

# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 11, 2018

**EXECUTIVE ORDER NO. 78**

**SUSPENDING COLLECTION OF CERTAIN TOLLS ON FERRIES TRANSPORTING  
RESIDENTS AND DISASTER RELIEF SUPPLIES TO AREAS IMPACTED BY  
TROPICAL STORM MICHAEL**

**WHEREAS**, Hurricane Michael made landfall off the Florida Panhandle on or about 10 October 2018 and continues to have significant impacts in North Carolina as Tropical Storm Michael (“Tropical Storm”); and

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

**WHEREAS**, the Tropical Storm has the potential to inflict significant damage on public and private property and disrupt the supply of goods, materials, equipment, and essentials necessary for response and recovery operations; and

**WHEREAS**, impacts from the Tropical Storm 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 undersigned with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, the undersigned issued Executive Order No. 74 on 10 October 2018, which declares a State of Emergency to provide for the health, safety, and welfare of residents and visitors located in impacted North Carolina counties (“Executive Order 74” or “Declaration of a State of Emergency”); and

**WHEREAS**, Executive Order 74 invokes the North Carolina Emergency Management Act (the “Emergency Management Act”), and authorizes the undersigned 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**, response and recovery operations may be negatively impacted by the damage to and anticipated, 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 anticipated 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 tolls 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**, N.C. Gen. Stat. § 166A-19.10(b)(3) specifically authorizes the undersigned to delegate his powers and authority under the Emergency Management Act and to provide for the sub-delegation of any such authority; 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 North Carolina residents and visitors 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 (the "Tolls") so as to facilitate the safe, expeditious passage of residents and the transportation of disaster relief supplies to areas impacted by the Tropical Storm.

**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 Tolls.

**Section 2.**

- a. I delegate to James H. Trogdon, III, the Secretary of the North Carolina Department of Transportation ("the Secretary"), or his designee, all power and authority granted to and required of me by the Emergency Management Act for the purpose of directing the Ferry Division to recommence collecting Tolls when the time arises.
- b. The Secretary or his designee may utilize any of the means set forth in Section 3 of this Executive Order to ensure the general public is apprised of the fact that the collection of Tolls has recommenced.
- c. Notwithstanding Section 2.a of this Executive Order, the Secretary or his designee shall direct the Ferry Division to recommence the collection of Tolls no later than 25 October 2018.

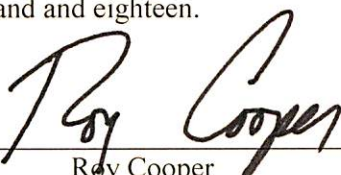
**Section 3.**

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 4.**

This Executive Order is effective immediately and shall remain in effect until 25 October 2018. 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 11<sup>th</sup> day of October in the year of our Lord two thousand and eighteen.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

