

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 473

An Act to amend and reenact § 33.1-221 of the Code of Virginia, relating to access roads to economic development sites.

[S 13]

Approved March 31, 2006

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 economic development sites and airports; construction, maintenance, etc., of such roads.

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.

Such funds shall be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to ~~industrial~~ *economic development* sites on which manufacturing, processing, *research and development facilities, distribution centers, regional service centers, corporate headquarters*, or other establishments *that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance* 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. *The time limits of the bond shall be based on regular review and consideration by the Board.* Towns which 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. 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~~ *economic development site*. ~~In~~ Within any ~~industrial park~~ *economic development site* 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~~ *economic development* site.

C. 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.