



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106  
Richmond, Virginia 23219

(804) 786-1830  
Fax: (804) 225-4700

*Agenda Item# New Business 1*

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

**October 15, 2014**

#### **MOTION**

**Made By: Mr. Dyke, Seconded By: Mr. Whitworth**  
**Action: Motion Carried**

#### **Title: Rail Industrial Access – Repayment Policy**

**WHEREAS**, pursuant to the 2014 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

**WHEREAS**, Section 33.2-1600 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

**WHEREAS**, on May 15, 2013, the Commonwealth Transportation Board (“Board”) authorized the Department of Rail and Public Transportation (“Department”) to pro-rate repayment based on proportionate credit of the public benefit achieved per the performance requirements of the grant agreement; and

**WHEREAS**, the Department has followed the Board's prior direction to grant a two-year reprieve to exercising the payback for failure to meet performance requirement; and those two-year extensions are coming to a close; and

**WHEREAS**, on October 14, 2014, the Department briefed the Board on the status of the two-year extensions, described requests by certain Grantees for exceptions to the Repayment Policy, and reviewed several options for the Board to consider in enforcing and/or amending the repayment policies; and

**WHEREAS**, the Board wishes to provide clear guidance to the Department for the consistent administration of the Rail Industrial Access program policies and ensure public funds are spent to achieve public benefits; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board hereby directs the Director of the Department of Rail and Public Transportation to do the following:

1. Conduct a review and report back to the Board within 90 days on the Rail Industrial Access Program repayment procedures and recommendations to the Board on the procedures for granting extensions. This review will include an assessment of whether these projects could have achieved a positive recommendation to the Board under the Board established program policy and procedures; and,
2. The Board also instructs the Director to conduct a more detailed review and report back to the CTB within 180 days as to how the Rail Industrial Access Tracks Program could better function as an incentive program that provides for program delivery under its legislative intent, including changes to the criteria utilized by the Department to evaluate and score applications, and the requirements incorporated into grant agreements. This review will be conducted with the participation of a subcommittee of CTB board members; and,
3. The Board authorizes the Director to take no action regarding Grantee repayment for failure to perform during the 90 day period of program evaluation.

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