

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 funding for*
3 *construction of industrial access railroad tracks.*

4 [H 2164]

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, established pursuant to § 33.1-221.

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

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

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

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

ENROLLED

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