

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-221.1:1 of the Code of Virginia, relating to access roads to*
 3 *economic development sites.*

[H 333]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-221.1:1 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-221.1:1. Fund for construction of industrial access railroad tracks.

9 A. The General Assembly declares it to be in the public interest that access railroad tracks and
 10 facilities be constructed to certain industrial commercial sites where rail freight service is or may be
 11 needed by new or substantially expanded industry and that financial assistance be provided to areas
 12 seeking to furnish rail freight trackage between the normal limits of existing or proposed common
 13 carrier railroad tracks and facilities and the actual site of existing or proposed commercial or industrial
 14 buildings or facilities. This section is enacted in furtherance of these purposes and is intended to be
 15 comparable to the ~~Industrial Access Roads Fund~~ *fund for access roads to economic development sites,*
 16 established pursuant to § 33.1-221.

17 B. The funding for this program shall be set forth in the Appropriations Act.

18 C. The Director of the Department of Rail and Public Transportation shall administer and expend or
 19 commit, subject to the approval of the Commonwealth Transportation Board, such funds for
 20 constructing, reconstructing, or improving industrial access railroad tracks and related facilities. The
 21 Director of the Department of Rail and Public Transportation may consult with the Commissioner of
 22 Agriculture and Consumer Services and the Chief Executive Officer of the Virginia Economic
 23 Development Partnership, or their designated representatives, concerning applications for funds. Funds
 24 shall be spent directly by the Director of the Department of Rail and Public Transportation or by
 25 reimbursement of the local entities, private or public.

26 D. Funds may be used to construct, reconstruct, or improve part or all of the necessary tracks and
 27 related facilities on public or private property currently used or being developed, existent or prospective,
 28 for single industries or industrial subdivisions under firm contract or already constructed, including those
 29 subdivisions owned or promoted by railroad companies and others. Applications for funds must be
 30 approved by the local governing body.

31 E. In deciding whether to construct any such access track, the Commonwealth Transportation Board
 32 shall consider the cost thereof in relation to prospective volume of rail traffic, capital investment,
 33 potential employment, and other economic and public benefits. The Commonwealth Transportation
 34 Board shall adopt procedures to encourage widespread use of the funds, shall limit allocation of funds so
 35 that no county, city or town receives more than 50 percent of the funds in any one fiscal year unless
 36 there are not sufficient applications prior to May 1 of each year to use the available funds, and shall
 37 consider the practices of the Department of Transportation in distributing ~~industrial access road~~ *access roads to economic development sites* under § 33.1-221.

38 F. Tracks and facilities constructed with such funds shall be the property of the Commonwealth for
 39 the useful life of the project as determined by the Director of the Department of Rail and Public
 40 Transportation and shall be made available for use by all common carriers using the railway system to
 41 which they connect. The landowners or using businesses shall, prior to the commitment of funds by the
 42 Director of the Department of Rail and Public Transportation, be contractually committed to the
 43 perpetual maintenance of such tracks and facilities so constructed and to the payment of any costs
 44 related to the future relocation or removal of such tracks and facilities.
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