



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda Item # 14

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 15, 2011

MOTION

Made By: Mr. Sterling Seconded By: Mr. Bowie

Action: Motion Carried, Unanimously

Title: Rail Industrial Access – CSX Transportation: Fredericksburg Area Improvements

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, by passage of Item 448 of 2011 Va. Acts ch. 890, up to \$450,000 in FY11 and FY12 Industrial Access Railroad Track funds is authorized for assistance in construction infrastructure improvements in the Fredericksburg and Spotsylvania County area for rail improvements associated with reducing dwell times of hazardous material shipments subject to 49 C.F.R. part 174 *et seq.* in Fredericksburg Yard; and

WHEREAS, Item 448 of 2011 Va. Acts ch. 890 requires the Director of the Department of Rail and Public Transportation, with approval of CSX Transportation, to initiate infrastructure improvement projects which reduce the average dwell times of hazardous material shipments subject to regulation under 49 C.F.R. part 174 *et seq.* in Fredericksburg Yard; and

WHEREAS, CSX Transportation and the Department of Rail and Public Transportation have already begun coordination and planning of potential improvements in both Fredericksburg Yard and the Spotsylvania area; and

WHEREAS, Item 448 of 2011 Va. Acts ch. 890 specifies that in allocation of funds for this project by the Commonwealth Transportation Board, the requirements of Section 33.1-221.1:1, *Code of Virginia*, with the exception of Section 33.1-22.1:1(F), are waived; 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 approves \$900,000 of the Economic Development, Airport, and Rail Access Fund, with \$450,000 allocated in FY11 and \$450,000 allocated in FY12, be provided to construct infrastructure improvements which reduce the average dwell times of hazardous material shipments subject to regulation under 49 C.F.R. part 174 *et seq.* within rail yards, depots, sidings, and other intermediate terminals or facilities and properties located in the City of Fredericksburg to not longer than 24 hours, provided and contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$900,000, which is allocated herein as an industrial rail access grant, being borne by CSX Transportation or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

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