



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 4

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 18, 2009

MOTION

Made By: Mr. Davies **Seconded By:** Mr. Bowie **Action:** Motion Carried, Unanimously

Title: Rail Industrial Access – Woodfuels Virginia, LLC

Location: Louisa County

WHEREAS, Section 33.1-221.1:1 of the Code of Virginia declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial or commercial sites; and

WHEREAS, Rail Industrial Access funds were previously allocated to Argonaut Biofuels, LLC, by Commonwealth Transportation Board (CTB) action on March 20, 2008, for completion of a project to provide rail access to a wood pellet manufacturing facility in Louisa County, Virginia; and

WHEREAS, Argonaut Biofuels, LLC, was unable to complete the project; and

WHEREAS, Woodfuels Virginia, LLC has purchased the Argonaut Biofuels, LLC site and is advancing development of this facility as proposed; and

WHEREAS, the Louisa County Board of Supervisors has, by a resolution dated April 20, 2009, shown support for application of \$450,000 in Industrial Access Railroad Track funds for the construction of track to serve the Woodfuels Virginia, LLC facility; and

WHEREAS, the Virginia Economic Development Partnership has, by letter dated April 2, 2009, shown support for the project and the application for rail access funds; and

WHEREAS, the Buckingham Branch Railroad Company has, by letter dated January 10, 2008, shown support for the project and their commitment to provide short line rail access to serve the facility; and

Resolution of the Board
Rail - Industrial Access – Woodfuels Virginia, LLC
Louisa County, Virginia
June 18, 2009
Page Two

WHEREAS, Woodfuels Virginia, LLC is headquartered in Louisa County, Virginia; and

WHEREAS, this request falls within the intent of Section 33.1-221.1:1 and is in accordance with the provisions of the Commonwealth Transportation Board's policy on the use of Industrial Access Railroad Track funds; and

WHEREAS, in accordance with the funding formula established by said policy, funding may be allocated to this project; and

WHEREAS, pursuant to the 2008 Acts of Assembly, Chapter 209, Item 450, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby deallocates the \$450,000 of the Industrial, Airport, and Rail Access funds previously allocated on March 20, 2008, to Argonaut Biofuels, LLC, and returns those funds to the Industrial, Airport, and Rail Access Fund; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby approves that \$450,000 of the Industrial, Airport, and Rail Access Fund, \$300,000 unmatched and the remaining \$150,000 requiring an applicant match of \$150,000, be provided to construct new track to serve the Woodfuels Virginia, LLC Buckner Plant facility located in Louisa County contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$450,000, which is allocated herein as an industrial rail access grant, being borne by Woodfuels Virginia, LLC or sources other than those administered by the Department of Rail and Public Transportation.
3. The provision of the required \$150,000 in matching funds by Woodfuels Virginia, LLC.
4. Execution of an agreement acceptable to the Department of Rail and Public Transportation.

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