



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 11-C

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

November 19, 2009

MOTION

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

Title: Rail Industrial Access – Whiting Road, LLC.

Location: Frederick 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 Frederick County has, by resolution dated September 9, 2009, shown support for the application of \$400,000 in Industrial Access Railroad Track funds for assistance in construction of track to serve Whiting Road, LLC's facility; and

WHEREAS, the Virginia Economic Development Partnership has, by letter dated September 29, 2009, shown support for the project and the application for rail access funds; and

WHEREAS, Whiting Road, LLC is located in Frederick 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 2009 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

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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 approves that \$400,000 of the Industrial, Airport, and Rail Access Fund, \$300,000 unmatched and the remaining \$100,000 requiring an applicant match, be provided to construct new track to serve Whiting Road, LLC's facility located in Frederick County contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$400,000, which is allocated herein as an industrial rail access grant, being borne by Whiting Road, LLC or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. The provision of the required \$100,000 in matching funds by Whiting Road, LLC.
4. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

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