



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

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*Agenda Item # 15*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**March 16, 2011**

#### **MOTION**

**Made By: Mr. McCarthy    Seconded By: Mr. Bowie**  
**Action: Motion Carried, Unanimously**

**Title: Rail Industrial Access – Smurfit Stone Corporation.**

**Location: Henrico County**

**WHEREAS**, Section 33.1-221.1:1 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial or commercial sites; and

**WHEREAS**, the Henrico County Board of Supervisors has, by resolution dated December 14, 2010, shown support for the application of \$294,458 in Industrial Access Railroad Track funds for assistance in construction of track to serve the Smurfit Stone Corporation facility rail spur improvements; and

**WHEREAS**, the Virginia Economic Development Partnership has, by letter dated February 23, 2011 shown support for the project and the application for rail access funds; and

**WHEREAS**, the Smurfit Stone Corporation new facility is located in Henrico County, Virginia; and

**WHEREAS**, this request falls within the intent of Section 33.1-221.1:1 and is in accordance with the provisions of the Commonwealth Transportation Board's policy on the use of Industrial Access Railroad Track funds; and

**WHEREAS**, in accordance with the funding formula established by said policy, funding may be allocated to this project; and

**WHEREAS**, pursuant to the 2010 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

**WHEREAS**, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose; and

**WHEREAS**, the Board believes that the urgency of this project and timing of construction necessary to begin facility operations, preserve jobs and continue other business operations without interruption of service warrants the allowance of payment of eligible expenses incurred prior to the date of agreement in this sole instance.

**NOW THEREFORE, BE IT RESOLVED**, that the Board hereby approves that \$294,458 of the Industrial, Airport, and Rail Access Fund unmatched, be provided to construct 410 feet of track to serve Smurfit Stone Corporation's facility located in Henrico County, Virginia contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$294,458, which is allocated herein as an industrial rail access grant, being borne by Smurfit Stone Corporation or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. Eligible Rail Project Costs include those incurred prior to the date of Agreement.
4. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

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