



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

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*Agenda item # 6*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 4, 2013

#### MOTION

Made By: Mr. Ellis Seconded By: Mr. Miller  
Action: Motion Carried, Unanimously

**Title: Economic Development Access to  
Liebherr Mining & Construction Equipment, Inc.  
Project ECON-121-285, M501, City of Newport News**

**WHEREAS**, Section 33.1-221 of the *Code of Virginia* provides a fund to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities, and towns to 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 ..." or, "in the event there is no such establishment ..., 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"; and

**WHEREAS**, the Newport News City Council has, [by appropriate resolution](#), requested Economic Development Access Program funds to provide adequate access to serve the expanding Liebherr Mining & Construction Equipment, Inc. [facility located](#) within Copeland Industrial Park off of Interstate 664 at Exit 4, and said access is estimated to cost \$1.6 million; and

**WHEREAS**, Liebherr Mining & Construction Equipment, Inc. has been determined by the Virginia Economic Development Partnership to be a qualifying establishment meeting the basic employer criteria under the provisions of Section 33.1-221 of the *Code of Virginia*; and

**WHEREAS**, the proposed expansion of the Liebherr Mining & Construction Equipment, Inc. facility is expected to result in approximately \$46 million in eligible capital investment and 174 additional employees; and

**WHEREAS**, it appears that this request falls within the intent of Section 33.1-221 of the *Code of Virginia* and complies with the provisions of the Commonwealth Transportation Board's (CTB) policy on Economic Development Access.

**NOW, THEREFORE, BE IT RESOLVED**, that \$650,000 (\$500,000 unmatched, \$150,000) of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to Liebherr Mining & Construction Equipment, Inc. in the City of Newport News, Project ECON-121-285, M501 contingent upon:

1. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and
2. Execution of an appropriate contractual agreement between the City of Newport News (LOCALITY) and the Virginia Department of Transportation (VDOT), to provide for the:
  - a. design, administration, construction and maintenance of this project; and
  - b. payment of all ineligible costs, and of any eligible costs in excess of this and any other approved allocation for this economic development project, from sources other than those administered by VDOT; and
  - c. Provision by the LOCALITY of documentation of at least \$3,250,000 of eligible capital outlay by Liebherr Mining & Construction Equipment, Inc. on the site served by this project; and
3. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

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