



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 5-B

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 21, 2009

MOTION

Made By: Dr. Davis Seconded By: Mr. Bowie Action: Motion Carried, Unanimously

Title: Rail Industrial Access – Hershey Chocolate Company of Virginia

Location: Augusta 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 Board of Supervisors of Augusta County has, by resolution dated March 11, 2009, shown support for the application of \$450,000 in Industrial Access Railroad Track funds for assistance in construction of track to serve Hershey Chocolate Company of Virginia's facility; and

WHEREAS, the Hershey Chocolate Company of Virginia facility is located at Stuarts Draft in Augusta County; and

WHEREAS, the Board of Supervisors of Augusta County has, by resolution dated March 11, 2009, in order to support this project application and the MeadWestvaco Corporation's project application with the goal of increasing the County's employment base, requested the Commonwealth Transportation Board to waive Section II-E, Allocation of Funds, of the Rail Industrial Access Application Procedures that limits the amount of Industrial Access Funds granted to any locality in a fiscal year, and

WHEREAS, Section 33.1-221.1:1(E) provides that the Commonwealth Transportation Board shall limit allocation of Industrial Access Railroad Track funds so that no county, city or town receives more than twenty-five percent of the funds in any one fiscal year unless there are not sufficient applications prior to May 1 of each year to utilize the available funds; and

WHEREAS, sufficient applications have not been submitted prior to May 1, 2009, to utilize available Industrial Access Railroad Track funds; and

WHEREAS, the County's 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 and the requirements of Section 33.1-221.1:1(E), funding may be allocated to this project; and

WHEREAS, pursuant to the 2008 Acts of Assembly, Chapter 209, Item 450, 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.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby waives the Section II-E Allocation of Funds locality limit of the Rail Industrial Access Application Procedures and approves that \$450,000 of the Industrial, Airport, and Rail Access Fund, \$300,000 unmatched and the remaining \$150,000 requiring an applicant match of \$150,000, be provided to construct new track to serve Hershey Chocolate Company of Virginia's facility located in Augusta County contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$450,000, which is allocated herein as an industrial rail access grant, being borne by Hershey Chocolate Company of Virginia or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. The provision of the required \$150,000 in matching funds by Augusta County.
4. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

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