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## SENATE BILL NO. 26

Offered January 9, 2002

Prefiled December 18, 2001

*A BILL to amend and reenact § 33.1-221 of the Code of Virginia, relating to provision of economic incentive grants by the Commonwealth Transportation Board to counties, cities, towns, and certain airports.*

Patrons—Reynolds; Delegate: Welch

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.1-221 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-221. Funds for access roads to industrial sites and airports; construction, maintenance, etc., of such roads; economic incentive grants by the Commonwealth Transportation Board to counties, cities, town, and certain airports.

A. Notwithstanding any other provision of law, there shall be appropriated to the Commonwealth Transportation Board funds derived from taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes, which shall be used by the Board for the purposes hereinafter specified, after deducting the costs of administration before any of such funds are distributed and allocated for any road or street purposes.

B. A portion of such funds shall be set aside annually and used by the Board to provide economic incentive grants for constructing, reconstructing, maintaining, or improving highways in counties, cities, and towns that provide access to either (i) publicly owned industrial parks on which buildings have already been constructed or are to be constructed for the purpose of creating jobs and new capital investment or (ii) licensed public-use airports. If there is no such publicly owned industrial park or licensed public-use airport already constructed or for which the construction is under firm contract, a county, city, or town may be required by the Board to sign an agreement that will guarantee that such will occur within the specified grant period, under penalty that the applicant entity shall be responsible for the repayment of the grant if such does not occur. To implement this subsection, the Board shall develop an economic incentive grant program that shall provide no more than \$450,000 as an incentive for any single qualifying project. In the case where the Board has recaptured funds from counties, cities, and towns for the period July 1, 1994, through June 30, 2002, the Board shall remit back to those localities the amount recaptured. Where a county, city, town, or licensed public-use airport has an active outstanding grant under the industrial access road bonded program provided for in the following subsections of this section, such grants will be reissued under the terms of this subsection providing for the awarding of economic incentive grants. Towns that receive maintenance payments under § 33.1-41.1 shall be considered separately from the counties in which they are located when receiving allocations of funds for access roads.

C. Such funds shall be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed and to licensed, public-use airports; in the event there is no such establishment or airport already constructed or for which the construction is under firm contract, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited. Towns ~~which~~ that receive highway maintenance payments under § 33.1-41.1 shall be considered separately from the counties in which they are located when receiving allocations of funds for access roads.

B D. In deciding whether or not to construct or improve any such access road, and in determining the nature of the road to be constructed, the Board shall base its considerations on the cost thereof in relation to the volume and nature of the traffic to be generated as a result of developing the airport or the industrial establishment within the total industrial area. In any industrial park or airport, the total volume of traffic to be generated shall be taken into consideration in regard to the overall cost thereof. No such access road shall be constructed or improved on a privately owned plant site.

E. Any access road constructed or improved under this section shall constitute a part of the secondary system of state highways or the road system of the locality in which it is located and shall thereafter be constructed, reconstructed, maintained and improved as other roads in such system.

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