



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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*Agenda item # 13A*

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

**January 14, 2015**

#### **MOTION**

**Made By: Ms. Valentine, Seconded By: Mr. Whitworth**

**Action: Motion Carried**

**Title: Industrial Access Railroad Track Repayment Policy**

**WHEREAS**, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

**WHEREAS**, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

**WHEREAS**, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

**WHEREAS**, the Department of Rail and Public Transportation (“the Department”) administers the Rail Industrial Access Program (“RIA”) which is subject to the approval of the Commonwealth Transportation Board (“CTB”); and

**WHEREAS**, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia’s highways; and

**WHEREAS**, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

**WHEREAS**, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

**WHEREAS**, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

**WHEREAS**, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

**WHEREAS**, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

**WHEREAS**, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

**WHEREAS**, the Department wishes to recognize the public benefit achieved by each Grantee; and

**NOW THEREFORE, BE IT RESOLVED**, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

1. Forgive repayment from six grantees identified by the Director who would have received a positive funding recommendation based on the actual number of carloads achieved even though they failed to meet the anticipated carloads specified in their grant agreements.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

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