

State of North Carolina

ROY COOPER
GOVERNOR

September 21, 2018

EXECUTIVE ORDER NO. 61

**SUSPENDING COLLECTION OF CERTAIN TOLLS ON FERRIES TRANSPORTING
RESIDENTS AND DISASTER RELIEF SUPPLIES TO AREAS IMPACTED BY
HURRICANE FLORENCE**

WHEREAS, Hurricane Florence (“Hurricane”) made landfall off the coast of North Carolina on or about 14 September 2018; and

WHEREAS, the Hurricane has placed North Carolina residents and visitors at substantial risk of death or injury; and

WHEREAS, the Hurricane has inflicted significant damage on public and private property, and disrupted the supply of goods, materials, equipment, and essentials necessary for recovery and response operations; and

WHEREAS, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, N.C. Const. art. III § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

WHEREAS, the undersigned issued Executive Order No. 51 on 7 September 2018, which declares a State of Emergency to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Executive Order 51”); and

WHEREAS, Executive Order 51 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the President of the United States issued an emergency declaration. FEMA-3401-EM, for the State of North Carolina on 10 September 2018, providing, in part, for Public Assistance - Category B, including direct federal assistance to the State; and

WHEREAS, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on 14 September 2018; and

WHEREAS, efforts are underway to facilitate the return of North Carolina residents to coastal areas and adjoining communities impacted by the Hurricane; and

WHEREAS, efforts are underway to facilitate the transportation of disaster relief supplies to coastal areas and adjoining communities impacted by the Hurricane; and

WHEREAS, those efforts have been negatively impacted by the damage to and partial closure of Highway 12 on Ocracoke Island; and

WHEREAS, further action is necessary to ensure that existing ferry routes can accommodate residents and disaster relief supplies in response to the Highway 12 closure and in support of ongoing response and recovery operations; and

WHEREAS, pursuant to N.C. Gen. Stat. § 136-82(b)(2), (c) the North Carolina Board of Transportation (“the Board”) is authorized to set and revise ferry tolls for the Southport-Fort Fisher, the Cedar Island-Ocracoke, and the Swan Quarter-Ocracoke routes, along with the passenger-only Hatteras-Ocracoke route (“the Routes”); and

WHEREAS, pursuant to N.C. Gen. Stat. § 136-82(b)(2), the Board adopted a resolution on 4 February 2016 setting the rates on the Routes, which is currently in effect (“the Resolution”); and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders, rules, and regulations within the limits of the authority conferred upon him in the Emergency Management Act; and

WHEREAS, the execution of the undersigned’s emergency powers under N.C. Gen Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

WHEREAS, in order to take care of important public safety requirements, the undersigned has made the determination that it is in the State’s interest to suspend the collection of the ferry tolls set forth in the Resolution so as to facilitate the safe, expeditious passage of residents and the transportation of disaster relief supplies to areas impacted by the Hurricane.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

I hereby order the North Carolina Ferry Division of the North Carolina Department of Transportation (“Ferry Division”) to suspend collection of the fees set forth in the Resolution.

Section 2.

I hereby order that this Executive Order be: (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with the Ferry Division, and published on the Ferry Division’s website, and at all Ferry Division offices and locations; and (c) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 3.


This Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st day of September in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Haley Haynes
Deputy Secretary of State

