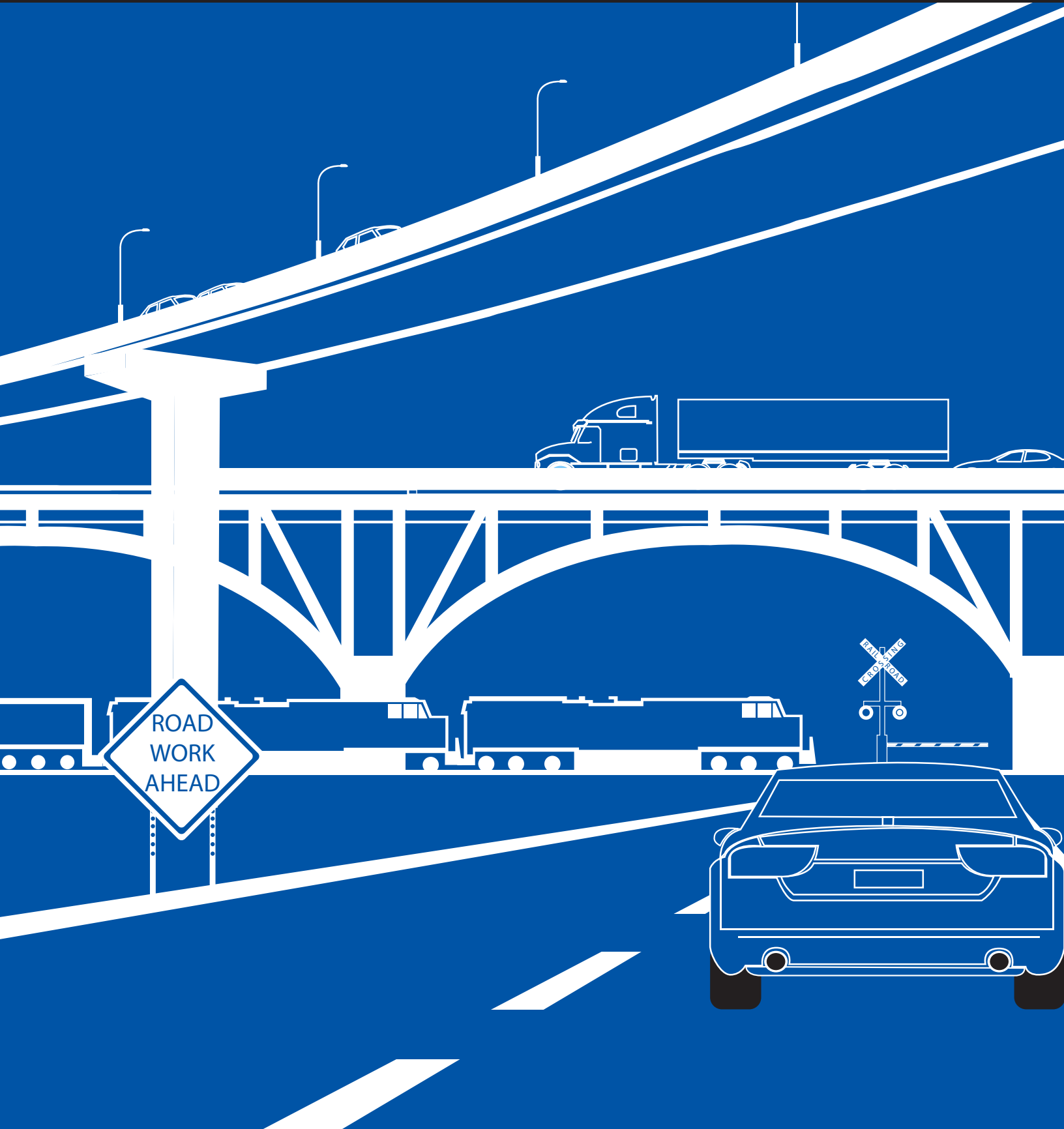




Analysis and Assessment of the Reimbursement Rates and Mechanisms for Kentucky's Publicly Funded Ferries

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Kentucky Transportation Center
College of Engineering, University of Kentucky, Lexington, Kentucky

in cooperation with
Kentucky Transportation Cabinet
Commonwealth of Kentucky

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Research Report
KTC-20-04/PL35-1F

**Analysis and Assessment of the Reimbursement Rates and Mechanisms for Kentucky's
Publicly Funded Ferries**

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16. Abstract <p>The Kentucky Transportation Cabinet (KYTC) reimburses publicly operated ferries, including when they cease operations due to severe weather or unforeseen events. Reimbursement procedures are not codified in law and are largely based on historical practice. To determine how the Cabinet should handle reimbursement, funding, oversight of ferry services moving forward, the Kentucky Transportation Center (KTC) reviewed practices adopted by 10 other states and conducted a detailed analysis of Kentucky's current approach. Of the states KTC examined, only Tennessee reimburses ferry operations for closures (at 50 percent of the normal hourly rate for a period up to 48 hours). Half of the states KTC examined make state funding available for ferry operations, others either devolve oversight to the local level or provide no funding assistance. In Kentucky, operating standards for ferry services are not consistent and no uniform method has been devised to calculate reimbursement rates. In light of these findings, KYTC should create detailed auditing guidelines to improve the consistency of ferry service financial statements; pursue funding sources it has not previously taken advantage of, and generate long-term forecasts of the state's ferry operations. Lastly, the Cabinet should ask the General Assembly to revisit and modify several statutes pertaining to ferries which contain outdated language that has little relevance to the modern transportation system.</p>				
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Table of Contents

1. Introduction and Background	2
1.1 Study Objectives.....	4
1.2 Structure of the Report	4
2. Contextualizing Ferry Services in the United States	5
2.1 Defining Ferry Services.....	5
2.2 Overview of U.S. Ferry Census Data	8
2.3 Overview of Federal Funding Opportunities.....	10
2.4 Overview of Federal Regulations.....	12
2.5 The Value of Strategic Planning	13
2.6 Business Models and Funding.....	14
3. Methodology	16
4. Review of State Funding and Reimbursement Practices.....	17
4.1 State Summaries	17
4.2 Ferry Operations in Kentucky	21
5. Summary and Recommendations	26
References.....	27
Appendix A Survey – Reimbursement Rates and Mechanisms for Kentucky's Publicly Funded Ferries ..	29
Appendix B 2019 FBP Funding Available to Kentucky	32
Appendix C Kentucky Contracts Reviewed by Research Team	33
Appendix D Kentucky Revised Statutes and Administrative Regulations on Ferries.....	33
Appendix E Arkansas Statutes on Ferries	36
Appendix F Connecticut Statutes on Ferries	40
Appendix G Florida Statutes on Ferries	42
Appendix H Georgia Statutes on Ferries	45
Appendix I Mississippi Statutes on Ferries	46
Appendix J North Carolina Statutes on Ferries	49
Appendix K Ohio Statutes on Ferries.....	53
Appendix L Oregon Statutes and Administrative Rules on Ferries.....	56
Appendix M Tennessee Statutes on Ferries.....	60
Appendix N Wisconsin Statutes on Ferries	63
Appendix O KYTC Form TC 59-4 (Ferry Traffic Count)	65

List of Figures

Figure 1 Kentucky's Publicly Funded Ferry Services	3
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List of Tables

Table 1 Summary Information for Kentucky Ferry Operations	2
Table 2 Summary and Assessment of Governance Structures.....	7
Table 3 Summary of 2016 NCFO Responses	9
Table 4 Key Federal Funding Sources for Ferries	10
Table 5 KYTC Payments to Kentucky Ferry Operations (2019-2020)	24
Table 6 Operational Characteristics of Kentucky Ferries	25

Executive Summary

Kentucky has over 1,500 miles of navigable waterways, and over 1,000 of those are commercially navigable. Ten ferries currently operate in the state, crossing the Cumberland, Green, Kentucky, Mississippi, and Ohio Rivers. Seven of these ferries are funded by the state, one is supported by federal funding, and two rely on private funding. The Kentucky Transportation Cabinet (KYTC) manages the operations of six public ferries and owns and operates another. KYTC currently uses monies appropriated in the state's six-year highway plan to reimburse publicly operated ferries. Mechanisms for reimbursing ferry operations, including closures, were established in the distant past and remain based on precedent; they are not mandated by Kentucky law. To determine how KYTC should handle the reimbursement of publicly funded ferry options in the future, the Kentucky Transportation Center (KTC) examined policies adopted in other states to ascertain how they manage the reimbursement of publicly funded ferries and identifying reimbursement mechanisms Kentucky could plausibly adopt while remaining in compliance with the state's regulatory and statutory frameworks.

In addition to reviewing federal regulations and federal funding sources, this report discusses how Kentucky and 10 other states handle ferry operations. For all states, KTC reviewed ferry-related administrative rules, policies, and statutes to document their influence on ferry operations. KTC also developed and administered a survey sent to state government personnel in the 10 states outside of Kentucky involved in the operation or oversight of ferry services. The survey requested information on ferry ownership structures, reimbursement practices for ferry closures, contracts, and funding sources. Following the survey, KTC requested additional information from states that funded ferries regarding operational and capital funding sources, and, if applicable, normal operating reimbursement rates. Among the 10 states KTC surveyed, only Tennessee reimburses ferry operations when they close due to weather or other unforeseen events. However, this reimbursement is only at 50 percent of the hourly rate, and the reimbursement period is just 48 hours following closure – after 48 hours, ferry operators are no longer compensated. With respect to funding, Connecticut, Arkansas, North Carolina, Tennessee, and Wisconsin allocate state funding for ferry operations. Georgia, Ohio, and Mississippi do not fund ferry services, however, Georgia and Ohio use federal funding to help finance operations. Both Florida and Oregon have devolved management of ferry operations to the local level.

In Kentucky, KYTC establishes contracts with and oversees the operations of ferry services. KYTC makes a recommendation on funding levels and the General Assembly makes the final determination. The state's contracts indicate that resources are unevenly distributed among ferry operations and that no uniform requirements are in place for required hours of operation, expected days of operation, and payment cycles. Similarly, the Cabinet has not established a uniform method for calculating reimbursement rates. Furthermore, financial reporting from each operation varies significantly in terms of depth and content. Based on its research, KTC recommends KYTC pursue the following actions to improve its oversight of ferry operations: set detailed auditing guidelines to improve the consistency of ferry service financial statements; pursue untapped funding sources, and generate long-term forecasts of the state's ferry operations. Lastly, the Cabinet may want to ask the General Assembly to revisit and modify several statutes pertaining to ferries that contain outdated language that has little relevance to the current transportation system.

1. Introduction and Background

Kentucky has over 1,500 miles of navigable waterways, and over 1,000 of those are commercially navigable. The state currently has ten operating ferries, which cross the Cumberland, Green, Kentucky, Mississippi, and Ohio Rivers. Seven ferries are state-funded, one is federally funded, and two are privately funded. The Kentucky Transportation Cabinet's (KYTC) Multimodal Programs Branch (located in the Division of Planning) oversees the operation of six public ferries. KYTC through its Highway District 3 office in Bowling Green owns and operates the Turkey Neck Bend Ferry. The state contracts with other public entities to operate the Augusta Ferry, Cave-In-Rock Ferry, Dorena-Hickman Ferry, Reeds Ferry, Rochester Ferry, and Valley View Ferry (the oldest continuously operated ferry business west of the Allegheny Mountains). **Table 1** summarizes information on the state's ferry operations, including river crossings, connections, funding source, and user fees (see **Figure 1** for the locations of the state's ferry services). These ferries are located in predominantly rural communities and provide a vital service to local residents and businesses, which could not use the closest bridge without incurring significantly higher travel costs and travel times. Kentucky ferries also contribute to local tourism. Closures due to inclement weather, maintenance, or other unforeseeable events have a negative impact on mobility and may hurt local economies.

Table 1 Summary Information for Kentucky Ferry Operations

Ferry	River	From	To	Funding	Fee
Anderson Ferry	Ohio	KY 8	US 50	Private	\$5/ car; \$0.50 foot
Augusta Ferry	Ohio	KY 8	US 52	State	\$5/car
Cave-in-Rock Ferry	Ohio	KY 91	IL 1	State	Free
Dorena-Hickman Ferry	Mississippi	KY 94/KY 1354	MO 77	State	\$16/car; \$1 foot
Green River Ferry	Green	KY 70/KY 255	KY 1352	Federal	Free
Reeds Ferry	Green	KY 269	KY 269	State	Free
Rising Sun Ferry	Ohio	CR 1222	SR 56	Private	\$5/car; \$2 foot
Rochester Ferry	Green	KY 369	KY 369	State	Free
Turkey Neck Bend Ferry	Cumberland	KY 214	KY 214	State	Free
Valley View Ferry	Kentucky	KY 169	KY 169	State	Free

Source: KYTC Division of Planning; for more ferry information see:

<https://transportation.ky.gov/MultimodalFreight/Pages/FERRYBOATS.aspx>

Using funds appropriated in the state's Six-Year Highway Plan, KYTC's Division of Planning reimburses the state's publicly-operated ferries. The reimbursement mechanisms, however, were established long ago and are based on precedent – they are not mandated by Kentucky law. Many of Kentucky's statutes related to ferries were codified in 1942; only a few changes have been made since.

State Funded Ferryboats in Kentucky

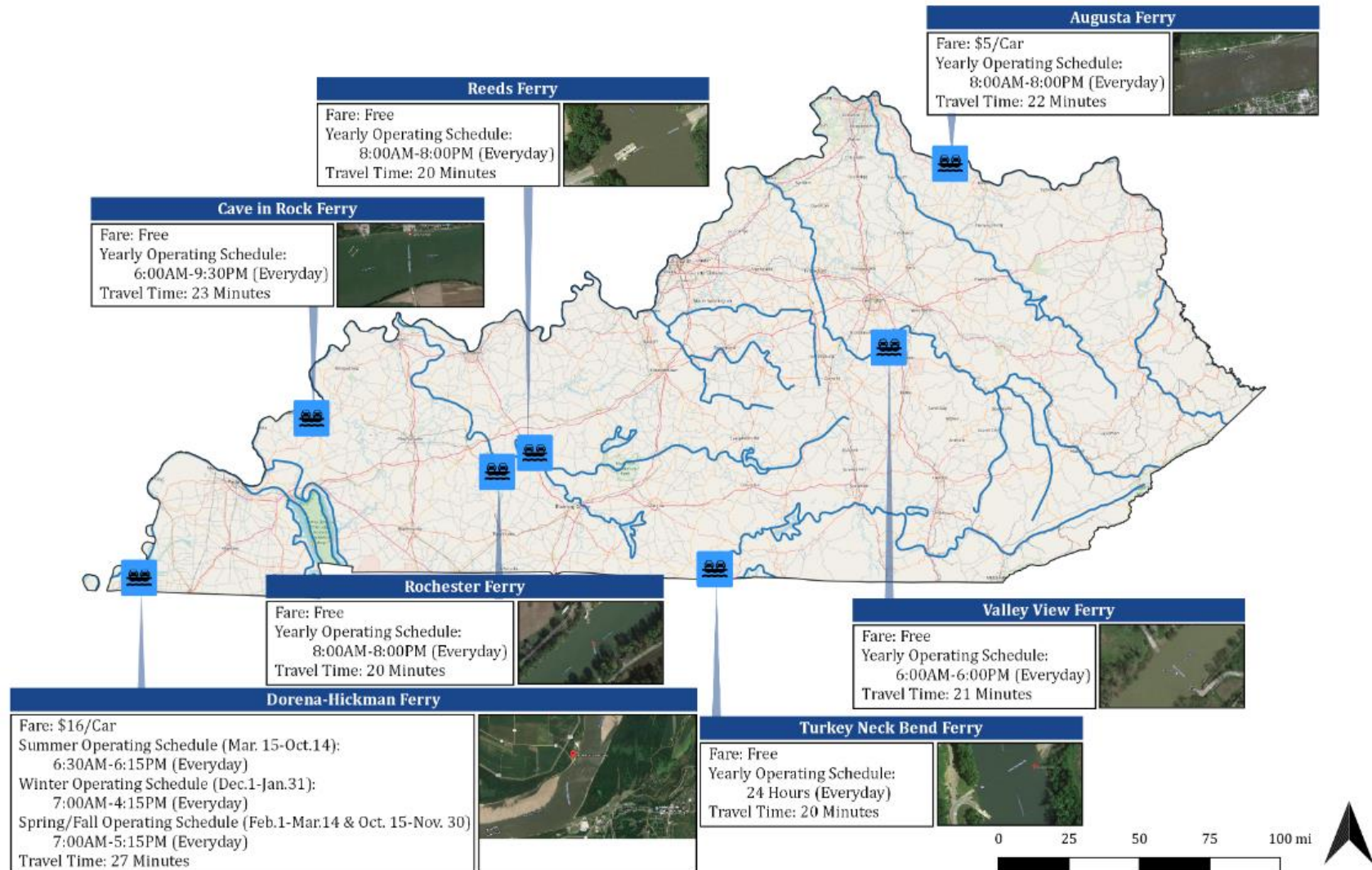


Figure 1 Kentucky's Publicly Funded Ferry Services

1.1 Study Objectives

This study investigated what processes are available to KYTC's Division of Planning for reimbursing publicly funded vehicle ferry operations. The KTC research team examined policies adopted by other states as well as statutes and regulations governing ferry reimbursements. Two primary questions guided the research:

- How do other states manage the reimbursement of publicly funded ferry operations?
 - To answer this question, KTC gathered information on contracting mechanisms, reimbursement rates, factors that influence compensation, reimbursement funding sources, methods for auditing ferry operations, practices for handling capital expenses and normal operation expenses, and whether states allocate additional funding due to Subchapter M impacts on ferry operations.
- What reimbursement mechanisms can KYTC's Division of Planning adopt that comply with Kentucky statutes and regulations?
 - KTC analyzed prospective reimbursement mechanisms in terms of how they would impact efforts to negotiate contracts with local/county governments or contractors/franchisees, how ferry operations would be reimbursed for capital costs or other non-routine costs (e.g., closed days), methods for setting reimbursement and paying out reimbursements, and whether audits and/or financial documentation should be required of operators as a condition of payment.

1.2 Structure of the Report

Chapter two explores ferry services in the US including governance, ferry data, and federal funding programs. Chapter three discusses the other states surveyed and the methodology used while Chapter four reviews the results from other states; survey questions and responses can be found in **Appendix A**, while other state statutes and regulations governing ferries are in additional Appendices. Finally, Chapter five summarizes the study results and offers several items for consideration.

2. Contextualizing Ferry Services in the United States

Historically, ferries have stood out as a critical transportation mode in the US, helping travelers negotiate the country's over 25,000 nautical miles of navigable waterways (Infrastructure Report Card 2017). Today, ferries serve multiple purposes. They establish vital connections in urban and rural areas where bridge construction is economically or geographically infeasible (e.g., an expansive body of water or where low-traffic volumes do not warrant construction costs). In urban coastal regions, like New York and San Francisco, ferry transportation mitigates vehicle congestion on busy highways. In rural settings, motorists use ferries to reduce commuting times. Additionally, ferries serve communities with limited public transit and provide scenic travel for tourists. Despite their history of moving passengers and freight across the US, compared to other transportation modes, less is known about ferries (Bureau of Transportation Statistics (BTS)). Information on ferry operations remained poorly documented until 2006, when the National Census of Ferry Operators (NCFO) began its biannual surveys, which collect data on ferry operations (number of passengers, routes, and types of vessels) (NCFO Statement of Methodology 2015).

2.1 Defining Ferry Services

In the 2012 *Transit Cooperative Research Program Report, Guidelines for Ferry Transportation Services*, Bruzzone (2012) defined a ferry service as “a transportation service using a boat or vessel as a common carrier for passengers or passengers and vehicles (as a highway is open to all users), in a highway use (for purposeful travel between two points), within a specific ‘narrow’ waterway” (p. 6). This definition limits ferry service to the transportation of passengers and vehicles across narrow waterways while excluding freight shipping or sightseeing between two non-specific points on a route (e.g., whale watching). Ferries may be designated as either transit ferries or highway ferries (Bruzzone 2012). The BTS distinguishes two categories of ferry public transit: BTS Ferry Transit (a scheduled service that operates between points in the same city or metropolitan area) and BTS Ferry Intercity (a scheduled service between points not in the same metropolitan area). Transit ferries, which include water taxis and passenger ferries, only transport passengers. Compared to water taxis, passenger ferries tend to be larger vessels, carry more people, travel at faster speeds, and generally operate on short- to moderate-length routes (Bruzzone 2012, p. 7). Passenger ferries have fixed routes and regular schedules (e.g., New York's Staten Island Ferry). They may be considered BTS Ferry Intercity when they transport passengers between metropolitan areas or to rural areas (e.g., ferries with routes to Cape Cod and Martha's Vineyard).

A ferry route may be classified into one of the following categories: 1) Essential ferry route with no viable land-based alternatives, 2) Complementary ferry route that is more efficient than land-based alternatives, and 3) Optional ferry route with equivalent land-based alternatives (Norris 1994; Bruzzone 2012). Highway ferries move vehicles and passengers and are *essential* because they connect roadways. Complementary ferry routes “compete aggressively with automobile and potentially other public transit modes for time savings and accessibility” (Bruzzone 2012, p. 9). With optional ferry routes, use of a ferry may confer user benefits unavailable from other transportation modes (e.g., time savings, increased reliability). These ferries may be used during peak traffic in highly congested cities to avoid travel delays. Bruzzone adopts the Norris (1994) typology described in *Assessment of Ferries as Alternative to Land-Based Transportation: Executive Summary Volume I* to classify ferry routes according to market purpose: 1) Ferry in lieu of a bridge or tunnel, 2) Ferry in lieu of parallel highway or rail, 3) Ferry in addition to a bridge or tunnel, 4) Ferry in addition to a parallel highway or rail, 5) Ferry to an island(s), and 6) Vehicle ferry as a highway link (see Bruzzone 2012, pp. 11-12).

Many states treat ferries as part of the state highway system. Vehicle ferries are also called roll-on, roll-off (RO-RO) ferries. Like passenger ferries, they have fixed routes and schedules. They provide year-round service. Highway ferries are often operated by a public entity as part of a transportation network or are privately owned under government authority. They generally traverse longer routes across major bodies of water or they connect rural roads via a river crossing (Bruzzone 2012).

Ferry services in urban settings often operate on a fixed schedule. Service types in these areas include point-to-point transit (e.g. across a harbor), linear service with multiple stops (e.g., along a waterfront), circular service (e.g., fixed route but not fixed schedule), and water taxi service (e.g., fixed landings with passenger pickup on demand (Bruzzone 2012). Most services in coastal areas typically link cities or islands. RO-RO ferries are common in rural locales where traffic counts are too small to justify bridge construction. These ferries typically cross narrow lakes or rivers. They also carry fewer passengers and vehicles and frequently operate as on-demand services rather than on a fixed schedule. Services and schedules can vary by season in response to weather conditions (e.g. frozen lakes in northern states) and fluctuations in ridership from tourism.

Ferry services operate under transportation governance structures. The governance structure impacts federal, state, and local funding; allocation of resources; and policy. Depending on the governance structure that has been established, the number and scope of local and state regulations a ferry service operates under can be minimal or wide-ranging. Furthermore, the governance structure influences the sources from which funding can be drawn, the development of policies, and operational decision making (PED 2017). What funding opportunities are available and what business models can be applied to a ferry system as a whole is highly dependent on ferry ownership. Many US state regulations treat ferries as part of state highways. In some cases, states either directly operate ferry services as part of their state highway systems, or they contract out their operation. In addition to regulating ferries as part of state highways, state and local agencies may control waterfronts, landing rights, routes, fares, schedules, and competition among other ferries or toll bridges. They may collect bonds and taxes and require financial audits of ferry operations. Several governance structures are available for ferry operations. The North Carolina Program Evaluation Division (PED 2017) reviewed each and summarized the strengths and weaknesses of each. Its findings are reproduced in **Table 2**.

Table 2 Summary and Assessment of Governance Structures

Governance Structure	Description	Strengths	Weaknesses
Government Line Agency	A Government Line Agency is a separate division within a state agency that receives state funding. The ferry system owns and operates vessels and terminals as part of a mandate to provide basic transportation infrastructure. State funding may be supplemented by fares or other revenue sources.	<ul style="list-style-type: none"> • Responsive to public through election of the Governor as the chief executive • Legislation and processes already in place • Facilitates coordination and planning across other transportation modes • Offers access to low cost of capital and direct federal grants for capital projects 	<ul style="list-style-type: none"> • Subject to senior management turnover due to gubernatorial elections • Requires ferries to compete internally for budget before even going to the legislature • Lacks incentives for improvements in efficiency
Public/Private Corporation	A public-private corporation is a private company, operating vessels that are either owned or leased by the operator, that works with public agencies to develop routes and their associated terminals. The company pays for use of the public facilities and is free to establish schedules, rates, and business practices to create financial return within any associated regulatory constraints.	<ul style="list-style-type: none"> • Government ownership of assets provides access to federal funds and lower borrowing costs • Government can exercise powers of eminent domain to develop new terminals and connecting roads • Private operator would have financial incentives to grow non-fare revenue and improve system efficiencies • Public sector has a major role in service planning 	<ul style="list-style-type: none"> • Objectives of the public entity (providing transportation to support residents and the economy) are not necessarily aligned with the objectives of the private entity (to make a profit for its shareholders) • Potential difficulty in attracting qualified private firms if financial incentives are weak • Private operator may not be as responsive to the needs of the communities or may shift resources to routes that are more profitable
Public Authority	A public authority is an independent government entity is created to focus on a specific set of objectives. There is enabling legislation that defines the scope and powers of the authority. The management of the authority is overseen by a governing board.	<ul style="list-style-type: none"> • Provides management stability. • Responsible for achievement of the specified goals and objectives of established service area • Strong checks and balances to ensure specific area goals and objectives effectively contribute to the State's goals 	<ul style="list-style-type: none"> • May not be able to react quickly to events or changes that affect its mission or funding source • Governing board may not reflect some key constituencies • Multiple authorities with overlapping service areas may result in conflicting goals and objectives
Public Corporation	A public corporation is a corporation that provides transportation services with some level of revenue support from the regional government. The corporation is governed as a commercial entity with a board of directors but has its shares held on behalf of the public.	<ul style="list-style-type: none"> • Insulates management from political considerations • As a corporation owned by the State, it would be exempt from federal and state income taxes • Finances are transparent and subject to periodic approvals by public shareholders 	<ul style="list-style-type: none"> • Key stakeholders such as residents or employees may feel marginalized • Transportation costs and their impact on local economies may not be integrated into a larger economic or transportation strategy • Requires predictable on-going financial support from government to provide basic transportation to isolated communities

Table 2 (Continued)

Governance Structure	Description	Strengths	Weaknesses
Private Corporation	A private corporation is a private company that owns all assets and is free to establish business practices that create financial return within regulatory constraints. It operates with no assistance from state, city, or federal government, nor does it receive funds from those entities.	<ul style="list-style-type: none"> Requires limited support from government Offers more nimble operation due to minimal labor constraints Possesses ability to change service delivery without extensive public input or legislative oversight 	<ul style="list-style-type: none"> Would cause some communities to lose service unless there was a government guarantee Eliminates access to federal funds or state bonds for capital projects resulting in a higher cost of capital Ability to recapitalize fleet is questionable without some certainty in revenue stream for debt repayment
Transportation District	A transportation district is a public entity operating multiple modes of transportation for the economic benefit of a defined geographical area. Ferry operations are typically one portion of the larger transportation entity and may be subsidized by other modes or by taxation within the geographical area.	<ul style="list-style-type: none"> Allows transportation coordination across regional boundaries such as cities, counties, and unincorporated areas Depending upon the size of the region served, can manage more extensive and expensive projects such as building a light rail network that integrates with existing services 	<ul style="list-style-type: none"> Creates competition against other regions for funding from state and federal sources Size of organizations may result in slow response to changing conditions

Source: North Carolina Program Evaluation Division (2017)

2.2 Overview of U.S. Ferry Census Data

Until recently, the US lacked detailed information on ferries, including data about owners, operators, vessels, routes, toll rates, funding sources, and vehicle and passenger counts. In 2000, Congress directed the Federal Highway Administration (FHWA) to conduct the National Ferry Study to catalogue the nation's ferry inventory and operations. This study identified gaps in ferry funding as well as the roles and responsibilities of local, state, and federal agencies. In 2005, the Safe, Accountable, Flexible Efficient Transportation Equality Act: A Legacy for Users (SAFETEA-LU), established the biannual NCFO. Before this census, statistics on ferry operations were not collected (NCFO Statement of Methodology 2015). In 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) mandated the NCFO database as did the subsequent Fixing America's Surface Transportation Act (FAST Act). While participation in the NCFO survey is technically voluntary, to qualify for federal Ferry Boat Program funding a public entity must take part. The most recent available NCFO data are from the 2016 survey.¹ Although census questions are periodically revised, they are generally similar from one version to the next. The 2016 census asked about the following topics:

- Ferry operators: funding and revenue sources
- Vessels: passenger or vehicle, capacity, ownership, hull type, and engine lifespan
- Terminals: ownership and operation, and other modes of transportation available
- Segments: intrastate, interstate, international, and National Park Service
- Operator segments: segment length, average trip time, seasonal service, rates and rate regulators, vessel names, and total number of annual passengers and/or vehicles

Operators were also asked to state what percentage of their revenues came from different sources and the name of public funding entities. **Table 3** summarizes data from the 2016 survey. Of the 220 eligible ferry operators, 163 responded to the survey.

¹ 2018 Datasets were uploaded to the BTS website November 7, 2019; however, a 2018 Report was not yet available.

Table 3 Summary of 2016 NCFO Responses

Public Ferries	N = 75	3 non-responders identified as public	Total N = 78
Private Ferries	N = 88	54 non-responders identified as private	Total N = 142
Annual Passenger Totals			118.9 million passengers
Total Number of Vehicles			25 million vehicles
Vessel Statistics		<ul style="list-style-type: none"> • 46.8% privately owned and operated • 37.3% publicly owned and operated • 6.1% publicly owned but privately operated • 0.9% privately owned but publicly operated • *Some vessels listed type of ownership but not how they were operated • 1.7% public ownership, unknown type of operation • 6.3% private ownership, unknown type of operation 	Total N = 652 (In 2015, 609 were in service)
Number of Terminals			560
Number of Nautical Route miles			<ul style="list-style-type: none"> • 880 route segments served a total 20,042.4 nautical miles with routes ranging from 0.1 -595.0 miles • 26.02% of routes were less than 1 mile
Federal Funding			<ul style="list-style-type: none"> • \$80 million for each FY 2016-2020 from FHWA's Ferry Boat Program authorized under the FAST ACT, although federal funding is available from other sources, too.
Operator Funding			<ul style="list-style-type: none"> • 74.2% reported part of revenue came from ticket sales • 88.3 % reported no public contract revenue • 84% reported no federal funding revenue

Table 4 (continued) Summary of 2016 NCFO Responses

Operator Funding (continued)			<ul style="list-style-type: none"> • 22.7% reported receiving state funding (between 75-100% of total revenue) • 14.7% reported local funding revenue
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While research suggests the number of ferries in the US is decreasing, NCFO data indicate a resurgence in ferry ridership, especially in large urban regions like New York City and San Francisco (NCFO 2016).

2.3 Overview of Federal Funding Opportunities

Several federal agencies make funding available to capital projects. FHWA offers funding for highway programs and specialized ferry grants (e.g., such as the Ferry Boat Program which supplies Federal-aid highway funds for the design and construction of ferry boats and ferry terminals and also the reconstruction, resurfacing, restoration, rehabilitation, and preservation of existing ferry boats and terminals). The Maritime Administration (MARAD) offers the Title XI federal loan-financing program for new vessels; these funds can be used to purchase ferryboats. The Federal Transit Administration (FTA) also has grant programs for passenger transit ferries. **Table 4** describes key federal funding sources.

Table 5 Key Federal Funding Sources for Ferries

Funding Source	Details
National Highway Performance Program	<ul style="list-style-type: none"> • Funds 80% to 100% of projects related to the construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches that connect NHS road segments. • Projects must be identified in the STIP/TIP and located on the NHS. • 23 U.S.C. 129(b) describes eligibility criteria.
Surface Transportation Block Grant Program	<ul style="list-style-type: none"> • Provides funding for ferry boats and terminal facilities construction, and approach roadways to ferry terminals. • Funding may not be used for local roads. • Includes the Transportation Alternatives Set-Aside Program to fund the preservation and rehabilitation of historic transportation facilities.
Passenger Ferry Grant Program	<ul style="list-style-type: none"> • Funding can be used for projects that support public entities that offer public transportation passenger ferry service in urban areas. • \$30 million is available through FY 2020 to improve or modernize existing ferry services, establish new ferry services, and repair boats, terminals, and other facilities and equipment.

Table 6 (continued) Key Federal Funding Sources for Ferries

Passenger Ferry Grant Program (continued)	<ul style="list-style-type: none"> • Planning, operating expenses, and preventive maintenance are not eligible. • See 49 U.S.C. 5307(h)
Emergency Relief Program	<ul style="list-style-type: none"> • Ferryboat operations and maintenance are eligible for Emergency Relief following a natural disaster or catastrophic event when it provides a traffic service around a damaged facility. • Work done within 180 days of a disaster may be eligible for up to 100% reimbursement to restore essential travel. The deadline may be extended if access to damaged areas is delayed. • Damaged facilities may be reimbursed up to 90% Federal share if total expenses exceed the State's funds under 23 USC 104 in a fiscal year.
MARAD Federal Ship Financing Program	<ul style="list-style-type: none"> • Offers long-term debt repayment guarantees for purchasing, building, or repairing vessels.
Federal Transit Administration	<ul style="list-style-type: none"> • Grant programs for passenger ferry services that fund planning, design, construction, and in some cases operating expenses related to preventive maintenance. • Transit systems submit operational and financial data each year for inclusion in the National Transit Database. Ferry routes receive the same consideration as fixed-rail routes.
BUILD Discretionary Grants	<ul style="list-style-type: none"> • Fund capital investments in surface transportation infrastructure that will have a significant local or regional impact.

Sources: FDOT (2018), FTA (2019), FHWA (2019), Federal Ship Financing Program (Title XI), Bruzzone (2012), USDOT², NOFO (2018)³

From the perspective of publicly owned and operated ferries, the Ferry Boat Program (FBP) is the most important source of funding for capital improvement projects. FBP is part of the FAST Act and builds on provisions set forth in MAP-21. The FBP modified MAP-21's funding formula, assigning more weight to the number of passengers carried on a ferry system:

- 35% based on the number of ferry passengers carried by each ferry system (includes passengers in vehicles);
- 35% based on the number of vehicles carried by each ferry system; and
- 30% based on the total route nautical miles serviced by each ferry system [23 U.S.C. 147(d)] (FHWA 2019).

The FBP draws its money from the Highway Trust Fund and distributes \$80 million each year. **Appendix B** summarizes FBP funding available to Kentucky in 2019. The program requires BTS to maintain the NCFO database, and funding is based on data from the database. Ferry entities must submit data to be eligible for FBP funding. In accordance with the FAST Act, from 2016 to 2020 states with an eligible entity

² <https://www.transportation.gov/BUILDgrants>

³ <https://www.congress.gov/congressional-report/115th-congress/senate-report/268/1?q=%7B%22search%22%3A%5B%22Public+Law+110-246%22%5D%7D&s=1&r=58>

will receive at least \$100,000 FBP funding each fiscal year for the design and construction of ferry boats, right of way, ferry terminals, and ferry maintenance facilities. It may also be used for the capital portion of costs for leasing an eligible entity (FHWA 2016). States must withdraw funds from an eligible entity at the end of the third year if allocated funds have not been obligated. Those funds are then redistributed to other eligible entities.

2.4 Overview of Federal Regulations

A number of federal agencies enforce regulations intended to protect the safety of vessels and crews, such as the US Coast Guard (USCG) and Transportation Security Administration (TSA). The USCG is a branch of the US military that is responsible for enforcing maritime laws; it also functions as a safety and regulatory agency, as it provides safety oversight for all vessels. It must approve the operation of for-hire passenger vehicles. Title 46 of the Code of Federal Regulations (CFR) defines the USCG's responsibilities and establishes requirements for the design, construction, and operation of ferries operating in US waters (Bruzzone 2012). The USCG inspects vessels annually and is also responsible for their certification. It also licenses personnel and regulates safety protocols for crew and vessels. Most ferries are regulated under 46 CFR Subchapter M and have strict security and safety inspection requirements. The US Code defines *tow* as “the barge(s), vessel(s), or object(s) being pulled, pushed, or hauled alongside a towing vessel” and *towing vessel* as a “commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside,” (§136.110) Subchapter M pertains to most RO-RO automobile ferries over 26 feet in length.

The US Army Corps of Engineers (USACE), Environmental Protection Agency (EPA), and the US Fish and Wildlife Service (USFWS) also play a role in regulating ferry operations. The USACE is responsible for dredging, waterway improvement projects, and flood protection projects, including the nation's lock and dam system. Some ferry services or agencies, such as North Carolina's Ferry Division, assist the USACE by conducting dredging. For some project types, federal funding agencies may require USACE studies, grounding reports, or engineering inspection reports. Although the USACE can help regulate environmental impacts of ferry services, those responsibilities fall largely to the EPA and USFWS. Ferry operators must comply with EPA regulations regarding discharges into waterways as well as emissions standards. In some areas, the USFWS may investigate the impact of ferry docks and landings on local habitat.

2.4.1 46 CFR Subchapter M

46 CFR Subchapter M requires that vessels obtain a USCG-issued Certificate of Inspection (COI). A COI describes a vessel and the routes it is permitted to travel as well as the vessel's manning requirements, the number of people allowed onboard, safety equipment and appliances that are to be aboard, and other operational information (§136.205). The COI may be obtained 1) by having the USCG inspect the towing vessel, or 2) pursuant to Towing Safety Management System (TSMS) requirements, an internal or external audit.⁴ The guidelines for the highly detailed inspections are specified in §136.210 parts 137 and 140 through 144. For the initial certification, dry-docking may be required for vessel inspection resulting in interruptions to ferry services unless alternate ferry tug and barges are used. Less detailed annual inspections are required thereafter for further endorsement of the COI. By July 19, 2022, all applicable towing vessels must have valid COIs (§136.202). Because the TSA administers the Transportation Worker

⁴ Defined as “a systematic, independent, and documented examination to determine whether activities and related results comply with a vessel's TSMS, or with another applicable Safety Management System (SMS), and whether these planned arrangements are implemented suitably to achieve stated objectives. This examination includes a thorough review of appropriate reports, documents, records, and other objective evidence to verify compliance with applicable requirements” (§136.110).

Identification Credential (TWIC) program, the agency may work alongside USCG to conduct background checks and verify personnel.

2.5 The Value of Strategic Planning

Parties with an interest in a state's ferry operations may have competing objectives. Figuring out how to improve ferry system efficiency requires a thorough understanding of stakeholder motivations as well as the role ferry operations play within a state's portfolio of transportation assets. Bruzzone (2012) reviewed ferry industry practices and procedures with an eye toward guiding stakeholders through the process of assessing when new ferry services or an expansion of existing services is warranted as well as the strategic planning process necessary to ensure their success. Strategic planning entails an in-depth assessment of an organization's performance, vision, mission, values, challenges, and long-term goals. Bruzzone (2012) suggested evaluating the following factors within the context of a long-term strategic transportation plan:

- Transportation demand
- Economic development
- Cost-effectiveness
- Safety and regulatory compliance
- Environmental issues
- Geographical conditions

As part of strategic planning, performance measures, benchmarks, and targets should be identified for any other factors relevant to a state's transportation or ferry system. Ferry owners and operators can also benefit from strategic planning and establishing performance measures. New ferry services can benefit from devising a strategic plan followed by a detailed business plan; however, a strategic plan should guide any existing service. Both Washington State and North Carolina offer good examples of strategic planning.

Evaluating Washington State Ferries (WSF), Lester (2015) highlighted the importance of performance benchmarks in strategic planning, finding that the ferry industry does not use consistent standards to document performance statistics for on-time departure and arrival, passenger safety, and trip reliability. This makes it challenging to compare ferry operations. Operational and financial performance measures evaluated in the study were trip reliability, on-time performance, and passenger safety, farebox recovery ratio, labor portion of operating expenses and cost per passenger-kilometer. Farebox recovery ratio is defined as the ratio of fare revenue to operating costs (PED 2017). Lester used an 11-step process for benchmarking (see Keehley et al. 1997):

1. Determine the purpose and scope of the project
2. Understand your own process
3. Research potential benchmarking partners
4. Choose performance measures
5. Collect internal data on performance measurements
6. Collect data from partner organizations
7. Conduct gap analysis
8. Import practices to close performance gaps
9. Monitor results
10. Recalibrate based on findings
11. Start the search anew

Efforts undertaken by North Carolina's Ferry Division offer a good example of the benefits strategic planning can have for state ferry operations. In 2017, the State of North Carolina's Program Evaluation Division issued the report *Reducing Off-Season Crossings, Adjusting Fares, and Using Partnerships Can*

Improve Ferry Division Efficiency (PED 2017). The report highlighted strategies to optimize cost savings and increase revenue. Proposed recommendations to increase cost savings included reducing route schedules during periods of low use, increasing tolls while maintaining a commuter annual pass that would not overburden local commuters, and establishing public-private partnerships to improve ferry effectiveness. The North Carolina General Assembly later passed legislation that called for investigating what cost savings could be realized through public-private partnerships such as agreements with neighboring states or the USACE. Another recommendation was to legally mandate that the North Carolina Department of Transportation create a long-range ferry transportation system plan which forecasts regional transportation demand and future funding needs and availability, contains alternative fare price structures, and has performance measures and targets; evaluate the cost-effectiveness of ferry route schedules for residents and tourists; and apply for grants that could fund support services.

Given that WSF and North Carolina are large state-run ferry systems operating on routine schedules rather than on-demand and primarily seeking farebox recovery rather than operating free to the public, the performance measures highlighted in previous research to improve operations in those states may apply to Kentucky's ferries only generally, serving as examples where consistent data collection, monitoring, and analysis across ferry operations may yield findings on cost savings.

2.6 Business Models and Funding

As noted, Bruzzone (2012) and state transportation agencies recommend incorporating strategic planning into broad transportation planning. Strong connections exist between holistic transportation strategies and business plans for individual ferry operations. Bruzzone (2012) suggested including the following in a ferry business plan, although not all of these are applicable to Kentucky ferries:

- Business Description and Vision:
 - Describes who runs and operates the ferry and its overarching goals
- Definition of the Market:
 - Describes the need for the ferry service and targeted ridership demographics
- Description of products and services:
 - Describes the type of ferry service provided and how it competes with other transportation services
- Organization and Management:
 - Describes basic operations and maintenance plans, including resources necessary to operate, resource constraints, estimated operational costs, number of employees and a description of their qualifications, terminal operations, routes, and maintenance requirements
- Marketing and Sales:
 - May include advertising to increase ridership or offer ridership incentives during low volume
- Financial Management
 - Identifies all capital expenditures, profit/loss projections, cash flow projections, and documents through a balance sheet

Given that ferry services are capital-intensive endeavors with razor thin profit margins, Bruzzone (2012) noted several financial variables that must be considered in business plans for ferry operations:

- Capital funding
- Operational costs
- Labor availability
- Operational funding
- Vessel acquisition
- Ridership forecasts

- Maintenance
- Fares
- Emergency contingency

These issues are consequential for public and private ferry operators alike; however, their funding sources and purpose differ. Public and private ferries serve different communities. Ferry services that are publicly sponsored, owned, or operated are intended to foster public good. Public ferries can link a state highway network, providing transportation to regions that would otherwise have limited development. They can also help increase property values, reduce travel times, and stimulate economic activity (Bruzzzone 2012). Although privately owned and operated ferries may also promote development, their business models are primarily geared toward generating profit.

Public operators benefit from being able to draw from more revenue sources than private ferry services. Public ferries generally receive significant subsidies and have the ability to run annual deficits (Missouri Department of Transportation 2008). State and local agencies often provide funding for ferry operations and capital improvement projects, however, ferries compete for state resources. Potential funding sources include toll revenues, general transit revenues (e.g. gas taxes), port revenues, and development revenues (e.g. special taxes or real estate fees).

Many essential highway ferries obtain at least a portion of their funding from state highway funds. For example, the Washington State legislature created the Nickel Account to fund WSF's capital budget, which is paid for by gas taxes and truck weight fees. Other capital funding sources in Washington State include the State Transportation Partnership Account, the State Multimodal Transportation Account, and other transportation revenues from tolls, weight, and gas taxes (Lester 2015). WSF increased fares five times between FY 2009 and 2013, which raised the farebox recovery ratio (fare revenue/operating expenditures) in 2013 by 6.1%. WSF's farebox recovery ratios are now among the highest in the US. In contrast, North Carolina presents a case study in the consequences of not making necessary adjustments to bolster revenues. In FY 2013, the North Carolina Ferry Division's farebox recovery ratio was just 6%, the lowest in the US. The Program Evaluation Division (PED 2017) issued a report that attributed declining farebox recovery ratios to fares not keeping pace with inflation and growing operating expenses. The report suggested that establishing a farebox recovery ratio can help to address long-range funding needs. It also found the Ferry Division could increase annual fare collections on tolled routes without negatively affecting local commuters (in part because they can purchase an annual commuter pass). The report also supported maintaining free ferries where they already exist.

3. Methodology

KTC's research team identified 10 states to examine for this study. States were chosen in consultation with KYTC staff and based on a review of the NCFO database and FHWA's database on vehicular toll ferries.⁵ The states chosen for investigation were:

- Arkansas
- Connecticut
- Florida
- Georgia
- Mississippi
- North Carolina
- Ohio
- Oregon
- Tennessee
- Wisconsin

The review of each state's policies began with a keyword search for *ferry* and *ferries* within statutes and administrative rules. For Kentucky, KTC searched the Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR). Along with the review of state regulations, KTC conducted an extensive literature review focused on cost structures, strategic planning, federal regulations, and potential funding sources for ferry services across the US and within specific states identified for comparison. KTC also reviewed contract data and financial data on state-funded ferries provided by KYTC. The contracts reviewed are listed in **Appendix C**.

With input from the Cabinet, the research team developed and administered an online survey to the chosen states to determine which reimburse vehicle ferry operations for closures. The survey also requested information on topics such as funding practices and reimbursement policies, ownership structures, and contracts. KTC emailed the 10-question survey to key personnel responsible for overseeing ferry operations at each state's department of transportation (**Appendix A** contains the survey and survey results). Analysis of state codes and regulations, research literature, survey results, and contracting arrangements informed the recommendations KTC prepared for KYTC on publicly funded ferries.

⁵ See <https://www.fhwa.dot.gov/policyinformation/tollpage/documents/t1part5.pdf> for a list of vehicular toll ferries in the US that were operational as of January 1, 2017

4. Review of State Funding and Reimbursement Practices

This chapter summarizes survey results, discusses KTC's review of state regulations, and presents KTC's analysis of Kentucky's ferry operations and the state's reimbursement practices. Among the states surveyed, only Tennessee reimburses ferry services for closures (but only at 50% of the hourly rate for a period of 48 hours). Connecticut, Arkansas, North Carolina, Tennessee and Wisconsin all provide state funding for ferry operations. Neither Georgia, Ohio⁶, nor Mississippi offer ferry operations state funding – Georgia and Ohio use federal ferryboat funding. Ferry operations in Florida and Oregon are handled at the local level. In addition to the survey results, KTC's research team reviewed operator contracts furnished by Florida and Tennessee. This report discusses the Florida contract at length. Readers can find full survey results in **Appendix A. Appendices D-N** summarize the statutes in each state relevant to ferry operations.

4.1 State Summaries

Arkansas

Arkansas owns and operates one ferryboat – the Peel Ferry, which serves Bull Shoals Lake year-round (Nilles 2014). No ferriage fee is required of riders. The Arkansas Department of Transportation (ARDOT) has two tugboats that rotate operation to prevent service disruptions.

The Peel Ferry operates through state funds generated from gas and diesel taxes and licensing fees. Employees are employed by ARDOT. The state participates in the Federal Ferry Boat Program for capital projects, which has allowed the state to make significant upgrades to the last remaining ferry. For example, ARDOT used \$600,000 in grant money and state matching funds to purchase a 12-car barge, which doubled the Peel Ferry's carrying capacity.

Connecticut

Connecticut owns and operates the Rocky Hill–Glastonbury Ferry. It is the only state-funded vehicle ferry and is also the oldest continuously operating ferry in the US. Its operations date to 1655; the original ferry consisted of a small raft that was pushed across the river with long poles (DeSimonne and Sullivan 2014). Today the ferry operates seasonally from April through November.

Operational funding is state appropriated as part of the State Transportation Fund and is budgeted annually by the Department of Transportation. Operators are state employees. For capital improvement projects, funding is voted on by a bond commission convened by the governor.

Florida

One vehicle ferry has regular operations in the state of Florida – the St. Johns River Ferry Service, which is owned by the Jacksonville Transportation Authority (JTA) and contracts with a private company for operations. The Jacksonville City Council approved the transfer of ownership from the St. Johns River Ferry Commission to JTA in March 2016. Since assuming operations JTA has undertaken significant renovations including operational and safety improvements to the vessel, bulkheads, terminal bridges, and stopping mechanisms (JTA 2019). In 2019 JTA was awarded a \$3.9 million Passenger Ferry Grant from the Federal Transit Administration for further upgrades. The ferry operates across the St. Johns River connecting Mayport Village to Ft. George Island. It departs each half operating 13 hours daily Monday through Friday and 13.5 hours Saturday and Sunday.

⁶ A survey response from Ohio DOT indicated the state funded ferry operations, however, follow-up communication clarified that funding comes exclusively from the federal Ferry Boat Program.

The Jacksonville Transportation Authority contracts with HMS Ferries Inc. (referred to hereafter as *the operator*). The contract exemplifies an approach to ferry system management that requires in-depth financial reporting and accountability from an operator to a governing body (i.e., the Jacksonville Transportation Authority). As such, the contract merits further scrutiny.

The contract outlines the ferry service's operational goals including: 1) maximize ferry ridership and revenues while minimizing net costs to the JTA, and 2) stimulate economic activity in eastern Duval County. The contract also provides the scope of services provided by the operator and JTA. The operator is responsible for fare collection, ferry vessel operations, vessel crew management (including training and employment development), safety management and regulatory compliance (including a USCG compliant security plan), marine insurance, routine repairs that cost \$3,000 or less, and administrative and management duties. Under the contract, JTA foots all operational and capital costs, including capital expenditures for the vessel, and establishes fare rates. Capital expenditures are defined as major repairs or improvements to the vessel, docks, ramps, and other facilities the operator manages on behalf of JTA that exceed \$3,000. JTA is also responsible for insuring marine and shore structures and staging areas, permitting, regulatory inspections and certifications, ticketing hardware and software, and signage. JTA reserves the right to inspect and audit any of the operator's financial records.

JTA pays the operator an annual contract fee for ferry operators and services including: 1) a fixed management fee, 2) operating budget for management and operation of the ferry 3) capital budget for major repairs and capital projects and 4) special projects. JTA also pays fuel and lubrication costs directly. JTA reimburses the operator in equal monthly installments for ferry operations and services, including management and expenditures. A fixed management fee is escalated every 12 months based on the Consumer Price Index for the Southeast Region from July to July, except the increase will be no more than 2.5% and no less than 1%. The operator is required to keep a record of all costs incurred and made available for inspection to the Authority at all times during the contract and 5 years thereafter. The operating budget is paid in advance in equal monthly installments. JTA also pays the operator in equal monthly installments for a special one-time security plan cost for the first 18 months of operations. Once per month, the operator deposits gross operator revenues. The operator is reimbursed for any capital expenditures that are approved by the Authority. The contract establishes a fiscal year-end settlement (true-up) for any expenditure underages or overages, although ferry revenues are not included in this process.

There are no conditions in the contract pertaining to closures or interruptions to service except that the operator will be reimbursed in the event of USCG dry docking for inspections. The mechanism for that reimbursement is not established.

Georgia

All ferry services in Georgia are funded using federal dollars – there are no state-funded ferries. In 2018, the State of Georgia's Department of Natural Resources and the Savannah Belle Ferry received funding for publicly owned terminals and vessels. Lang Seafood received funding for a publicly owned terminal (for Cumberland National Seashore). State funding from the FBP totaled \$248,521 in 2018 (Special Funding 2018).

Mississippi

The State of Mississippi provides no state funding to ferries. Ferry services have diminished in recent years.

North Carolina

Behind Washington State, the North Carolina Department of Transportation (NCDOT) operates the second largest state-owned ferry system in the US – the state owns all ferry assets and oversees all ferry operations in the state. The Ferry Division operates 21 ferries, 13 terminals, and additional support vessels including tugs, barges, and a dredge across seven regular routes. During the 2016 fiscal year, the state's ferries

transported nearly 801,256 vehicles and 1.9 million passengers. Its Ferry Division has adopted a Government Line Agency governance structure⁷. All routes and vessels are considered an extension of the state highway system (Bruzzone 2012). Tolls are only charged on three longer routes with the understanding that ferries are an extension of the state highway system, therefore all other ferries are exempt from tolls.⁸ According to section 136-82 of the state code, toll proceeds are deposited “to reserve accounts within the state Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned.” The proceeds in those accounts must be used exclusively for vessel replacement projects.

The Ferry Division also manages the North Carolina State Shipyard – the largest state-owned and operated shipyard in the US. The shipyard is entirely self-sufficient, with an electrical power plant and water system (Tsai et al., 2011). All of the Ferry Division’s vessels are repaired in the shipyard by in-house engineers and technicians; satellite facilities handle minor repairs. The state works closely with the USACE because it performs dredging, piling, and cluster work to maintain clear waterways (Bruzzone 2012).

Operations and maintenance are funded through state appropriations. Emergency or expanded needs can be requested during budget cycles. Ferry funding comes from the highway fund/highway trust fund (e.g. motor fuel tax, vehicle registration fees, driver’s license fees, and non-tax revenues from State Treasurer’s investments). NCDOT uses state employees for ferry operations and maintenance; the state does not typically contract operations. Capital projects are funded a few ways. MAP 21 formulary proceeds go toward ferry projects, generally ferry construction, but may cover the dredge/tug fleet or harbor infrastructure. All revenue, except for work performed for private companies at the state shipyard, is applied to construction of ferry vessels for applicable routes where revenue is generated. The state has a \$1 million recurring appropriation designated for vessel replacement that supplements revenue. To qualify the projects must meet the transportation investment strategy. In the 2016 fiscal year, NCDOT allocated \$40.6 million for the ferry transportation system (roughly 1 percent of the total funding dedicated to the support of the state’s transportation network).

Ohio

The Ohio Department of Transportation’s (ODOT) Office of Local Programs handles matters related to ferryboats but the state does not fund ferry operations. Ferryboat projects in Ohio are rare. ODOT indicated a ferryboat build is out for bid for the Kelleys Island Ferry. Currently, money for ferries in Ohio comes via the Ferry Boat Formula Funding, and just one company receives those funds.

Oregon

Oregon’s three remaining ferries are operated at the county level: two by Marion County, one by Clackamas County. The state does not provide state funding or manage any part of these operations.

Tennessee

The Cumberland City Ferry and Benton-Houston Ferry are owned by the state. The Tennessee Department of Transportation (TDOT) contracts out the operation and maintenance of the Benton-Houston Ferry and Cumberland City Ferry to the private firm, River Marine Service, Inc. Each operation’s vessels and tugs are state-owned. The ferries operate 365 days a year on a regular schedule such that patrons do not wait longer than a half-hour for ferriage. A “day” of operation is defined as a minimum of 12.5 hours Monday-Friday and 12 hours Saturday-Sunday.

⁷ While our survey respondent indicated that states ferries are reimbursed, they added that all ferries are state-owned, meaning that all operators are state employees. Thus no actual reimbursements take place.

⁸ Fares on these routes range from \$1 (pedestrian) to \$45 (vehicle 40-65 ft.) per crossing.

Among the states surveyed, Tennessee is the only one that reimburses ferry operators for any service interruptions. It reimburses operators for service interruptions attributable to equipment breakdowns (which are not maintenance-related), high water, fog, and other forces or major factors. However, they are only entitled to compensation at a rate of 50 percent of the hourly rate for normal hours of operation during the initial 48 hours following closure. After this period, the state is not obligated to reimburse operators for losses. The 48 hour time period allows the operator a reasonable amount of time to address the majority of potential interruptions due to minor equipment failure. Tennessee, however, has not experienced lengthy closures, which TDOT attributes to the operator's vigilance in securing equipment as water levels rise and fall.

Operational funds are derived from the state gas tax. Payment rates are based on an hourly operational fee (\$127.42 per hour), which is inclusive of the captain and crew's wages and fringes, all insurance coverages, overhead, and profit. In the event that the ferry's tug or barge are out of service for repairs or dry docked for emergency repairs or USCG inspections the operator is compensated at a flat daily rate (\$150 and \$100 per day, respectively). Expenses for all lubricants, fuel, and repairs are reimbursed at cost and procured as per state purchasing requirements. Payments are made on a monthly cycle.

Wisconsin

The State of Wisconsin owns one state-funded ferry, the Merrimac Ferry, and operations are overseen by WisDOT maintenance. The state does not reimburse for closures. The ferry is part of the state highway system crossing the Wisconsin River between Sauk and Columbia Counties. The ferry typically operates 7 days a week, 24 hours a day from April to November when the river is deemed safe and ice-free. Ferriage is free.

According to WisDOT, maintenance of highways, including the ferry, is performed by county highway departments under annual calendar year contracts called the Routine Maintenance Agreements (RMA's). Upon approval, the RMA provides each county with a state highway maintenance budget and the approval for expenditure within that budget. The Merrimac Ferry is funded annually as a line item in the budget and described in the Columbia County RMA. Despite multiple attempts, it was not discovered through this research project how funding is determined for Merrimac operations. Capital improvement projects are accomplished through WisDOT's Project Development process (e.g. design, bid/let, build).

Most of the state's ferries are privately owned and operated (Adams et al. 2007). WisDOT noted there are federal grants used for other ferries and port locations in the state from FHWA, US Army Corps, MARAD, and Congestion Mitigation and Air Quality Improvement program (CMAQ). Historically, Wisconsin has given ferries access to multiple funding sources, including the Transportation Economic Assistance Program, State Infrastructure Bank Program, and Community Development Block Grant-Public Facilities for Economic Development programs managed by the Wisconsin Department of Commerce. The most prominent funding source is the Harbor Assistance Program (HAP), which was created in 1979 to maintain and improve waterborne commerce. The program's grants pay for up to 80% of project costs on publicly owned property located on Lake Michigan, Lake Superior, and the Mississippi River that benefit commerce (Adams et al. 2007; Harbor Assistance Program Guidelines and Instructions for Grant Applications). To be eligible, applicants must: 1) be a county, municipality, town, board of harbor commissioners, federally recognized tribal governing body, or private owner of a harbor facility, and 2) submit to the Wisconsin Department of Transportation a formally endorsed three-year Harbor Statement of Intentions. Applicants are evaluated based on economic impact, urgency, and type of project, plus the tonnage moved in waterborne commerce. If the USACE assists with funding, HAP will finance up to 50% of the local share of eligible project costs, which are paid for from either an appropriation from the transportation fund or the proceeds of general obligation bonds provided for the program (Legislative Fiscal Bureau 2017).

4.2 Ferry Operations in Kentucky

Because ferry operators across Kentucky use different financial recordkeeping methods, it is challenging to compare ferry services.⁹ Most ferry contracts include the same elements, however, schedules, number of days of expected operation, and reimbursement rates vary by operation. Most ferry-related statutes were signed into law October 1, 1942, and many have not been revised. The KAR and KRS reviewed also contain antiquated language that does not fit with today's modes of transportation. As elaborated in 603 KAR 5:061, Kentucky's Department of Highways (DOH) is authorized to handle applications of ferry service operators that wish to connect their facility to the state's primary road system, regulate toll rates, and ensure ferry operators comply with the conditions set forth in the certificate of public convenience and necessity. Ferry operators must provide and maintain safety devices that are required by KRS 280.120 and KRS 280.130.

Annual Reports

Pursuant to 603 KAR 5:061, KRS 280.060, and KRS 280.030, ferry operators must submit an annual report to DOH on or before March 1. However, annual reports are not currently required for ferries offering free ferriage (Cave-In Rock Ferry, Reeds Ferry, Rochester Ferry, Turkey Neck Bend Ferry, and Valley View Ferry). In addition to information required by KRS 280.030, to comply with 603 KAR 5:061 the following must be included in annual reports:

- (1) The number, by class, of vehicles accommodated during the report year and the toll schedule for each class of vehicle;
- (2) For toll ferries, a description of the barges and power units in use during the year;
- (3) The schedule of hours of service and trips made; and
- (4) Any additional relevant information required by the department

Tolls

KRS 280.250 stipulates that toll rates will be fixed at the time ferry privileges are granted and may be changed from time to time. While this statute was amended in 1978, it retains outdated language and refers to horse-drawn carriages. Ferry operators wanting to adjust toll rates are to submit a written request to the Chief District Engineer of the DOH district in which the toll bridge or toll ferry is located (603 KAR 5-061).

Franchise

Many ferries operate under a franchise, which is a permit from the state providing authority to an individual or company to operate a ferry. Such franchises may permit operators to collect tolls for ferriage. In some instances, franchises were granted by Virginia before Kentucky was a state; Valley View Ferry was granted a perpetual and irrevocable franchise by the Virginia General Assembly in 1785. KRS 280.020 requires ferry operators to obtain a certificate of convenience and necessity unless they hold "perpetual and irrevocable franchises for such operations". The Kentucky Constitution Section 164[1] holds that no government entity can grant a franchise for any longer than 20 years, and should receive bids before any award is made. 603 KAR 5:061 requires that any ferry operator has to prove to the Department of Highways it has a perpetual and irrevocable franchise in order not to apply for a certificate of convenience and necessity. However, both ferries operating under a certificate or franchise must request changes in any toll rates. Section 4 requires that a copy of the franchise or certificate be posted in the ferry boats and/or toll booths. Ferries holding a perpetual and irrevocable franchise are also included in requirements for compliance with any regulation or statute, such that if found in noncompliance there is a 10 day period to remedy the issue after which a hearing is scheduled. Finally, ferry franchises must abide by any

⁹ KRS 280.010 defines a toll ferry as "any...ferry located or operated entirely within this state that is operated over or connects with any highway embraced in the state primary road system and is used in the business of transporting persons for compensation over any stream in this state."

requirements put forth by the department for traffic control devices to ensure safety; this would supplement KRS 280.120 which requires warning signs and lights on roads approaching a ferry. It may be necessary to consult with an attorney specializing in maritime law to determine the validity of franchises granted by other states and the terms under which those franchises were granted.

Taxes

Cities have the authority to collect taxes on personal property of any ferry (KRS 91.260).

Acquisition of Ferries

To prevent competition, Kentucky's statutes allow for the acquisition or condemnation of an existing ferry upon procuring a new ferry (KRS 180.270) or constructing a new bridge (KRS 180.260) or new interstate (KRS 180.276).

Service Interruptions

KRS 280.070 prescribes how ferries are to operate when services are interrupted. If an accident, disability, or breakdown occurs, ferry operators should attempt to maintain service through substitution. When a service interruption stretches more than 24 hours, the ferry operator must inform DOH why it has occurred and what substitute arrangements have been made to help travelers reach their destination (KRS 280.070). However, the Cabinet's contracts with ferry operators stipulate that the Cabinet Transportation Operations Center (TOC) must be notified if a ferry will be closed for 4 or more hours. While KRS 280.070 does not specifically address service interruptions caused by inclement weather, KYTC's contracts with ferry operators outline how these are to be handled. No statute or regulation requires the state to reimburse ferries for service interruptions.

Kentucky Contracts

Tables 5 and 6 contain information from KYTC's contracts with ferry operators. **Table 5** contains payment data for 2019 and 2020 and overall totals for those contracts, while **Table 6** summarizes additional data points for each operation, including the minimum hours of operation per day, number of operation days per year, rates paid for a full day and half-day of service, and the payment cycle (hourly or daily). The contract for Cave-In-Rock Ferry was based on 21-months due to contract negotiation at the beginning of the biennium. It also receives \$1 million in funding from State of Illinois through the Intergovernmental Agreement with the Illinois Department of Transportation; this is noted in the second entry for the ferry service. With respect to the Dorena-Hickman Ferry, because the State of Missouri can only enter into a single-year agreement the data presented in the table are from the bi-state agreement for FY 2019. KYTC provides Missouri's Department of Transportation with a lump sum, which is used to manage contracting for ferry operations.

Kentucky's contracts do not allocate resources equally among ferries. There are no uniform requirements for hours of operation or expected days of operation, and payment cycles are not consistent across all ferries. Operators establish their own hours and KYTC reimburses based on those hours. Cave-In-Rock Ferry offers a good case study. It operates 16 hours per day, while other ferries operate for 10 hours. Similarly, it operates 15-30 more days each year than other ferries. However, it does receive more funding than other operations. In addition, Cave-In-Rock requested an hourly payment cycle, while other state-funded ferries are paid on daily. The Cave-in-Rock Ferry contract was recently renegotiated and will be reevaluated following a formal audit and this report.

Due to a record number of days with service interruptions in 2019 (caused by high water), KYTC amended its contract with the Augusta Ferry Authority, Inc. for the 2019 and 2020 fiscal years. The new contract includes an alternate payout schedule in the event that there are fewer than 335 days of service. This amendment ensures the ferry operation will receive a monthly payout sufficient to maintain operation and

pay for fixed expenses (e.g., salaries, insurance). Other ferry services (Valley View Ferry, Reeds Ferry, Rochester Ferry) were offered this option but declined it.

Reimbursement Practices

A ferry operator must notify the Cabinet when it suspends service due to operational maintenance, road blockages, high/low water, winds, or uncontrollable events. The operator must also inform the Cabinet of when it expects to reopen (day and time). Operators can submit a reimbursement claim for up to a certain number of hours a day for closure due to suspended or cancelled service. For example, the Ohio River Ferry Authority may request reimbursement for up to 16 hours when the Cave-In-Rock Ferry is shuttered. It must be verified that reimbursements are required to maintain ferry operations. A daily Adverse Weather Certification is to be signed and dated by the scheduled Pilot confirming the suspension or cancellation. A separate monthly Adverse Weather Certification form, signed by the Authority, must be provided to KYTC listing all dates and hours the service was suspended or cancelled in a month. Payment requires invoices or submission of form TC 59-4 (Kentucky Transportation Cabinet Ferry Traffic Count; see **Appendix O**).

Financial Data

Along with contracts, KTC's research team reviewed financial information on the state's ferry operations. The depth and content of reporting was inconsistent among operations. Although KRS and KAR do not explicitly mandate audits for ferry operations, the Cabinet's contracts require ferry operators to report whether they fall under the purview of the Single Audit Act of 1984.¹⁰ The Intergovernmental Agreement between Illinois Department of Transportation and KYTC also specifies, "In accordance with 2 CFR Part 200, Subpart F, Section 200.50 1, Audit Requirements, non-federal entities that expend \$750,000 or more in Federal awards in a year are required to have a single audit."

KRS 45A enables KYTC (the contracting agency), the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their authorized representatives to access all operator records for financial audits or program reviews. All documents relevant to a state contract are subject to public disclosure unless they contain proprietary information that has been exempted by the Secretary of the Finance and Administration Cabinet (KRS 61.878(1)(c)). Although state ferry contracts grant the Cabinet access to operator records, no clear guidelines for financial reporting have been established to ensure that consistency in financial reporting is maintained across all ferry operations. Requiring audits with distinctly defined financial data will improve KYTC's ability to compare operational costs between ferry services and make decisions about resource allocation.

¹⁰ OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

Table 7 KYTC Payments to Kentucky Ferry Operations (2019-2020)

Ferry	Contract	2019	2020	Total
Cave-In-Rock Ferry	KYTC and Ohio River Ferry Authority	\$917,280*	\$1,229,760**	\$2,147,040
Cave-In-Rock Ferry	Illinois Department of Transportation and KYTC Intergovernmental Agreement			\$1,000,000*** lump sum
Dorena-Hickman Ferry	Missouri Highways and KYTC Bi-State Agreement			\$123,466.66*** lump sum
Augusta Ferry	KYTC and Augusta Ferry Authority, Inc. (Bracken County)	\$190,000	\$190,000	\$380,000
Reed's Ferry	KYTC and Butler County Fiscal Court	\$157,200	\$157,200	\$314,400
Rochester Ferry	KYTC and Butler County Fiscal Court (Butler & Ohio Counties)	\$157,200	\$157,200	\$314,400
Valley View Ferry	KYTC and Valley View Ferry Authority (Fayette, Jessamine, & Madison Counties)	\$330,000	\$330,000	\$660,000

*(Based on 273 days of operation in the remaining fiscal year)

** (Based on 366 days of operation)

*** From Kentucky's 50% share

Table 8 Operational Characteristics of Kentucky Ferries

Ferry	Minimum Hours of Operation	Days of Operation (Estimate)	Full Day Rate	Half Day Hours of Operation	Half Day Rate	Payment Rate Cycle
Cave-In-Rock Ferry	16	350	\$2,985	7-14	\$1,492.50	Hourly
Dorena-Hickman Ferry*	n/a	n/a	n/a	n/a	n/a	n/a
Augusta Ferry	10	335	\$570	5	\$285	Daily
Reed's Ferry	10	335	\$470	5	\$235	Daily
Rochester Ferry	10	335	\$470	5	\$235	Daily
Valley View Ferry	10	320	\$1,032	5	\$516	Daily

*The Missouri Department of Transportation manages operations for the Dorena-Hickman Ferry

5. Summary and Recommendations

This research revealed that there is not a body of states that Kentucky can look to regarding best practices for structuring ferry operation reimbursement. However, there are some findings that can inform KYTC's ferry program in the future including funding combinations, approaches to reimbursement for closures, and other state statutes and regulations governing ferry operations. The review of other state reimbursement practices did reveal that most states do not reimburse ferries for closures. Tennessee is the one exception – it reimburses ferry operations at 50 percent of the hourly rate during the initial 48 hours following closure. Tennessee's ferries have not experienced an extended duration of being inoperable in the past. Half of the states surveyed offer some form of state funding to ferry operations. Georgia, Ohio, and Mississippi do not (although Georgia and Ohio rely on federal funding); in Florida and Oregon local governments oversee ferry services.

The Cabinet lacks a uniform method for calculating reimbursement rates. Similarly, the number of days an operation is expected to be in service varies, as do the daily rates paid to operators. Each operation currently determines its own number of hours and payment cycle. Except for Cave-In-Rock, which operates at a minimum 16 hours a day, Kentucky ferries operate at least 10 hours per day. While Cave-In-Rock's payment cycles are hourly, the remaining ferries in the state are paid daily. Accordingly, KYTC could benefit from adopting the same payment rate cycle across all ferry operations. The review of statutes and administrative regulations governing ferries found no provisions that direct KYTC how to reimburse ferries or audit ferry operations.

Because accounting practices vary between operators establishing detailed auditing guidelines may help the Cabinet receive more consistent reporting from ferry operators. This in turn can foster more accurate financial comparisons of ferry operations. Along with introducing detailed auditing requirements, KYTC could adopt a strategic planning initiative to determine more cost-effective ferry operations. As part of any strategic planning initiative, the Cabinet may wish to identify additional funding sources (e.g. potential federal funding sources are described in **Table 4**) and develop long-term forecasts of the state's ferry operations. KYTC may wish to examine whether reimbursement practices similar to Tennessee's are cost effective for Kentucky. Additionally, KYTC could look into conducting an economic impact study of its ferry operations, similar to the Missouri Department of Transportation's 2008 study on the Dorena-Hickman Ferry.

Lastly, the review of KRS uncovered outdated language in statutes pertaining to ferries. For example, KRS 280.250 refers to obsolete transportation modes (horses and carriages) while KRS 280.070 invokes outdated communication methods (telegraphs). KYTC may want to suggest that legislators edit this language from these statutes. In addition, as part of a review of statutes in each of the other states surveyed, Florida's 347.22 f.s. (see **Appendix G**) may be of particular interest to KYTC for possible adoption. The statute details the terms and conditions for ferry franchises.

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Appendix A Survey – Reimbursement Rates and Mechanisms for Kentucky's Publicly Funded Ferries

Q2 First we would like to know a little information about you. Please provide us with your contact information below:

- ☐ Name _____
- ☐ Title _____
- ☐ State _____
- ☐ Phone _____
- ☐ Email _____

Q3 Does your state provide funding for any vehicle ferries?

- ☐ Yes
- ☐ No

Q4 Please list the names of each state-funded vehicle ferry operation:

- ☐ Ferry Name

Q5 For each of the vehicle ferries in your state, please identify their type of ownership and type of operation below.

	Type of Ownership				Type of Operation			
	Public	Private	Public & Private	Unknown	Public	Private	Public & Private	Unknown
Ferry Name	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Please provide the following information about your state's vehicle ferries:	Waterway Crossed	Rate for Vehicles
Ferry Name		

Q7 Does your state reimburse any ferries for closures (weather, maintenance, mechanical, etc.)?

- ☐ Yes
- ☐ No

Q8 Please briefly describe the process of reimbursement to ferry owner/operators for closures?

Q9 Would you be willing to share past ferry contracts between your state and other entities with us? For example, these might include contracts between other states, counties, port authorities, or independent owner/operators.

- ☐ Yes
- ☐ No

Q10 Would you be willing to participate in a follow-up phone interview to discuss your state's ferries in more detail?

- ☐ Yes
- ☐ No

Survey Results

State	State Funded Vehicle Ferries	Ownership	Operation	Waterway Crossed	Cost
Arkansas	Peel Ferry at Bull Shoals Lake	Public	Public	Bull Shoals Lake	free
Connecticut	Rocky Hill to Glastonbury Ferry	Public	Public	CT River	\$5.00
Connecticut	Chester to Hadlyme Ferry	Public	Public	CT River	\$5.00
Florida	n/a	n/a	n/a	n/a	n/a
Georgia	n/a	n/a	n/a	n/a	n/a
Mississippi	n/a	n/a	n/a	n/a	n/a
North Carolina	NCDOT Ferry System	Public	Public	Inland Sounds	free to \$45
Ohio	Kelleys Island (Currently out for Bid)	Private	n/a	Lake Erie	\$16.00
Oregon	n/a	n/a	n/a	n/a	n/a
Tennessee	Cumberland City Ferry	Public	Public & Private	Cumberland River	\$.75 - \$4.00
Tennessee	Benton-Houston Ferry	Public	Public & Private	Tennessee River	\$.75 - \$4.00
Wisconsin	Merrimac Ferry	Public	Public	Wisconsin River	Free

State	Does State Reimburse Ferries for Closures? (Due to weather, maintenance, mechanical, etc.)
Arkansas	No
Connecticut	No
Florida	n/a
Georgia	n/a
Mississippi	n/a
North Carolina	Yes
Ohio	No
Oregon	n/a
Tennessee	Yes
Wisconsin	No

Appendix B 2019 FBP Funding Available to Kentucky

Operator/Ferry Service	Eligible	FY 2019 Funds Z950					
		FY 2019 Funds Z950 Authorized	Funds Pulled and Redistributed (from unobligated prior distribution)	Total Funds for FY 2019	FY 2019 Funds Z950 Allocated	FY 2019 Funds Z950 Transferred	FY 2019 Funds Z950 Remaining
Butler County Fiscal Court	Publicly owned Terminal & Vessels	\$39,553.00		\$39,553.00			\$39,553.00
Valley View Ferry Authority	Publicly owned Terminal & Vessels	\$163,351.00		\$163,351.00			\$163,351.00
U.S. DOI - Mammoth Cave National Park	Publicly owned Terminal & Vessels	\$116,020.00		\$116,020.00			\$116,020.00
Augusta Ferry Authority	Publicly owned Terminal only	\$47,435.00		\$47,435.00			\$47,435.00
Kentucky Transportation Cabinet - Cumberland River Ferry	Publicly owned Terminal & Vessels	\$83,987.00		\$83,987.00			\$83,987.00
KENTUCKY Total		\$450,346.00	\$0.00	\$450,346.00	\$0.00	\$0.00	\$450,346.00

Appendix D Kentucky Revised Statutes and Administrative Regulations on Ferries

Statute/ Regulation	Title	Summary
603 KAR 5.061	Intrastate toll bridges and toll ferries	Authority of Department of Highways to regulate toll ferries (and bridges), outlines application process for toll ferry (or bridge), requirement of annual reports to be submitted (see KRS 280.030), regulation and process for raising toll rates, posting of certificate/franchise and other operating information, and requirements for safety devices
KRS 91.260	Ad valorem taxes -- Taxes based on income, licenses and franchises -- Exemption of manufacturing establishments, including qualified data centers	City ad valorem taxation on transport and utilities
KRS 180.260	Department may acquire ferries to protect toll bridges	Department of Highways can purchase or condemn any ferry within 10 miles of a toll bridge in which the state has an ownership share
KRS 180.270	Condemnation of competing ferries	Allows for condemnation of competing ferries in order to acquire the ferry
KRS 180.276	Acquisition of ferries near interstate bridges -- Valuation	If a new interstate bridge is opened, the state will buy a ferry that has been operating for at least 15 years within 5 miles of the bridge
KRS 180.278	Agreement upon party to undertake acquisition of ferries	Determination of ferry acquisition in KRS 180.276 across jurisdictions
KRS 180.340	Oath of collector of tolls -- Approval and filing	Requirement of oath of office for toll collector (bridges or ferry operated by the state)
KRS 181.820	Acquisition of ferries	City commission using bridge revenue bonds under KRS 181.660 or 181.720 may purchase ferries operating within 5 miles of the bridge but is required to use ferry tolls to operate and maintain the ferry unless otherwise disposed
KRS 277.090	Railroad company may operate ferry	Railroad company is allowed to operate a ferry within 1.5 miles of an already established ferry
KRS 280.010	Definitions for KRS 280.020 to 280.130	Definitions as to ferry company or toll ferry
KRS 280.020	Certificate of convenience and necessity required to operate toll bridge or ferry connecting with state primary road system	To operate a toll ferry (or bridge) the operator must obtain a certificate declaring the need for such, unless a franchise is in hand
KRS 280.030	Application for certificate -- When granted	Requirements to apply for certificate noted in KRS 280.020, including contact information, location, number/capacity of boats, schedule, and rates
KRS 280.040	Operations to comply with certificate, rules of department and statutes	Ferry and bridge companies must comply with the rules and regulations governing operation except in an emergency.

KRS 280.060	Annual report	Ferry (or bridge) operator must file an annual report with information required in KRS 280.030
KRS 280.070	Report of accidents -- Interruptions to service	Requirement to notify the Department of Highways of any accidents and provide an alternate means of transport
KRS 280.080	Department of Highways to enforce law -- Power to regulate rates and service and require reports	Authority of Department of Highways to regulate rates, service and hours, and safety of ferry and bridge companies
KRS 280.090	Inspection of bridges and ferries	Department of Highways has power to enter bridge or toll ferry any time to inspect for compliance and must be provided pertinent information
KRS 280.100	Suspension or revocation of certificate -- When department to operate bridge or ferry	Power of Department of Highways to suspend and potentially revoke a certificate of operation
KRS 280.110	Hearings -- Appeals	Areas in which the Department of Highways has authority in KRS 280.010 to 280.100 , it can hear complaints, issue subpoenas, etc. although final orders may be appealed in Franklin Circuit Court
KRS 280.120	Warning signs and lights on roads approaching ferry	Every ferry company has to maintain warning signs and lights at certain intervals from the river banks
KRS 280.130	Mooring of ferry boats -- Docks -- Aprons.	Ferries are required to maintain landing docks (or aprons)
KRS 280.170	Application of KRS 280.180 to 280.290	Provisions in KRS 280.180 to 280.290 do not apply to ferries that have a certificate under KRS 280.020
KRS 280.210	Condemnation of land for ferry purposes	A potential certified ferry operator may pursue eminent domain if the land on one side of the crossing is not owned by the operator, or land adjacent to an operating ferry for its use
KRS 280.220	Revocation of ferry privilege	If a ferry operator does not put the ferry into use after 6 months, the privilege may be revoked by the county judge/executive or if after a year the operator fails to maintain the ferry the privilege may be revoked
KRS 280.230	Grant of unclaimed or abandoned ferry privilege to another	If a ferry privilege has been abandoned or is not claimed the county judge/executive may grant it to another
KRS 280.240	County judge/executive to prescribe number and kind of boats and number of hands	A county/judge executive may prescribed the number and kind of boats as well as the number of employees
KRS 280.250	Rates of toll	Specifies toll rate equivalents and authority of the county judge/executive to set rates
KRS 280.260	Ferry service to be prompt	Ferry operators must provide prompt service to passengers
KRS 280.270	Waiting rooms for passengers	Ferry operators across the Ohio and Mississippi Rivers must provide a waiting room for passengers
KRS 280.280	Ferry owner or lessee to grade and pave banks of stream where road crosses	A ferry owner or lessee must grade and pave banks when located at the crossing of a road not maintained by the state

KRS 280.290	Appeals in ferry cases	Process for appeals of orders from county judge/executives
KRS 280.990	Penalties	Prescribes penalties for violations of KRS 280.250, 280.260, 280.270, and 280.280

Appendix E Arkansas Statutes on Ferries

Statute/ Regulation	Title	Summary
A.C.A. § 12-62-409	Free passage over toll bridges and ferries.	Military personnel travelling on duty receive free ferriage.
A.C.A. § 14-14-708	Subordinate service districts generally.	County governments may grant subordinate service districts authority to establish operate, alter, combine, enlarge, reduce, or abolish, transportation services including ferries. A quorum court may establish ordinances to charge service fees.
A.C.A. § 14-14-802	Providing of services generally.	County government may, through ordinances, provide services such as transportation, including ferries, to citizens.
A.C.A. § 14-14-1102	Exercise of powers by county judge.	County judge is responsible for administrative actions related to ferries. The county court has the power to grant rights to maintain a ferry by a private individual, its location, and tolls. The quorum court may make ordinances related to tolls charged by private ferry operators.
A.C.A. § 14-137-106	Creation -- Purposes -- Definition.	Municipalities and counties may create public facility boards with the power to own acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract. They may make loans to finance public facilities projects. Public betterment or improvement projects for ferries fall under “other capital improvement facilities.”
A.C.A. § 14-164-303	Definitions.	Defines the Local Government Bond Act of 1985 allowing county and municipal governments the power to issue bonds for capital improvement projects and financing economic development projects including ferries.
A.C.A. § 14-164-402	Definitions.	Defines “capital improvement” to include ferries.
A.C.A. § 15-5-103	Definitions.	The board of directors of the Arkansas Development Finance Authority may issue bonds for capital improvements to ferries.
A.C.A. § 16-15-110	Judge not to be interested party in county contracts, projects, buildings, etc.	It is unlawful for any county judge to have a direct or indirect interest in a public ferry in his/her own county.
A.C.A. § 16-43-805	Fee for ferriage.	Witnesses seeking a subpoena will have ferry fees reimbursed.
A.C.A. § 19-9-604	Definitions.	Defines the Revenue Bond Act of 1987 allowing creation of bonds for capital improvements.
A.C.A. § 21-6-406	Clerks of county courts -- Miscellaneous fees.	Outlines county clerk fees. The maximum fee charged for a ferry license is \$2.00.
A.C.A. § 22-10-103	Definitions.	Chapter defines the Partnership for Public Facilities and Infrastructure Act. Allows public-private partnerships (P3) for ferry projects.
A.C.A. § 23-2-302	Jurisdiction of commission -- "Company" defined.	Defines commission jurisdiction for ferries.

A.C.A. § 23-11-302	Authority to sell or lease road or property to connecting foreign railroad -- Authority to acquire other railroads -- Ratification.	AR DOT may give approval for a railroad corporation to sell or lease its road, property and franchise to another railroad corporation to connect the railroads by bridge or ferry and establish a continuous line.
A.C.A. § 26-24-103	Assessment of utility property.	Arkansas Public Service Commission may tax “real and personal property” used in operating a ferry, defined as a utility.
A.C.A. § 26-26-1601	Applicability.	A ferry charging a fee is subject to taxation.
A.C.A. § 26-26-1602	Report of property subject to assessment.	All property used in the operation of ferry companies is assessed for ad valorem taxation.
A.C.A. § 27-72-301	Definitions.	“State aid roads” include county roads with ferries and are eligible for supplemental funds from the General Assembly.
A.C.A. § 27-76-401	Powers generally.	The Regional Mobility Authority Act grants a board of directors authority to establish ferry fees.
A.C.A. § 27-87-101	Definitions.	Public ferries are defined as “all ferries upon or over any public navigable streams in this state”
A.C.A. § 27-87-102	Ferrykeeper's neglect of duty -- Penalties.	If a person is detained at a public ferry due to the ferrykeeper not having sufficient boats or neglecting duties a justice of the peace may issue a warrant for arrest and impose a fine.
A.C.A. § 27-87-103	Public ferry on private stream.	County court may declare a privately owned stream necessary for a public ferry.
A.C.A. § 27-87-104	Eligibility to keep ferry.	Describes the right of land owners with banks on a public stream to keep a public ferry.
A.C.A. § 27-87-105	Exclusiveness of privilege.	A ferry may not be established within a mile of an existing ferry except near cities or towns where it is required for public convenience.
A.C.A. § 27-87-106	State establishment and operation.	The State Highway Commission is authorized to establish and maintain ferry service when a privately owned ferry service discontinues and the state ferries will be operated free to the public.
A.C.A. § 27-87-107	Record of cotton shipments.	It is unlawful to transport cotton or cottonseed by ferry to another state on the Mississippi River unless the owner or operator keeps detailed records.
A.C.A. § 27-87-201	Taking toll without license -- Penalty.	Establishes the penalty for charging for ferriage without a license as \$5 per person or vehicle transported paid to every other license holder on the same stream or lake in the county.
A.C.A. § 27-87-202	License – Navigable waterways generally.	Licensure is required to charge ferriage. Describes general requirements for a license.
A.C.A. § 27-87-203	License – Stream on county boundary.	A ferry license must be held for each county where a navigable stream forms a boundary.
A.C.A. § 27-87-204	Operation by advertisement.	Advertising is required to give intent to acquire a license for a public ferry when county court is out of session. The ferry may operate until the license is obtained when court is in session.

A.C.A. § 27-87-205	Tax -- Assessment.	County courts determine tax on a ferry where the public county road crosses prior to granting a license, charging between \$1-100.
A.C.A. § 27-87-206	License -- Issuance.	The county court clerk issues the license after assessing tax and delivers the license to the sheriff to charge the tax.
A.C.A. § 27-87-207	Tax -- Failure to pay.	Describes penalties for failure to pay tax for the ferry license.
A.C.A. § 27-87-208	Tax -- Sheriff's settlement.	The sheriff collects the ferry tax at the same time as collecting other revenue for the county.
A.C.A. § 27-87-209	Tax or charge -- Stream on state boundary.	Taxes will be charged from both AR and another state where the ferry has a landing.
A.C.A. § 27-87-301	Requirement and terms.	County clerk is required to have ferrykeepers give bond with the condition the ferry and banks will be kept in good condition and not detain passengers, vehicles, etc.
A.C.A. § 27-87-302	Damages.	Ferrykeeper may be sued for damages a person sustains if the ferry is not maintained according to bond.
A.C.A. § 27-87-303	Liability of sureties.	Judgment may be issued against sureties of a ferrykeeper for debt.
A.C.A. § 27-87-401	Regulation -- Fines.	The county court regulates ferry tolls. Failure to post toll rates or charging more than the allowed rate will result in fines.
A.C.A. § 27-87-402	Record -- Distribution.	The court must state on its record the ferry toll rates and the clerk must provide a copy to the person obtaining a license.
A.C.A. § 27-87-403	Ferries in competition with state-owned toll bridges.	Ferries competing with state-owned toll bridges (operating within 3 miles of the bridge) are subject to ferry rates by the State Highway Commission and must charge the same as traffic rates on the toll bridge. Charging less than the state-run toll bridge is a punishable misdemeanor.
A.C.A. § 27-88-102	Definitions.	Defines "revenue" from tolls, rents, fees or other charges by the State Highway Commission for constructing a ferry.
A.C.A. § 27-88-103	Scope of authority.	Allows bond sales to finance acquisition, construction, reconstruction, operation, and maintenance.
A.C.A. § 27-88-104	Authority to issue bonds -- Use of funds.	State Highway Commission may issue River Bridge (Ferry) Revenue Construction Bonds with proceeds paid to the State Treasury to fund the cost of construction or reconstruction. Accrued interest is credited to the sinking fund to pay on principle and interest and other construction related expenses.
A.C.A. § 27-88-114	Sinking fund for payment of bonds.	When bonds are issued the State Highway Commission must provide for a sinking fund for the principle and interest of the bonds. Commission must also set aside a sufficient amount of the gross revenues for the ferry to be paid into the sinking fund.
A.C.A. § 27-88-115	Operation and maintenance fund.	Revenue not paid into the sinking fund is paid into an operation and maintenance fund for the ferry used by the State Highway Commission. If the revenue going to the operation and maintenance fund is higher than

		required for the upkeep the ferry the excess will go to the sinking fund for at least 12 months.
A.C.A. § 27-88-116	Tolls, rates, and fees.	State Highway Commission establishes and collects tolls, rates, fees and other charges for ferry use and services. Charges must be sufficient for sinking fund payments and operation and maintenance expenses. If there is a default on payment of the bonds a receiver may operate and manage the ferry for the commission and collect fees etc. to pay the bonds.
A.C.A. § 27-88-117	Bonds payable solely from bridge or ferry revenues.	Bonds for construction and operation are payable solely from bridge or ferry revenue and they do not constitute indebtedness to the state.
A.C.A. § 27-88-118	Additional bond issues -- Equality.	The State Highway Commission may authorize additional bonds to be issued as necessary to complete construction of a ferry.
A.C.A. § 27-88-119	Contracts with United States or other states.	State Highway Commission may enter into contracts with the U.S. and any federal agency and with an adjoining state for joint ownership of a ferry.
A.C.A. § 27-88-120	Conformity to federal law.	Tolls, rents, fees and other charges for ferry services must comply with the federal General Bridge Authority Act (1946).
A.C.A. § 27-88-121	Right of eminent domain.	State Highway Commission may use the right of eminent domain for construction of a ferry and its approaches.
A.C.A. § 27-89-202	Text of compact.	Creates the Arkansas-Mississippi Bridge Commission compact to build a bridge across the Mississippi River and purchase and maintain ferries within 25 miles of the bridge. Bonds may be issued for the ferry and bridge construction and related expenses. The commission may establish tolls on ferries which will be sufficient to pay for the cost of maintenance, repairs, and operation and provide a sinking fund.

Appendix F Connecticut Statutes on Ferries

Statute/ Regulation	Title	Summary
Conn. Gen. Stat. § 7-326	Sec. 7-326. Purposes.	Voters may establish a district to provide a ferry service.
Conn. Gen. Stat. § 7-329c.	Sec. 7-329c. Powers and duties of port authority.	The port authority has power to “purchase, sell, own, lease, finance, maintain, repair, operate or contract for the operation of” ferries or ferry boats for shipping, conveyance of passengers, freight, and vehicles, in and out of districts.
Conn. Gen. Stat. § 7-339cc.	Sec. 7-339cc. Definitions.	"Transit" defined as “transportation systems in which people are conveyed by means other than their own vehicles,” including ferries. “Transit facility” is a place providing transit services and includes a ferry landing. “Transit-oriented development” defined as “development of residential, commercial and employment centers within one-half mile or walking distance of a transit facility” and includes ferries.
Conn. Gen. Stat. § 8-13m.	Sec. 8-13m. Definitions.	Pertains to incentive housing zones where an “eligible location” may include a ferry terminal.
Conn. Gen. Stat. § 12-217mm.	Sec. 12-217mm. Tax credit for green buildings. Sunset.	A one-half of one percent of allowable costs are added to the base tax credit for specified development projects including those near a ferry transit service.
Conn. Gen. Stat. § 13a-99	Sec. 13a-99. Towns to build and repair highways and bridges.	Towns must repair highways to ferries in its limits except when that duty belongs to a particular person.
Conn. Gen. Stat. § 13a-252	Sec. 13a-252. Certain ferries to be operated by state. Fees. Rocky Hill ferry deemed a state historic structure.	The Rocky Hill ferry is deemed a state historic structure. <ul style="list-style-type: none"> a) Ferries crossing the Connecticut River, the Rocky Hill ferry and Chester and Hadlyme ferry, are maintained and operated by the Commissioner of Transportation at the expense of the state. Toll rates or charges for travel on the ferries is fixed by the commissioner with approval of the Secretary of the Office of Policy management. The commissioner may establish a discounted commuter rate for travel on those ferries. b) Maintenance, repairs, and operational expenses are paid by the Comptroller on vouchers of the commissioner. The commissioner must include in his report to the General Assembly all of the receipts and incidental expenditures for the control and maintenance of the ferries.
Conn. Gen. Stat. § 13b-57h.	Sec. 13b-57h. Use of funds from Transportation Strategy Board projects account. Projects to be completed.	Outlines Transportation Strategy Board projects to be completed including support for a high speed ferry service in the Long Island Sound Waterway.

Conn. Gen. Stat. § 13b-59	Sec. 13b-59. Definitions.	“Highway tolls” defined to include all tolls, fees, rentals and other charges, except expressway revenues for transit on a highway, bridge, or ferry. “Motor vehicle taxes” does not include tolls or fees for transit on a ferry.
Conn. Gen. Stat. § 13b-61	Sec. 13b-61. Revenues credited to General Fund. Revenues credited to Special Transportation Fund.	All money collected by the state or officer, derived from the use of highways, expressways and ferries, is paid to the Treasurer and credited to the Special Transportation Fund, except when necessary for the direct payment of state debts for transportation purposes.
Conn. Gen. Stat. § 27-37	Sec. 27-37. Interstate compacts for mutual military aid.	The governor is authorized to enter agreements with executives of other states for mutual military aid, with the consent of Congress, to protect structures including ferries, in the event of invasion or hostile action, disaster, insurrection or imminent danger.
Conn. Gen. Stat. § 27-38	Sec. 27-38. Form of compact.	Establishes an Interstate Compact for Mutual Military Aid in an Emergency.
Conn. Gen. Stat. § 32-23d.	Sec. 32-23d. Definitions.	Defines “public service project” to include ferry boats as it assists common carriers or public utilities in providing a service to the general public in the state.
Conn. Gen. Stat. § 52-587c.	Sec. 52-584c. Limitation of actions brought by the state or political subdivision of the state arising out of construction-related work.	Construction, or improvement to any ferry, will be considered complete when a certificate of acceptance of the work is issued relieving the contractor of maintenance of responsibility.
Conn. Gen. Stat. § 53a-167c.	Sec. 53a-167c. Assault of public safety, emergency medical, public transit or health care personnel: Class C felony.	An operator of a public ferry is a “public transit employee” and assault to the employee is considered a class C felony.

Appendix G Florida Statutes on Ferries

Statute/ Regulation	Title	Summary
112.061 f.s.	Per diem and travel expenses of public officers, employees, and authorized persons.	Reimbursement for travel expenses for public officers, employees and other authorized persons in the state includes ferries.
125.011 f.s.	Definitions.	Public mass transportation definition includes car ferries.
255.065 f.s.	Public-private partnerships; public records and public meetings exemption	Construction and upgrades to ferries, which serve the public purpose of mass transit, may qualify for public-private partnership projects.
288.24 f.s.	Division authorized to acquire ferries and toll ferries	The Division of Bond Finance has the authority to acquire, own, maintain, and operate ferries and toll ferries part of the state system of public roads. The division may also fix and collect rentals, tolls, or charges for ferry use. They can enter into contracts with DOT for the acquisition, maintenance, or operation of ferries.
316.1936 f.s.	Possession of open containers of alcoholic beverages in vehicles prohibited; penalties	It is unlawful and punishable to have an open container of alcohol while travelling on a ferry.
334.03 f.s.	Definitions.—When used in the Florida Transportation Code, the term	Ferry is included in the definition of a road and ferry slip is considered a structure.
338.155 f.s.	Payment of toll on toll facilities required; exemptions	Vehicles owned by the Department of Military Affairs are exempt from fees on ferries. Severely disabled individuals who cannot deposit coins in a toll basket are also exempt and can apply for a window sticker from DOT.
343.922 f.s.	Powers and duties	Outlines the authority and duties of the Northeast Florida Regional transportation Commission including the authority to plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage public transportation projects including ferry services. The Commission must have a regional transit development plan and identify costs and revenue sources for those projects. It has authority to charge for ferry services.
343.94 f.s.	Bond financing authority.	Gives bond financing approval to the Tampa Bay Area Regional Transit Authority (TBARTA) for construction or improvements. Bonds may be issued in accordance with the State Bond Act or the Authority may issue its own bond. Details guidelines for bonds.
343.947 f.s.	Department may be appointed agent of authority for construction	TBARTA may appoint the DOT as its agent for constructing and completing transportation projects, improvements, and extensions and must transfer funds to a DOT account within the state treasury to complete construction, etc.

344.261 f.s.	State Board of Administration; debt service; approval of bonds or debentures and plan for their retirement	FDOT must obtain approval from the State Board of Administration of the “legal and fiscal sufficiency” of bonds or debts and the plan for their retirement prior to entering any lease-purchase agreement with a county, district, or agency covering roads, bridges, ferries, or transportation facility.
347.01 f.s.	County commissioners may grant license.	County commissioners may grant a license to establish ferries across rivers and streams of their respective counties and will remain in force no more than 10 years.
347.02 f.s.	Notice of application	Requires newspaper advertisements of intention to apply for a license to establish a ferry, etc. described in 347.01 f.s.
347.03 f.s.	Owner of land to have preference for ferry or toll bridge	A license for a ferry cannot be granted to anyone other than the owner of the land where the highway adjoining the ferry will run unless that owner consents or does not apply for a license after notice of intent is advertised.
347.04 f.s.	Commissioners may regulate	County commissioners have authority over the rates for ferry services, the hours of ferry service, and how long persons wanting to cross may be detained.
347.05 f.s.	Bond	Bond is required by every person applying for a license for a ferry no less than \$200.
347.06 f.s.	Certificate of license	County commissioners must use a certificate under seal when granting an application to establish a ferry, etc., and the clerk will receive fees for providing the license.
347.07 f.s.	License on waters between counties	Licensure is only required in one county for a ferry travelling over water dividing two counties.
347.21 f.s.	County commissioners to grant franchise	County commissioners may grant a leave, license and franchise when a ferry requires maintenance.
347.215 f.s.	Operation of ferries by joint agreement between public and private entities	The county commission may authorize joint agreements between public entities and private corporations to operate a ferry.
347.22 f.s.	Condition under which franchise granted	<p>Details the terms and conditions for operating and maintaining a ferry.</p> <ul style="list-style-type: none"> • Grantee of license and franchise must pay bond of \$5,000 approved by the commissioners who will then fix the schedule and ferry rates. • The franchise will run for a 15 year term and then continue until the county commissioners terminate the franchise. No other ferry may operate within a mile of the ferry terminus and no other leave, license, or franchise will be granted that would impair or depreciate the value or rights of persons or corporation operating the ferry. • Arbitration between the commission and grantee will occur every 3 years on the rates charged, reasonableness and frequency of

		<p>service, and any other matter related to maintenance or operation of the ferry.</p> <ul style="list-style-type: none"> At the end of the 15 year term the county commissioners will submit to voters in a general election whether the county should purchase the property used and operate the ferry. If purchased, the price is determined by arbitration and after purchase the rights of franchise will be withdrawn. If not purchased the grantee can continue to operate the ferry for another 10 years until it goes to vote again.
347.23 f.s.	No person to maintain ferry unless authorized	No ferry may operate for profit within a mile of a ferry terminus maintained under the provisions of this chapter.
347.24 f.s.	Transporting persons for hire within 1 mile of ferry; penalty	Operating a ferry for profit outside the provisions of this chapter is a punishable 2 nd degree misdemeanor.
347.25 f.s.	Maintaining illegal ferries; penalty	The penalty for an illegal ferry is no more than a \$20 fee and may be prosecuted in either county where a stream divides two counties.
349.04 f.s.	Purposes and powers	Grants Jacksonville Transportation Authority the power to plan, develop, finance, construct, own, lease, purchase, operate, maintain, relocate, equip, repair, and manage transportation projects including ferry services.
479.16 f.s.	Signs for which permits are not required	Permits are not required for signs giving notice of a ferry necessary for public direction or safety.
496.425 f.s.	Solicitation of funds within public transportation facilities	A permit is required to solicit funds at any public transportation facility including ferry terminals. Details requirements for solicitation.
704.03 f.s.	“Practicable” defined	Defines common-law and statutory easements where an implied grant of way exists when there is no accessible right-of-way through a land without the use of bridge, ferry, turnpike, road, embankment, or substantial fill.

Appendix H Georgia Statutes on Ferries

Statute/ Regulation	Title	Summary
O.C.G.A. § 32-1-3	Definitions	“Public road” definition includes ferries.
O.C.G.A. § 32-2-2	Powers and duties of department generally	DOT has the authority to establish, maintain, and operate ferries as part of a public road and issue permits for any state agency, county, municipality or private person to establish, maintain or operate a ferry.
O.C.G.A. § 32-3-1	Authority to acquire property for present or future public road or other transportation purposes	Any state agency, county, or municipality may acquire property for a public road or transportation purposes.
O.C.G.A. § 32-3-38	Advertisement restrictions near parkways	Notice of a ferry may be posted or displayed near a federal parkway when necessary at the discretion of the commissioner.
O.C.G.A. § 38-2-273	Free passage through tollgates, tunnels, toll bridges, and ferries while under orders	Military personnel in uniform or presenting orders for duty are allowed free passage.
O.C.G.A. § 44-8-10	Construction or establishment of private bridge or ferry; grant of franchise to construct or operate public bridge or ferry; compensation to landowner for interference with possession; when franchise exclusive generally; exclusive franchises pertaining to streets or sidewalks	Private use of a ferry is permitted to connect one’s own land. Establishing and operating a public ferry constitutes a franchise which to be granted by the state.
Ga. Comp. R. & Regs. r. 391-4-6-.06	Access and Transportation Rules	DNR provides ferry services between Sapelo Island and mainland. Guests of permanent residents require approval from DNR to use the ferry. Permanent resident must pay \$1 each way or a \$25 annual pass. Stipulates who may travel and receive non-transferrable passes.
Ga. Comp. R. & Regs. r. 515-16-13-.04	Written Lease Requirements	Georgia Public Service Commission’s Transportation Rule specifies the responsibilities of all parties including tolls and ferries.

Appendix I Mississippi Statutes on Ferries

Statute/ Regulation	Title	Summary
§ 55-7-17	Construction, operation, etc., of bridges, ferries, causeways, and tunnels by commission.	Bridge and park commission have power to a) construct, build, maintain, operate, reconstruct, and repair ferries and ferry approaches and b) acquire land for approaches to a ferry.
§ 65-1-33	Publicly owned ferries.	State Highway Commission is authorized to take over ferries owned by a county, county district, or municipality when the ferry is on or a necessary link to a state highway. The ferry will have no tolls or fees and cost for maintenance will come from the State Highway Maintenance Fund.
§ 65-7-117	Members of board to inspect roads; preparation of four-year construction and major maintenance plan.	Board of supervisors must inspect and report the condition of ferries annually.
§ 65-9-1	Definition and characteristics of state aid roads.	Board of supervisors of each county has jurisdiction over ferries not maintained as state highways. Ferries are classified as state aid roads.
§ 65-9-3	Allocation of state aid system to counties.	Establishes a state aid system of roads in cooperation between counties and state and defines the proportion of mileage allocated to the counties.
§ 65-21-7	Toll bridges and ferries.	County board of supervisors may establish, license, construct, maintain, and operate a ferry on a public road, and fix and regulate tolls.
§ 65-21-9	Bond of toll bridge and ferry keepers.	Board of supervisors requires ferrykeepers to give bond of \$500-2000 and ensure ferry is kept in good repair.
§ 65-25-31	Competing bridges and ferries.	No ferry franchise is permitted within 15 miles of a toll bridge except permitted by the State Highway Commission.
§ 65-25-101	Compact with State of Arkansas.	Creates an Arkansas-Mississippi Bridge Commission and grants it the power to purchase, maintain and operate ferries within 25 miles of the new bridge site on the Mississippi River.
§ 65-27-1	Toll ferries and free ferries.	Board of Supervisors may establish and license toll ferries and fix tolls or maintain free ferries.
§ 65-27-3	Right of owner of the soil.	Preference for licensure is given to owner of land over which a ferry will be established.
§ 65-27-5	Bond required of the keeper of a toll ferry.	Ferrykeepers must give bond (same as § 65-21-9) and keep boats and landings safe. Ample time should be given to the keeper for repair done by storm or unforeseen accident.
§ 65-27-7	Bond may be sued on.	Ferrykeeper's bond may be sued on by the county or a person damaged if the bond is breached.
§ 65-27-9	Penalties, forfeitures, and damages recovered.	Ferrykeeper or owner may sue on the bond to recover penalties and forfeitures. Half goes to the person suing and half goes to the county treasury.

§ 65-27-11	Purchase of competing ferry.	When a county or municipality is authorized to build a bridge and issue bridge revenue bonds to pay for it they may acquire competing ferries within 15 miles of the bridge and include the cost of purchase as part of bridge construction costs.
§ 65-27-13	Equipment for safe transportation by ferry.	Ferry owners or keepers must ensure the ferry has suitable boats, equipment, and manpower for safe and speedy transport of passengers, vehicles, horses, cattle, and goods. Banks and landings must be kept in good order. Violations are liable to penalty.
§ 65-27-15	Duties of ferrymen.	Ferrymen must not deny or delay, unless inclement weather makes it too dangerous, and deliver passengers, etc. to the destination safely. Public officers on urgent business should be carried over first.
§ 65-27-17	Table of rates of tolls kept exposed to view.	Toll rates must be posted and clearly visible; violations are liable to penalty.
§ 65-27-19	Authority of ferryman over his boat.	Ferryman has authority to keep out or put out someone who attempts to enter or stay on the vessel against orders.
§ 65-27-21	Right of landing in another county.	Ferry owner or keeper may land on the opposite side of a stream in a different county without hindrance.
§ 65-29-3	Tax receipts paid over to trustee or ferry fund.	Money and receipts from the two-mill tax will be paid to a trustee, or in the case of no trustee, paid to a “ferry fund.” Ferry fund may be used at the direction of the ferry commission.
§ 65-29-5	County may operate ferry service.	Grants a county where there is a county ferry authority to have a ferry service or contract for the service. The cost to acquire land and equipment may not exceed \$200,000. Maintenance, repairs, and operations may not exceed \$50,000 annually.
§ 65-29-7	Collection of rents and charges.	County authorities or ferry commission collects rent, fees, tolls, revenues and other charges for improvements and facilities and pays to the trustee. The ferry commission will make an annual report for the governor, county or municipality, and state legislature.
§ 65-29-11	Bonds authorized and books open to inspection.	Municipality or county where there is a ferry has authority to issue bonds which are at all times available for inspection and open to audit.
§ 65-29-13	Powers of county or municipality.	Details the power of counties or municipalities (and ferry commission), with relation to issuing or securing payment of bonds including: a) accepting federal grants for public works projects, b) making contracts to secure grants, loans, or other financial assistance from any federal agency for work, development, or improvement c) handling fees, tolls, revenue etc.,
§ 65-29-21	Deposit of bond proceeds.	Proceeds from the sale of bonds will go in a bank which is a member of the federal reserve, may be withdrawn based on agreements from the

		municipality and purchaser. Diverting funds for purposes other than specified in the original agreement is a felony.
§ 65-29-25	Ferry commission.	Ferries may be maintained, purchased, or operated by the board of supervisors or a designated ferry commission. If a ferry fund is supplemented by additional funds the commission will be composed of the president of the board of supervisors, mayor(s), and another person chosen by the governor who will serve as the commission's chairman.
§ 65-29-27	Terminal municipality authorized to contribute to free ferry.	Municipality may appropriate from the general fund to defray operation costs of a free ferry service.
§ 97-15-15	Keeper of ferry, toll-bridge or causeway; charging excessive toll.	Charging a toll higher than fixed by the board of supervisors will be fined.
§ 97-15-17	Keeper of ferry, toll-bridge or causeway; failure to give bond; suffering bridge, etc. to be out of order.	Failure to give bond or to keep a ferry in good repair for more than 5 days will result in a fine.
§ 97-15-19	Keeper of ferry, toll-bridge or causeway; unreasonable detention of person.	Unreasonably detaining a person on a public ferry will result in a fine.
§ 97-15-33	Obstructing, injuring, destroying bridge, causeway or ferry.	Willful destruction or harm to a ferry will result in a fine plus liable for damages.

Appendix J North Carolina Statutes on Ferries

Statute/ Regulation	Title	Summary
G.S. 136-82	Department of Transportation to establish and maintain ferries.	<ul style="list-style-type: none"> • DOT may establish and maintain ferries to connect parts of the State highway system, set and collect tolls, acquire vessels, boats, terminals or facilities or enter into contracts for ferry operations • Certain ferry routes will continue to be tolled by the Board of Transportation while all others will be exempt. • DOT reports to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee and all local transportation planning organizations 30 days prior to any toll rate change. • Toll proceeds go to accounts within the Highway fund used exclusively for ferry replacement projects in the division where proceeds are earned. Proceeds may also supplement replacement project funds allocated in the Transportation Improvement Program. • DOT may operate or contract for operation of concessions, Internet, and souvenirs, obtain sponsorship and advertise • Receipts generated from the shipyard will go into a Highway fund used exclusively for shipyard improvements and if there are insufficient funds in the account a proportion of district proceeds from tolls and concessions, etc., may go toward shipyard repairs. • The Highway Fund has a Ferry System-wide reserve account used for the acquisition or construction of vessels to replace old vessels (i.e. tugs, barges, dredges, and ferries). • Vehicles for commercial goods and services will have a \$150 annual fee for ferriage which allows priority boarding. • Personal information obtained by DOT in the operation of the ferry system is not public record and disclosure is limited under the federal Driver's Privacy Protection Act.
G.S. 136-89	Safety measures; guard chains or gates.	Owners/operators of public ferries must attach a steel or iron chain or gate from the approach to be closed or securely fastened once a vehicle has entered and remain closed until the voyage is complete. DOT will determine a standard weight and size chain or gate for its ferries.
G.S. 159-81	Definitions.	Ferry Transportation Authority falls under the definition of a municipality. Ferries may be revenue bond projects.
G.S. 159C-3	Definitions.	Special purpose projects include ferries.

G.S. 160A-685	Ferry Transportation Authority.	<p>Established the Ferry Transportation Authority. The state or any local government may appropriate funds and dedicate, sell, convey, donate, or lease any of their interests to the Authority. Among the general powers the Authority may:</p> <ul style="list-style-type: none"> • apply for grants or any financing from state or U.S. departments or agencies, etc. • construct, improve, maintain, repair or operate, and contract or lease with private parties and transportation companies for these duties • grant franchises and enter franchise agreements, issue certificates of public convenience and necessity, and regulate all aspect of operation with consent of local government • enter contracts with other transportation authorities except contracts may not allow for operation outside the service area of the Authority • facilitate coordination of transportation plans in service area • set rates, fees, and usage charges except where restricted in bonds, notes, or equipment trust certificates • issue bonds and bond anticipation notes under the Local Government Revenue Bond Act
15A NCAC 02T.0114	Wastewater Design Flow Rates	Determines the minimum allowable design daily flow rates of wastewater facilities including transportation terminals.
15A NCAC 10E.0342	Catawba County	Establishes a speed limit and placement of markers in the waters within 50 yards of Moore’s Ferry Boat Marina.
19A NCAC 02E .0101	Claims involving the Division of Highways	Copies of the “Statement of Claimant” form for anyone involved in an accident involving the division of highway’s marine vessels may be obtained at a ferry division headquarters office.
19A NCAC 02D .0501	General	States the general application of Section .0500 – Ferry Operations pertains to rules on passengers, baggage, and type of vehicles.
19A NCAC 02D .0502	Ticket Conditions	Tickets are subject to rules in this section
19A NCAC 02D .0503	Carrier	“Carrier” in this section refers to NCDOT, Division of Highways, and Ferry Division.
19A NCAC 02D .0504	Hand Baggage	“Hand Baggage” refers to baggage and personal effects or property of passengers. It may only be in the amount that a foot passenger may handle on and off the vessel themselves.
19A NCAC 02D .0505	Notice of Cancellation	Carrier may deviate or cancel the schedule without notice if operation is impractical or unsafe. Carrier assumes no liability for loss, damage, or expense to patrons as a result.

19A NCAC 02D .0506	Completion of Voyage	If the ferry does not complete the voyage the master of the vessel is not obligated to take passengers to their original destination or refund tolls.
19A NCAC 02D .0507	Substitute Vessels	Carriers may substitute vessels without liability to patrons.
19A NCAC 02D .0508	Definition of Landing	Defines when passengers or vehicles have landed including arrival at destination, another port due to “failure, act of God, or other misfortune to vessel;” or voyage is abandoned and vessel returns to port of embarkation.
19A NCAC 02D .0509	Responsibility of Vessel Master	Vessel may land at another port if the port of destination is unsafe.
19A NCAC 02D .0510	Medical Care	Carrier will not provide or be liable for medical care of passengers on terminal property or vessel.
19A NCAC 02D .0511	Liability Limitations	Carrier is not liable for injury, loss, or damage unless it can be prove an agent acting in the scope of the office, service, or authority was negligent.
19A NCAC 02D .0512	Personal Property	Carrier is not liable for articles passengers leave on board the vessel or terminals or in vehicles while in transit.
19A NCAC 02D .0513	Theft	Carrier is not liable for theft on the vessel or terminals.
19A NCAC 02D .0514	Baggage	If the carrier handles baggage it assumes no liability for damages.
19A NCAC 02D .0515	Loss Claims	Claims of loss or injury to person or property fall under the Tort Claims Act.
19A NCAC 02D .0516	Insurance Benefit	Carrier will have insurance to cover liability
19A NCAC 02D .0517	Right to Refuse Transport; Persons	Carrier may refuse to transport a person who appears intoxicated, unable to take care of himself (except accompanied by attendant or nurse), or whose conduct seems dangerous to others.
19A NCAC 02D .0518	Compliance with Rules and Regulations	Carrier may refuse ferriage to anyone refusing to abide by its rules or those of the U.S. Coast Guard.
19A NCAC 02D .0519	Right to Refuse Transport: Cargo	Carrier may refuse to transport cargo it deems unsafe or is not equipped to handle
19A NCAC 02D .0520	Brakes	Drivers must set emergency breaks before leaving vehicles and mechanically powered vehicles must have engines shut off.
19A NCAC 02D .0521	Operation of Vehicle by Carrier Employees	Carrier will not drive vehicles or machinery on or off vessels. Construction equipment and similar power vehicles must be loaded on trucks or trailers in tow.
19A NCAC 02D .0522	Inoperative Vehicles	Inoperative vehicles, with or without drivers, and trailers, will not be transported except under tow. Carrier will obtain towing services for disabled vehicles on the vessel.
19A NCAC 02D .0523	Livestock	Livestock will be transported at carrier’s convenience and carrier will assume no liability.
19A NCAC 02D .0524	Dogs, and other Household Pets and Wild Animals	Sets conditions for dogs and household pets travelling with passenger.
19A NCAC 02D .0525	No Liability Assumed by Carrier	Assumes no liability for transporting household pets

19A NCAC 02D .0526	Baby Carriages	Baby carriages, etc. will be carried at no charge when space is available.
19A NCAC 02D .0527	Corpses	Corpses must be transported in vehicles
19A NCAC 02D .0528	Excess Hand Baggage	Passengers must arrange for common carrier freight or express service for excess baggage. Carrier will not load or unload baggage.
19A NCAC 02D .0529	Baggage in Vehicles	Vehicle passengers may have as much baggage as fits in or securely fastened on the vehicle.
19A NCAC 02D .0530	Right to Refuse	Carrier may refuse any baggage seemed unsafe or it is not equipped to handle.
19A NCAC 02D .0533	Ticket Limits	Tickets are only valid for day of purchase and trip number indicated.
19A NCAC 02D .0534	Redemption of Tickets	Unused tickets may be redeemed for full purchase price by lawful holder. Altered or damaged tickets will not be honored for passage.
19A NCAC 02D .0535	Ferry Reservations	Operation is first come-first served except for reservation available at Cedar Island-Ocracoke and Swan Quarter-Ocracoke ferries. Details provided on reservations.
19A NCAC 02D .0536	Mail Trucks	Mail trucks have priority boarding privileges on system ferries.
19A NCAC 02D .0537	Ferry Schedules	Provides location and contact for ferry schedules.
19A NCAC 02D .0538	Vehicle Weight Limitations	Maximum weights vehicle weights allowed on ferry vessels per axle.
19A NCAC 02D .0539	Vehicle Physical Dimension Limitations	Limits on vehicle physical dimensions per vessel.
15A NCAC 03J .0104	Trawl Nets	Unlawful to use a trawl net for fishing at some locations of the Neuse River while on the Neuse River Ferry
15A NCAC 10F .0310	Dare County	Establishes a speed limit near Hatteras Ferry Terminal and US Coast Guard basins
04 NCAC 11 R04-13	Procedure for Determining Fuel Surcharges by Ferry Operators	Passenger ferries may apply for a fuel surcharge. Details what must be specified on the application and how the surcharge is calculated. The ferry operator is required to establish a fuel tracking account to distinguish the difference between the amount of fuel costs covered by passenger tickets and costs incurred by the carrier.

Appendix K Ohio Statutes on Ferries

Statute/ Regulation	Title	Summary
ORC 306.30	Regional transit authority definitions.	Definition of “transit facility” includes ferries.
ORC 306.81	Adjacent states definitions.	Defines “transit facility” under the establishment of a regional transit commission.
ORC 715.32	License and regulation of ferries.	Municipal corporations have power to 1) establish, regulate and license ferries and landings 2) set time and rates and 3) set fines and penalties
ORC 1546.01	Definitions.	“Watercraft” definition does not include ferries.
ORC 4583.01	License of ferries.	License is required to keep a ferry and must be obtained from the court of common pleas in the county. Violators will be fined.
ORC 4583.02	Notice.	To obtain a license evidence must be provided to the court of common pleas at least 20 days prior to sitting of the court of advertisement in at least 3 public places in the township or neighborhood where a ferry is proposed.
ORC 4583.4	Exclusive right of license.	Exclusive right to license a ferry will be granted when land on both sides of the stream has the same owner. When land has different owners the right to a ferry is mutual. If the land owners do not apply for a license it will be granted to the person applying for it. Consent of the land owner is required when landings are not on a public highway.
ORC 4583.05	Renewal of license.	Application for annual license renewal does not require notice or petition if done in the same location where the ferry was kept the prior year.
ORC 4583.06	License expiring in vacation.	Renewal of an expired license will include the time of expiration and related fees.
ORC 4583.07	Permit in lieu of license.	If a stream is too small to justify the cost of a license for ferriage the court may grant a permit.
ORC 4583.08	Court to fix rate of ferriage.	Ferriage rate will be fixed at the time license is granted. The court will give the ferrykeeper a list of the rates which must be clearly posted at the ferry.
ORC 4583.10	Duties of ferrymen.	Ferries must: 1) be kept in complete repair for safe passage of persons and property 2) operate from daylight to dark with sufficient hands 3) cross the stream at intervals of 15 minutes in daylight when a person seeks passage 4) provide passage for U.S. mail or other public express at any time of night when called.
ORC 4583.11	Duty of county auditor.	County auditor informs and prosecutes violators for failure to license.
ORC 4583.12	Enforcement.	Action taken against violators are done in the name of the state.

ORC 4583.13	Penalty for overcharging.	Overcharging a ferry rate will pay a penalty of no more than \$10 per offense.
ORC 4583.14	Penalty for failing to perform duties of ferryman.	Failing or neglecting to perform ferry duties will result in a fine of no more than \$5.
ORC 4583.15	Ferryman may be exonerated from penalties.	If the court refuses to renew a license penalties for failure to pay for the license will be exonerated.
ORC 4583.16	Penalty for failing to comply with chapter.	Court officers not complying with duties related to licensure and fines will pay a fine per offense but no more than \$50.
ORC 4583.17	Account of fines.	County and municipal court judges and county clerks must keep an accurate record of fines presented to the county auditor. Clerks must also keep a record of issued licenses and the cost of each.
ORC 5501.70	Definitions for ORC sections 5501.70 to 5501.83.	Defines a “transportation facility” to include a ferry.
ORC 5591.41	County may establish a free ferry.	Board of county commissioners may establish a free ferry if a county bridge is destroyed or on any state stream where it is not expedient to build a bridge. The ferry cost of maintenance and operation must not exceed the probable cost of a bridge.
ORC 5735.14	Reimbursement when fuel not used for in-state operation of motor vehicle on highway or waters.	Fuel tax will be reimbursed to a railroad car ferry company for the purchase of motor fuel used for purposes other than transportation on state highways or waterways.
OAC 126-1-02	Rates and requirements for reimbursement of travel expenses of state agents.	State agents will be reimbursed for commercial transportation.
OAC 1501.31-13-08	[Effective 3/1/2019] Fish daily bag limits: protected species.	Rules on daily fish limits do not apply to fish transported on a commercial ferry boat in Lake Erie. Fisherman returning by ferryboat may have fish in the round or fillet.
OAC 1501-6-01	Definition of terms.	A transit ferry boat qualifies as a “small commercial facility,” providing commercial services and not occupying more than 4 acres.
OAC 3337-41-121	Reimbursement for official travel and entertainment.	Ohio University employees may be reimbursed for official business expenses including ferry fees.
OAC 3341-6-47	University travel expense.	Bowling Green State University employees may be reimbursed for official business expenses including ferry fees.
OAC 3342-7-02.08	Administrative policy regarding travel regulations (in state and out-of-state).	Kent State University employees may be reimbursed for official business expenses including ferry fees.
OAC 3344-69-05	Allowable transportation.	Cleveland State University employees may be reimbursed for official business expenses including ferry fees.
OAC 3352-7-07	Travel.	Wright State University employees may be reimbursed for official business expenses including ferry fees.

OAC 3745-20-01	Definitions and incorporation by reference.	“Outside air” includes air in an open air ferry dock [included with definitions for environmental protection].
OAC 3745-21-01	Definitions and incorporation by reference.	Military ferries fall under the definition of a “ship.”

Appendix L Oregon Statutes and Administrative Rules on Ferries

Statute/ Regulation	Title	Summary
ORS 384.105	Department of Transportation to acquire and operate or license ferries.	DOT may acquire, construct, establish, maintain, and operate a ferry for use with a state highway. It may be operated under a contract, with its own employees, or under license/permit. Maintenance subject to federal laws.
ORS 384.110	Ferry approaches and other appurtenances.	DOT itself or under cooperative agreement with a county may construct, or require a licensee to construct approaches, ramps, docks, wharves, ferry slips for the maintenance and operation of a ferry.
ORS 384.115	Cooperation between Department of Transportation and counties as to ferries.	DOT and county court may enter cooperative agreements for acquisition, construction, operation, or maintenance of a ferry. Costs and expenses will be agreed between the state and county.
ORS 384.120	Discretion as to ferry operation with county and charging tolls.	DOT has discretion whether the state will operate a ferry and it is discretionary between the state and county cooperative agreement whether the ferry will be free or charge a toll.
ORS 384.125	Funds from which ferry expense paid.	If DOT is solely responsible for a ferry costs and expenses it will be paid from the State Highway Fund; if a cooperative agreement exists part will be paid by the State Highway Fund and part from county road funds.
ORS 384.130	Fixing ferriage rates.	DOT may fix, alter, and establish ferriage or change the rates. DOT will establish rates when it grants a license to operate a ferry.
ORS 384.135	Posting ferriage rates.	Ferriage rate must be clearly posted near the ferry landing.
ORS 384.140	Bond or letter of credit of ferry licensee.	Bond or letter of credit payable to the state is required by anyone licensed by DOT to operate a ferry and under the condition of compliance with licensure requirements.
ORS 384.145	Revocation of ferry licenses.	DOT may revoke a license or permit for a keeper or operator if the charged ferriage is greater than the designated amount, fails to uphold the condition of a license or contract, or fails to post and keep the ferriage rates clearly posted.
ORS 384.150	Ferry as part of state highway system.	Any ferry operated and maintained under ORS 384.105-384.145 is part of the highways system.
ORS 384.305	Operation of interstate ferries by Department of Transportation, counties, cities, towns or ports.	The state, acting through DOT, and any county, city, town or port in the state are authorized to establish, maintain and operate a ferry service with an adjoining state. They may acquire personal or mixed property, rights, rights of way, approaches, licenses, privileges and easements, equipment and facilities through gift, purchase, lease, contract, agreement, condemnation or other means. They may also contract for ferry operation and maintenance.

ORS 384.310	Independent or joint action.	DOT, counties, cities, towns, or ports may act in conjunction or independently based on agreed conditions of contracts.
ORS 384.315	Agreements for carrying out powers of interstate ferry authorities.	DOT, county, city, town or port in the state may enter into agreements with 1) the U.S. government or agencies, 2) any adjoining state, county, municipality, port, or political subdivisions or agencies, and 3) any foreign or domestic persons, associations, and corporations
ORS 384.320	Use of funds for interstate ferry expenses.	DOT, county, city, town or port may use any available funds to pay for the cost of construction, maintenance, and operation of a ferry service.
ORS 384.325	Loans for interstate ferry acquisition and operation; security.	Construction, purchase, maintenance, and operation may be financed through loans from the U.S. Government or any of its agencies or other sources. Revenues from the ferry service may be pledged as security for loan payments.
ORS 384.330	Issuing revenue certificates for interstate ferry expenses.	The authority constructing, maintaining and operating a ferry service may issue and sell revenue certificates which may be purchased by the state.
ORS 384.335	Acceptance of funds from United States and gifts.	DOT and other bodies in ORS 384.305 may 1) accept funds and enter contracts with the U.S. government and its agencies and 2) accept grants, land donations, gifts of money or value for any purposes in ORS 384.305-384.360.
ORS 384.340	Eminent domain.	DOT, county, city, town or port may exercise eminent domain to carry out ORS 384.305-384.360.
ORS 384.345	Operation of interstate ferry free or on toll.	Ferry service may be operated free or by toll. Toll revenues may be pledged for ORS 384.305-384.360
ORS 384.350	Use of interstate ferry by federal government.	The ferry may be sold or contracted to the U.S. for national defense.
ORS 384.355	Location of interstate ferry; part of state highway system.	Ferry service under ORS 384.305-384.360 serves to connect state and federal highway within the state or with an adjoining state. It is part of the Oregon highway system.
ORS 384.360	ORS 384.305 to 384.355 as supplementary authority.	ORS 384.305-384.355 are additional and supplemental to the authority conferred by any other law.
ORS 384.365	Contract or contributions for interstate ferries by counties.	County court may enter into a contract or make contributions for the construction or maintenance of a ferry.
ORS 384.405	Oregon-Washington cooperative interstate ferry service.	DOT may enter into an agreement with the state of Washington, its Director of Highways or other authority for ferry service across the Columbia River.
ORS 384.410	Location of ferry.	No ferry service is allowed under ORS 384.405-384.440 unless it connects state and federal highways in Oregon and Washington.
ORS 384.415	Manner of ferry acquisition and operation.	Oregon DOT and state of Washington may act together to 1) purchase, acquire, and operate ferries 2) lease, rent or hire for ferry operation and 3) contract with others for operation.

ORS 384.420	Payment of Oregon's share of ferry expense	The state will not pay more than 50 percent of total ferry service. DOT may pay Oregon's part of costs out of state highway funds.
ORS 384.425	Ferry as part of state highway system.	Any ferry operated under ORS 384.405-384.444 and their approach roads on the Oregon side of the Columbia River are part of the state highways system.
ORS 384.430	Rules and regulations as to ferry operation.	Oregon DOT will establish rules and regulations with State of Washington officials for operations per ORS 384.405. Operations must conform with federal and state laws, rules, and regulations.
ORS 384.435	Liability and other insurance for ferry service.	DOT may carry liability insurance for ferries owned and operated by the state. Insurance is required if service is contracted with others. DOT may require additional insurance.
ORS 384.440	Free ferry operation	Any ferry operated under ORS 384.405-384.440 may be free of tolls.
ORS 384.445	Ferry between Umatilla, Oregon, and Plymouth, Washington.	County Court of Umatilla County, Oregon and DOT may enter into an agreement with the County Court of Benton County, Washington and the Director of Highways for Washington for a ferry across the Columbia River and making it part of the state highways systems. County and state road funds may be used for this purpose. A public ferry and county road connecting it are part of the state highway system.
ORS 381.227	Employment and compensation of attorneys.	The county may employ and compensate an attorney, including the county district attorney, for services in connection with the construction or acquisition of a bridge or ferry. Compensation is payable solely from the sale of bonds for construction or acquisition or ferry revenues.
ORS 381.300	Acquisition and operation of interstate ferry by bridge authority	When a county, city, town, or port has acquired or agreed to acquire a ferry which carries passengers or freight across an interstate river or stream near a bridge construction site, the authority constructing the bridge may 1) enter into an agreement to take over the ferry and 2) operate the ferry free or with tolls; tolls may be pledged and revenue bonds issued.
ORS 381.302	Acquiring and operating interstate ferry by bridge authority as part of cost of acquiring interstate bridge	<ol style="list-style-type: none"> 1) Any county, city, town or port may acquire any operating ferry as part of the cost of constructing a new bridge when the ferry would adversely affect traffic on the bridge. 2) The ferry may be operated by the authority constructing the bridge free or on tolls with tolls pledged to pay revenue bonds and interest on the bridge. Toll will cover operating costs and expenses, insurance, maintenance and depreciation and may be applied to the principal and interest of bridge revenue bonds 3) The ferry may not operate after the bridge is opened to traffic. Property used in the ferry operation may be sold or disposed of by the governing authority.

		<p>4) The governing authority sets the terms for acquiring the ferry and payment must be made prior to bridge opening.</p> <p>5) Acquisition of a ferry as part of the cost of a bridge may take place outside the boundaries of the county, city, town, or port if the governing authority receives a report of engineers advising it.</p>
ORS 399.145	Free passage through tollgates and tunnels and over toll bridges and ferries	Military personnel on official duty may pass through all tollgates, tunnels, toll bridges, and ferries at no charge.
ORS 308.515	Department to make annual assessment of designated utilities and companies	Department of Revenue will make an annual assessment of any company with property used for interstate ferries.
ORS 777.210	Port may engage in certain port management activities.	Establishes management activities for a port including acquiring, constructing, and operating ferries.
ORS 468B.395	Department duties.	Department of Environmental Quality shall work with other states to develop a joint oil discharge prevention education program for operators of fishing vessels, ferries, ports, cruise ships, and marinas.
ORS 811.812	Free passage for funeral procession vehicles.	People and vehicles participating in a funeral procession are allowed to pass free through tollgates, tunnels, toll bridges, and ferries.
ORA 918-674-0155	State Fees	Establishes fees for prefabricated building construction. Commercial travel is charged the actual cost for any ferry fare.
ORA 150-316-0173	Gross Income of Nonresidents; Federal Laws Affecting Nonresident Employees of Motor, Rail, Air and Water Carriers	No Oregon income tax will be withheld for non-residents assigned duties on a railroad in multiple states, including work on ferries used in connection with the railroad.
ORA 141-082-0270	Wharf Certification	Definition of a “wharf” for certification purposes includes a structure used to load and unload passengers from a vessel such as a passenger ferry.
ORA 741-600-0010	Definitions	“Operation of a railroad” includes ferries used in train services or performed under the supervision of the railroad.
ORA 738-040-0030	Operation	A seaplane may not land within 200’ of a ferry landing.
ORA 250-020-0032	Boat Operations on the Willamette River in Clackamas County	Prohibits boats 18’ or longer from creating a wake between Canby Ferry and river mile 35.6.
ORA 250-020-0385	Boat Operations in Yamhill and Marion Counties	Prohibits boats 18’ or longer from creating a wake between Canby Ferry and river mile 35.6.
ORA 101-020-0059	Commuter Accounts (Fringe Benefits)	Work-related travel on a ferry is reimbursed for public employees of the Oregon Health Authority.

Appendix M Tennessee Statutes on Ferries

Statute/ Regulation	Title	Summary
Tenn. Code Ann. § 54-11-301	Free ferries over streams running through or bounding counties -- Establishing.	The county legislature may establish free public ferries through streams running through or bounding the county and purchase equipment, boats, etc. and employ labor to operate ferries.
Tenn. Code Ann. § 54-11-303	Joint ferries over streams separating counties.	Two counties, separated by a stream, may lawfully unite to erect, establish, and operate a ferry with each paying a half of cost to erect and maintain. If more than two counties combine on the work they may either pay the expenses equally or contract the terms of payment.
Tenn. Code Ann. § 54-11-304	Appropriations -- Oversight of work under road commissioner or a special commissioner.	a) Counties are authorized to appropriate funds for § 54-11-301 and § 54-11-303 b) Counties can give oversight of all work and improvement to the county road commissioners, road commissioner for the district where the ferry will be situated, or a special commissioner and may require reports from the overseeing party at any time.
Tenn. Code Ann. § 54-11-305	Ferry operator -- Selection and salary -- Vacancy.	The county legislative body during any session may select and fix the salary of ferry operators; if the vacancy is due to death or permanent disability the county mayor is authorized to name a successor until the next session.
Tenn. Code Ann. § 54-11-306	Free Ferries and ferry roads on navigable rivers.	The county legislative body has the power to appropriate money for establishing ferries or ferry roads on any navigable stream in the state and to construct the proper and necessary roads to the ferries. When the ferries and ferry roads are established the legislature may declare them free to the general public or to the citizens in the county/counties where they are located.
Tenn. Code Ann. § 54-11-307	Appropriations for operation and construction of ferries -- Commissioner appointed -- Duties.	The county legislature is empowered to 1) make appropriations to pay ferry operators 2) appoint one or more commissioners to contract for building ferry boats, constructing roads, and anything else required for establishing ferries and proper roads to them and 3) appropriate money to pay for building ferry boats and constructing ferry roads.
Tenn. Code Ann. § 54-11-308	Commissioner of transportation authorized to acquire and operate ferries connecting state roads -- Operation of other ferries limited.	<ul style="list-style-type: none"> The commissioner of transportation can acquire the assets of any ferry service business operating between two state roads through donation, purchase, or eminent domain and operate the business as a function of TDOT. TDOT may continue to operate any ferries it currently operates but in the future the department will only operate ferries connecting state roads.

		<ul style="list-style-type: none"> • TDOT may discontinue any ferry business when it is no longer financially feasible after giving reasonable public notice, except the Cumberland City ferry, unless they arrange for another public body to run it. • The commissioner can set up a toll for using a ferry service business based on a user classification schedule. School busses, state and county vehicles are exempt. Local residents of Stewart, Montgomery, and Houston counties who use the Cumberland City ferry will not pay more than 75 cents per day.
Tenn. Code Ann. § 54-11-309	Limitations on ferriage rates -- Application for waivers.	<p>Establishes fixed rates for ferry services on any state highways system or maintained in whole or in part by the DOT as follows:</p> <p>Automobile and passengers \$2.00</p> <p>Person, each, on foot 0.50</p> <p>Truck or bus (one (1) ton capacity and under) and driver 2.00</p> <p>Truck or bus (one (1) ton capacity and over) and driver 4.00</p> <p>Automobile trailer 1.50</p> <p>Truck trailer or bus trailer 3.00</p> <p>Motorcycle and driver 2.00</p> <p>The commissioner may fix a higher maximum rate if the department receives an application requesting a waiver. Any rate increase must take into account both the public need for ferry service at a reasonable cost and the ferry operators need for revenues sufficient to operate, with economical and efficient management while earning a reasonable profit.</p>
Tenn. Code Ann. § 54-10-101	Public roads and ferries.	All roads and ferries appointed to law are deemed public roads and ferries.
Tenn. Code Ann. § 54-1-130	Allowable overhead, costs and rates for design and consultant contracts.	The commissioner of transportation may establish cost principles for various costs, including overhead rates, salary limits, allowable expense reimbursements, necessary to regulate design and consultant contracts. The overhead rates for professional engineering and design firms cannot exceed 145% of the consultant's direct labor costs. There is no requirement for competitive bidding of design and consultant contracts.
Tenn. Code Ann. § 54-7-109	Duties of chief administrative officer.	<p>Establishes the duties of the chief administrative officer including:</p> <ul style="list-style-type: none"> • Heads the highway department and has general control over the location, relocation, construction, reconstruction, repair, and maintenance of the county road systems including county roads, bridges and ferries except for those supervised by TDOT or a municipality.

		<ul style="list-style-type: none"> • Employ qualified personnel for all administrative functions including maintaining financial records, inventory of equipment, supplies, and materials, preservation of maintenance records, maintenance of the official county road list and all functions necessary for operating the highway department. • Determines the total number of employees of the highway department, personnel policies, hours of work, job classifications, and policies and wages per classification.
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Appendix N Wisconsin Statutes on Ferries

Statute/ Regulation	Title	Summary
Wis. Stats. 28.02	Definitions.	“Ferry” is defined as a “passenger vessel that has provisions for deck passengers or vehicles, or both, and operates on a regular basis on a regular schedule between a minimum of 2 points.”
Wis. Stats 28.04	Eligible projects.	Ferry vessels on the Great Lakes and Mississippi River are eligible for the Harbor Assistance Program.
Wis. Stats 25.40	Transportation fund.	Details the moneys/revenue comprising the transportation fund. Funds may be appropriated for planning, design, construction, reconstruction, expansion, rehabilitation, maintenance, or operation of ferries.
Wis. Stats 30.01	Definitions.	“Harbor facility” is defined as a facility useful in the maintenance or operation of a harbor, including ferries.
Wis. Stats 30.62	Other equipment.	Ferries are exempt from subsection rules on muffler requirements and noise level standards.
Wis. Stats 70.04	Definition of personal property.	Defines personal property, including ferry boats and their franchises, for general property taxes.
Wis. Stats 76.16	Separate valuation of repair facilities, docks, piers, wharves, ore yards, elevators, car ferries and oil pipeline terminal facilities.	Taxes for repair costs are assessed separately from property tax.
Wis. Stats 76.24	Distribution of revenue.	Taxes paid by a railroad company from repairs to car ferries are distributed annual from the transportation fund to city or town where they are located
Wis. Stats 86.302	Local roads; inventory.	The state’s islands will receive state aid paid regularly to towns. Mileage to determine aid “includes the number of miles equal to the distance between an island port and the closest mainland port” travelled regularly by a licensed ferry.
Wis. Stats 190.07	Railroad ferries on Lake Michigan.	A railroad corporation may contract with owner/operators of railroads on the eastern shore of Lake Michigan, in the state of Michigan, and may operate vessels for transportation.
Wis. Stats 285.27	Performance and emission standards – Limitation on imposition of emission standards.	Emission standards may not be placed on a coal-powered car ferry manufactured before 1954 that has only operated on Lake Michigan.
Wis. Stats 814.52	Transport costs.	A law enforcement agency will be reimbursed for costs incurred while transporting an arrested person on a ferry outside of regular hours of operation.

NR 129.13	Specifications.	Planimetric features visible from aerial photography, including ferry slips, must be included in maps.
NR 447.02	Definitions.	Defines “outside air” to include open air ferry dock.

Appendix O KYTC Form TC 59-4 (Ferry Traffic Count)

		KENTUCKY TRANSPORTATION CABINET Department of HIGHWAYS DIVISION OF PLANNING															TC 59-4 Rev. 06/2016 Page 1 of 1							
		FERRY TRAFFIC COUNT																						
OPERATION							VEHICLE TYPE								TRAILERS		TOTAL # OF VEHICLES	TOTAL # OF PASSENGERS	TOTAL # OF TRIPS	FOOT PASSENGERS	BICYCLES			
DATE	FULL-DAY	HALF-DAY	HOURS	MINUTES	CLOSED	CLOSURE CODE	CARS	PICKUP, SUV, VAN	2 AXLE TRUCK	3 AXLE TRUCK	4 AXLE TRUCK	5 AXLE TRUCK	BUS	MTICICLE	FARM/CONS EQUIPMENT	1 AXLE TRAILER							2 AXLE TRAILER	
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CLOSURE CODES: HW-HIGHWAY, LW-LOW WATER, RP-REPAIRS, MT-MAINTENANCE, WD-WIND, SN-SNOW, IC-ICE, OT-OTHER

MONTH/YEAR _____ OPERATOR SIGNATURE _____