



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 15

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 17, 2013

MOTION

**Title: Rail Industrial Access – Miller Milling Company
Frederick County, Virginia**

**Made By: Mr. Whitworth Seconded By: Mr. Louderback
Action: Motion Carried, Unanimously**

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 commercial sites; and

WHEREAS, the Frederick County Board of Supervisors has, by resolution dated September 9, 2013, shown support for the application of up to \$450,000 in Industrial Access Railroad Track funds for assistance in expanding Miller Milling Company's track facilities for receiving wheat grain from the Midwest and shipping refined wheat products to destinations in the eastern and southern United States.; and

WHEREAS, CSX Transportation has, by letter dated September 12, 2013, supports the project and has agreed to serve the facility in its expanded capacity; and

WHEREAS, Miller Milling's proposed track and new facilities are located in Frederick County near the City of Winchester along the CSXT railroad; 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 2013 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

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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 that \$450,000 of the Industrial, Airport, and Rail Access Fund with a \$150,000 requirement for local match, be provided to construct 5,430 feet of track to serve the proposed expansion at the Miller Milling site and 5,250 feet of track to serve the proposed expansion of the Omps site in Frederick County contingent upon the following:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above the \$450,000 allocated herein as an industrial rail access grant, being borne by the Miller Milling Company 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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