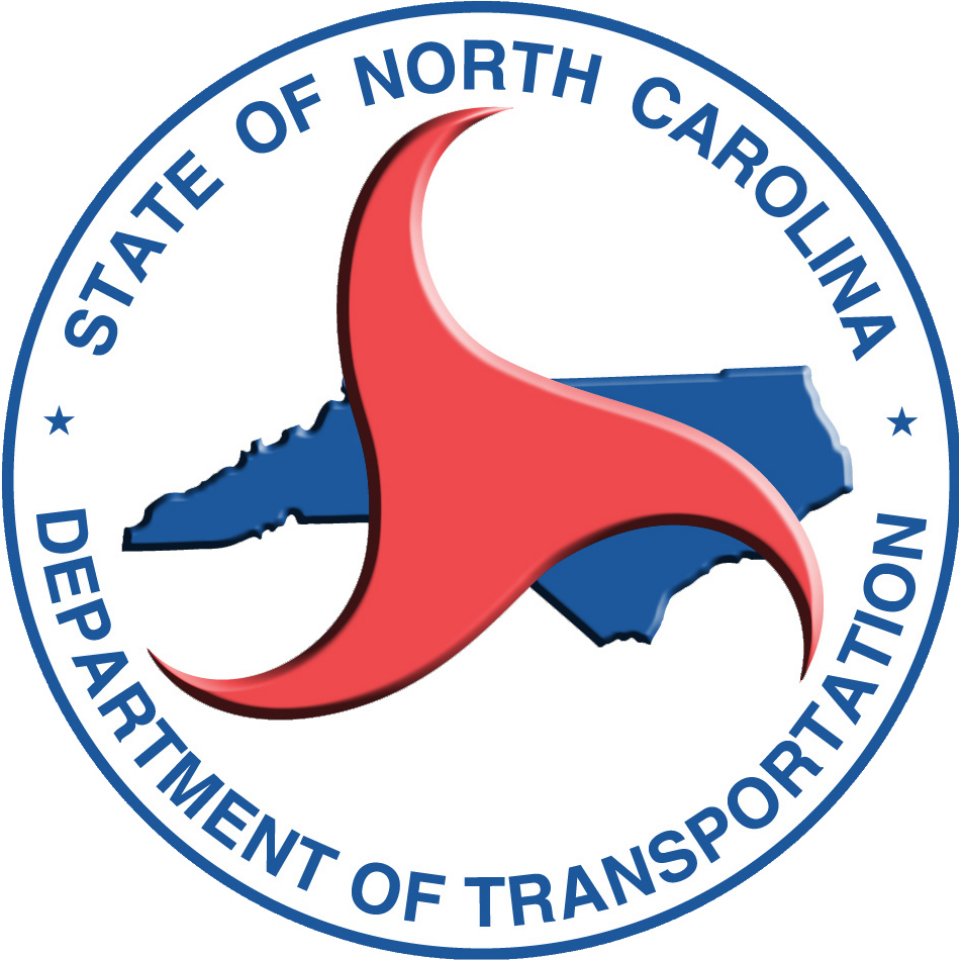
It was established that there was no further business, Don Baumgardner adjourned the meeting.

Respectfully submitted,

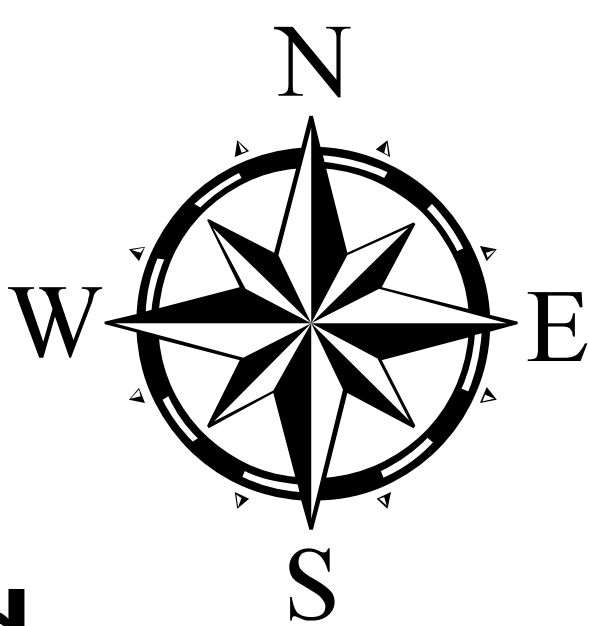
Linda Staab, DERPO TCC Chair

Patrick Flanagan, DERPO Secretary

Division Two



Strategic Transportation Investment Facilities



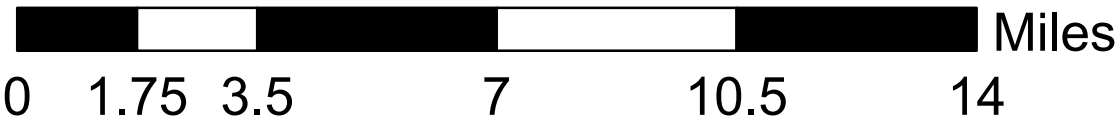
Legend

- Statewide STI Airports
- Regional Impact STI_Airports
- Division Needs STI_Airports
- Future Statewide STI Routes
- Existing Statewide STI Routes
- Regional Impact STI Routes
- Division Need STI Routes
- Ferry Routes Regional Impact STI
- Class I Railroads Statewide STI
- GreenvilleMPO
- New Bern MPO
- NC Military Bases
- County Boundary
- DOT Division Boundary
- Water Features

DIVISION NEEDS FUNDING CATEGORY

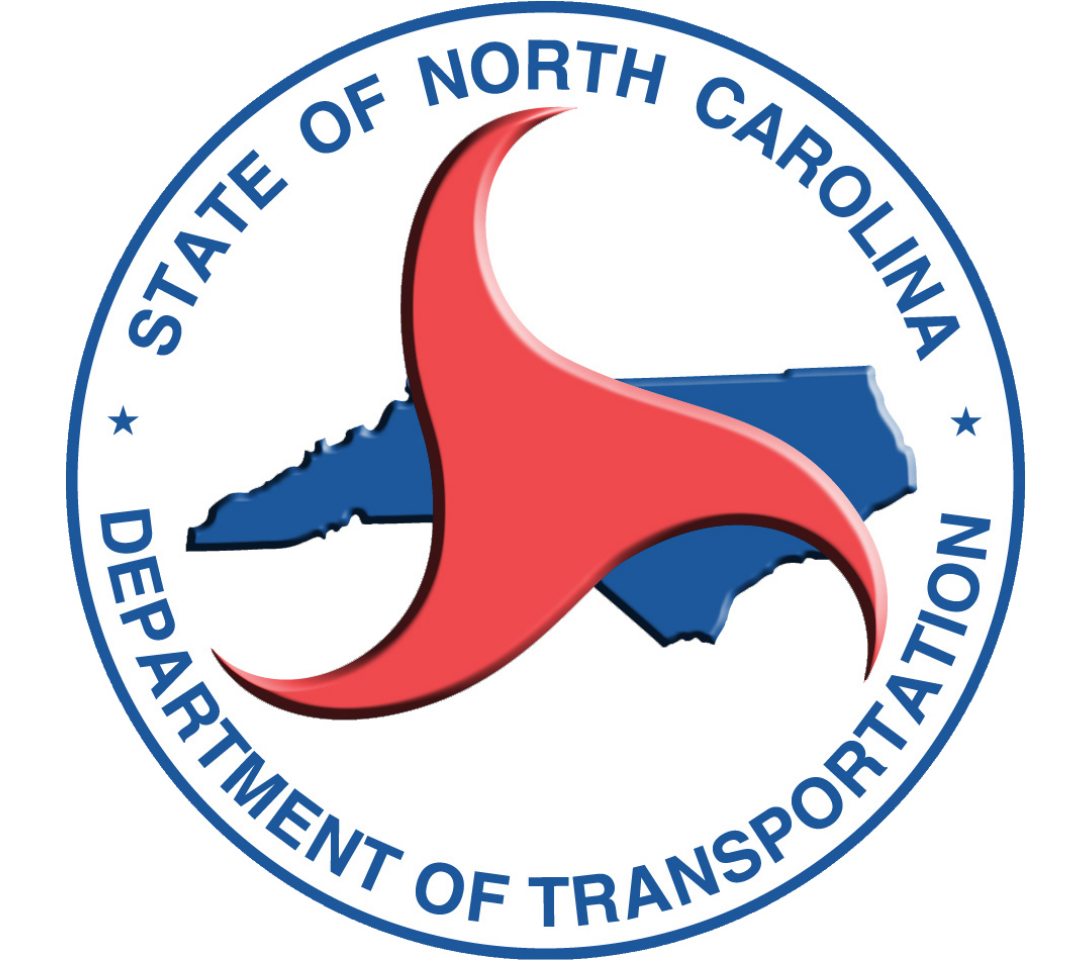
- All facilities eligible for Statewide Mobility Funding
- All facilities eligible for Regional Impact Funding
- All other State maintained roads not in Statewide or Regional
- All other Airports not in Statewide or Regional
- All other Rail lines not in Statewide or Regional
- All other Public Transportation Services not in Statewide or Regional
- Multimodal Terminals and Stations that serve passenger transit systems
- Federally funded independent bicycle or pedestrian improvements
- Replacement of State-maintained ferry vessels
- Federally funded municipal road projects

LEGEND

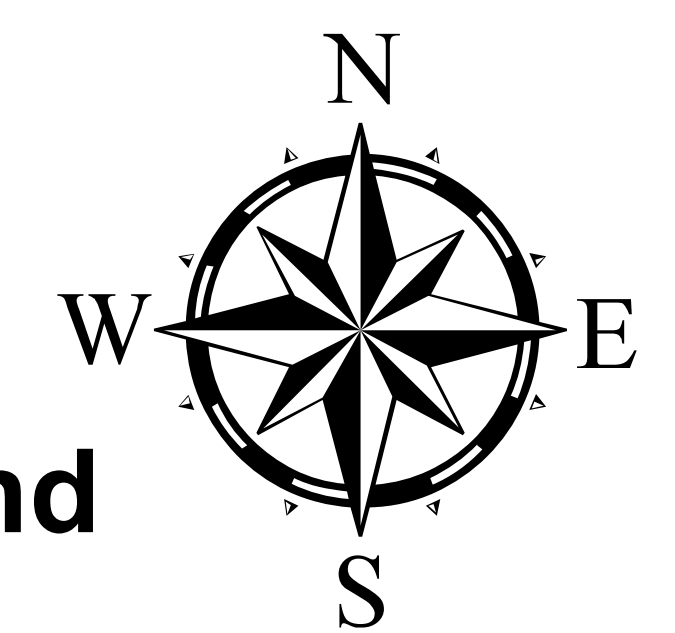


Prepared By:
The North Carolina Department of Transportation
Program Development Branch
Map Date: July 1, 2013











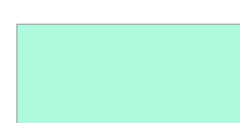
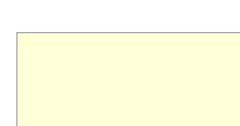
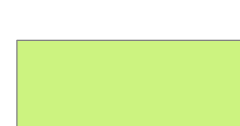
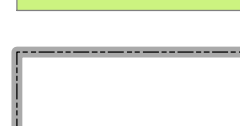


Division Three



Strategic Transportation Investment Facilities



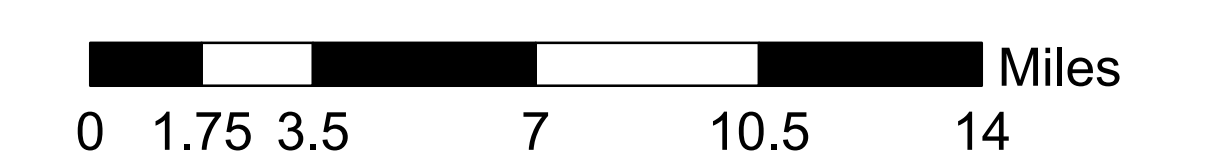
Legend

-  Statewide STI Airports
-  Regional Impact STI_Airports
-  Division Needs STI_Airports
-  Future Statewide STI Routes
-  Existing Statewide STI Routes
-  Regional Impact STI Routes
-  Division Need STI Routes
-  Ferry Routes Regional Impact STI
-  Class I Railroads Statewide STI
-  Grand Strand MPO
-  Jacksonville MPO
-  Wilmington MPO
-  NC Military Bases
-  County Boundary
-  DOT Division Boundary
-  Water Features

DIVISION NEEDS FUNDING CATEGORY

- All facilities eligible for Statewide Mobility Funding
- All facilities eligible for Regional Impact Funding
- All other State maintained roads not in Statewide or Regional
- All other Airports not in Statewide or Regional
- All other Rail lines not in Statewide or Regional
- All other Public Transportation Services not in Statewide or Regional
- Multimodal Terminals and Stations that serve passenger transit systems
- Federally funded independent bicycle or pedestrian improvements
- Replacement of State-maintained ferry vessels
- Federally funded municipal road projects

LEGEND



Prepared By:
The North Carolina Department of Transportation
Program Development Branch

Map Date: July 1, 2013



SPOT Methodology

Created DERPO Prioritization Sub-committee where at least one TCC member from each of the five counties participated

Sub-committee reviewed all previous priority listings to determine what has been important to the DERPO in the past

Sub-committee identified important corridors to the RPO. They were US 17 and US 70. Any project on these corridors was considered a priority.

Identified projects that spanned the DERPO boundaries into neighboring RPOs and MPOs we wanted to support and shared points with those neighboring entities

Remaining points were distributed to counties in the DERPO where the majority of the points had not been previously allocated

These recommendations were given to the TAC for final approval

DRAFT priorities were listed on the Eastern Carolina Council of Governments DERPO webpage for public comment in the 30 days leading up to the DERPO meeting where priorities were adopted.

All RPO meetings are open to the public who are encouraged to comment when they attend.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**SENATE BILL 402
Appropriations/Base Budget Committee Substitute Adopted 5/21/13
Finance Committee Substitute Adopted 5/21/13
Third Edition Engrossed 5/23/13
House Committee Substitute Favorable 6/11/13
Fifth Edition Engrossed 6/13/13
Proposed Conference Committee Substitute S402-PCCS85270-LEx-4**

Short Title: Appropriations Act of 2013.

(Public)

Sponsors:

Referred to:

March 26, 2013

A BILL TO BE ENTITLED
AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER
PURPOSES.

The General Assembly of North Carolina enacts:

PART I. INTRODUCTION AND TITLE OF ACT

TITLE

SECTION 1.1. This act shall be known as the "Current Operations and Capital Improvements Appropriations Act of 2013."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the State Budget Act or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

PART II. CURRENT OPERATIONS AND EXPANSION GENERAL FUND

CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the fiscal biennium ending June 30, 2015, according to the following schedule:

Current Operations – General Fund

2013-2014

2014-2015



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31 of each even-numbered year, and copies shall be made available to any member of the General Assembly upon request."

REPEAL INTERMODAL CONTINUING APPROPRIATIONS

SECTION 34.9. The following statutes are repealed:

- (1) G.S. 136-16.4.
- (2) G.S. 136-16.5.
- (3) G.S. 136-16.7.
- (4) G.S. 136-16.8.
- (5) G.S. 136-16.9.

FLEXIBLE USE OF FUNDS TO LEVERAGE FEDERAL FUNDS FOR RURAL AND HUMAN SERVICE PUBLIC TRANSPORTATION

SECTION 34.10. In order to ensure maximum funding and to facilitate the use of funds available to the Department, the Department of Transportation, Public Transportation Division, shall have the flexibility to redistribute funding from the "rural capital" grant program and within the "urban technology, human service transportation management, and rural general public" grant program in order to leverage all eligible federal funds for operating assistance to rural and human service transportation systems. The distribution of funds to these systems shall be based on assessed system needs. This section applies only to the 2013-2015 fiscal biennium.

MAXIMIZE LEVERAGE OF FEDERAL PUBLIC TRANSPORTATION OPERATING AND CAPITAL FUNDS FOR LOCAL PUBLIC TRANSPORTATION SYSTEMS

SECTION 34.11. The Department of Transportation, Public Transportation Division, shall provide local public transportation systems with maximum flexibility to use State operating funds from the "urban and regional maintenance" and "urban technology, human service transportation management, and rural general public" grant programs to leverage all eligible federal transit operating assistance funds. This section applies only to the 2013-2015 fiscal biennium.

GRANT FLEXIBILITY FOR BICYCLE AND PEDESTRIAN IMPROVEMENTS

SECTION 34.12. The Department of Transportation, Division of Bicycle and Pedestrian Transportation, may redistribute funds appropriated to the Regional Bicycle Planning Grant program to the Municipal Planning Grant program to award grants to municipalities based on assessed need and the extent to which the Division finds that the municipality's application for grant funding fulfills applicable selection criteria.

FERRY TOLLING

SECTION 34.13.(a) Notwithstanding the date set forth in Section 24.18(b) of S.L. 2012-142, as rewritten by Section 6.2 of S.L. 2012-145, by which the Department of Transportation is required to collect tolls based on the proposed March 2012 amendment to 19 NCAC 02D .0532, the Department shall collect tolls as set forth in this section.

SECTION 34.13.(b) 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 ~~so require,~~require, and shall ~~prescribe and collect tolls,~~collect tolls on the ferry routes as established by the Board of Transportation, ~~on the ferry routes. The Board of Transportation shall establish tolls for all ferry routes, except for the Ocracoke/Hatteras Ferry and the Knotts Island Ferry. Transportation~~ following the procedures set forth in this section.

(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.

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

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

(f) Authority to Generate Certain Receipts. – The Department of Transportation, notwithstanding any other provision of law, may ~~operate, operate~~ or contract for the following receipt-generating activities and use the proceeds for ferry passenger vessel replacement projects in the manner set forth in subsection (c) of this section:

(1) ~~operation~~–Operation of, concessions on the ferries and at ferry facilities to provide to passengers on the ferries food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the ferry system.

(2) The sale of naming rights to any ferry vessel, ferry route, or ferry facility.

- (3) Advertising on or within any ferry vessel, including display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
- (4) Any other receipt-generating activity not otherwise forbidden by applicable law pertaining to public health or safety.

(g) Confidentiality of Personal Information. – Identifying information obtained by the Department related to operation of the ferry system is not a public record under Chapter 132 of the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial information, transaction history, and information related to the collection of a toll or user fee from a person, including, but not limited to, photographs or other recorded images or automatic vehicle identification or driver account information generated by radio-frequency identification or other electronic means. The Department may use identifying information only for purposes of collecting and enforcing tolls. Nothing in this section is intended to limit the right of any person to examine that person's own account information, or the right of any party, by authority of a proper court order, to inspect and examine identifying information."

SECTION 34.13.(c) No later than January 1, 2014, the Board shall adopt a methodology and expected minimum and maximum tolls for use in establishing tolls for ferry routes under G.S. 136-82, as amended by this section. The Board of Transportation shall consider the needs of commuters and other frequent passengers in its adoption of toll rates and the toll rate methodology.

SECTION 34.13.(d) The Department of Transportation shall continue to collect tolls on all ferry routes for which tolls were in effect as of June 30, 2013.

NORTH CAROLINA RAILROAD COMPANY REPORTING AND DIVIDENDS

SECTION 34.14.(a) Reporting and Oversight. – G.S. 124-1 reads as rewritten:

"§ 124-1. Control of internal improvements.

The Governor and Council of State shall have charge of all the State's interest in all railroads, canals and other works of internal improvements. The Board of Directors of a State-owned railroad company shall be responsible for managing its affairs and for reporting as set forth in ~~G.S. 124-3~~. G.S. 124-17."

SECTION 34.14.(b) Article 2 of Chapter 124 of the General Statutes is amended by adding a new section, G.S. 124-15. G.S. 124-6(b), as amended by Section 3.3(a) of S.L. 1999-431, is recodified as G.S. 124-15(a). G.S. 124-5(b) is recodified as G.S. 124-15(b). G.S. 124-15, as enacted and amended by this subsection, reads as rewritten:

"§ 124-15. Board of directors; appointment and approval of encumbrances.

(a) Notwithstanding subsection (a) of ~~this section~~, G.S. 124-6, for any State-owned railroad company ~~organized as a corporation in which the State is the owner of all the voting stock and which~~ that has trackage in more than two counties, seven of the members of the Board of Directors shall be appointed by the Governor, three of the members of the Board of Directors shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and three of the members of the Board of Directors shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Board of Directors shall consist of 13 members. Of the Governor's seven appointments, one shall be from the appointees to the Board of Transportation and one shall be the Secretary of Commerce or the Secretary's designee. Of the initial members appointed by the Governor, three shall be appointed for terms of four years and four shall be appointed for terms of two years. Of the initial members recommended to the General Assembly by the Speaker of the House of Representatives, two shall be appointed for terms of four years and one shall be appointed for a