



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 2*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

#### MOTION

**Made By:** Mr. Stant, **Seconded By:** Mr. Coleman

**Action:** Motion Carried, Unanimously

**Title: Economic Development Access to  
Shirley T. Holland Intermodal Park  
Project ECON-046-753 – Isle of Wight County**

**WHEREAS**, § 33.2-1509 of the *Code of Virginia* provides funds to “be expended by the Board for constructing, reconstructing, maintaining or improving access roads within localities 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 Small Business and Supplier Diversity will be built under firm contract or are already constructed ...” and, “in the event there is no such establishment or ... firm contract, a locality 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**, Isle of Wight County by formal resolution has requested Economic Development Access (EDA) Program funds to serve Shirley T. Holland Intermodal Park, which is located off Old Mill Road (Route 607) without public access, and said access is estimated to cost approximately \$1,988,959; and

**WHEREAS**, it appears that this request falls within the intent of § 33.2-1509 of the *Code of Virginia* and complies with the provisions of the Commonwealth Transportation Board’s EDA Fund Policy and the Economic Development Access Program guide.

**NOW, THEREFORE, BE IT RESOLVED**, that \$850,000 (\$700,000 unmatched and \$150,000 matched) of the Economic Development, Airport and Rail Access Fund is allocated to provide adequate access to Shirley T. Holland Intermodal Park on eligible property off Old Mill Road, Project ECON-046-753, 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 Isle of Wight County (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 allocation, from sources other than those administered by VDOT; and
  - c. Provision of the required matching funds, up to \$150,000, by the LOCALITY for appropriately documented eligible project costs; and
  - d. Provision by the LOCALITY of either i) documentation of a least \$4,250,000 of eligible capital outlay attributed to qualifying business on property served exclusively by this project, or ii) should documentation of capital outlay be insufficient, an appropriate bond or other acceptable surety device by the LOCALITY to VDOT, not to expire before September 20, 2028, without written permission of VDOT. Such surety device shall provide for reimbursement to VDOT of any expenses incurred by the Economic Development, Airport and Rail Access Fund for this project's construction not justified by the eligible capital outlay of establishments served by the project. If, by September 20, 2028, at least \$4,250,000 of eligible capital outlay on property served exclusively by this project has not been expended or committed by firm contract by a qualified establishment or establishments, then an amount equal to 20% of the eligible capital outlay of up to \$4,250,000 will be credited toward the project's EDA Program allocation utilized in the project's construction and the balance of the utilized allocation not justified by eligible capital outlay will be returned to VDOT and the Economic Development, Airport and Rail Access Fund. This surety may be released or reduced accordingly at an earlier date upon provision of documentation of eligible capital outlay by a qualified establishment, or establishments; and
3. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the EDA Program.

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## CTB Decision Brief

### Economic Development Access – Isle of Wight County Shirley T. Holland Intermodal Park

**Issue:** Pursuant to § 33.2-1509 of the *Code of Virginia* and the Economic Development Access EDA Fund Policy of the Commonwealth Transportation Board (CTB), Isle of Wight County has requested funds from the EDA Program to assist in constructing road access to eligible property located in Shirley T. Holland Intermodal Park off Old Mill Road (Route 607). CTB approval for the allocation of the requested funds by the CTB is sought.

**Facts:** Section 33.2-1509 of the *Code of Virginia* authorizes the CTB to expend funds set aside for constructing access roads to economic development sites on which certain establishments as prescribed by the *Code* or other establishments that meet the basic employer criteria as determined by the Virginia Economic Development Partnership (VEDP) will be built under firm contract or are already constructed. In the event that there is no such establishment already constructed or construction of such establishment is not under firm contract, a locality may guarantee to the CTB by bond or other acceptable device that such will occur.

The CTB's EDA Fund Policy sets forth certain criteria which must be met for projects to be eligible for such funding and directs the Commissioner of Highways to establish administrative procedures to administer to assure adherence to such policy and legislative requirements. The Commissioner established such administrative procedures in the Economic Development Access Program Guide administered by the Local Assistance Division of the Virginia Department of Transportation (VDOT). The Policy stipulates that the governing body of the locality shall provide a resolution in request of the EDA Program funding prior to the Board's allocation of funds.

Shirley T. Holland Intermodal Park has achieved a Tier 4 status under the VEDP's Virginia Business Ready Sites Program (VBRSP). By reaching the Tier 4 status, the site is certified as "Business Ready," meaning the site is prepared and positioned for selection and development by economic development projects. The VEDP has determined that Shirley T. Holland Intermodal Park has a high potential of attracting a qualifying business. Each request for EDA Program funding is scored using evaluative criteria to ensure the proposed project is viable and that it meets the intents of the Program. Isle of Wight County's project received a very strong score of 90 out of 100. Projects must receive at least 50 points to be considered for EDA Program funding.

The site which the development will be locating on does not currently have adequate public access and an extension of William A. Gwaltney Way will be constructed to accommodate the development. Isle of Wight County will administer the design and construction of the proposed access road project. The County's plans for the proposed access road includes a 1795-foot long, 28-foot wide asphalt roadway with curb, gutter and sidewalk, beginning at the current end of William A. Gwaltney Way and extending North. VDOT Hampton Roads District staff concur with the plans for the project and with the estimated project cost for eligible items and quantities of approximately \$1,988,959.

Isle of Wight County will be responsible for financial arrangements to provide for the required EDA Program matching funds, as appropriate, and all project costs exceeding the state EDA

Program allocation to fully fund the project. Documentation of qualifying capital investment of \$4,250,000, or provision of appropriate surety from the County will be required prior to funding authorization.

**Recommendation:** VDOT recommends the allocation of \$850,000 (\$700,000 unmatched and \$150,000 matched) from the Economic Development, Airport and Rail Access Fund be approved for construction of this project, subject to certain contingencies as set forth in the accompanying resolution.

**Action Required by the CTB:** The *Code of Virginia*, the Virginia Administrative Code, and the CTB's EDA Fund Policy specify that the CTB shall approve of the allocation of funds for the construction of the access road project. A resolution is provided for formal vote.

**Result, if Approved:** VDOT and Isle of Wight County will proceed with the EDA road project.

**Options:** Approve, Deny, or Defer.

**Public Comments/Reactions:** None



Local Roots, Global Reach

# ISLE OF WIGHT COUNTY, VIRGINIA

## RESOLUTION TO REQUEST COMMONWEALTH TRANSPORTATION BOARD ECONOMIC DEVELOPMENT ACCESS FUNDS

**WHEREAS**, the Isle of Wight County Board of Supervisors desires to assist in the development of property located off William A. Gwaltney Way within the Shirley T. Holland Intermodal Park, Phase II, for the purpose of economic development in Isle of Wight County; and,

**WHEREAS**, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and,

**WHEREAS**, parts of the subject property have no access to a public street or highway and will require the construction of a new roadway to connect with William A. Gwaltney Way; and,

**WHEREAS**, Isle of Wight County hereby guarantees that the necessary environmental analysis, mitigation, fee simple right-of-way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and,

**WHEREAS**, Isle of Wight County acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation as a condition of the use of the Economic Development, Airport and Rail Access Fund; and,

**WHEREAS**, Isle of Wight County hereby acknowledges that the Virginia Department of Transportation's Economic Development Access (EDA) Program may provide up to a maximum of \$850,000 for a project and requires matching funding, up to \$150,000, from Isle of Wight County for estimated eligible project costs over \$700,000, up to \$1,000,000; and,

**WHEREAS**, Isle of Wight County hereby guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required locality matching funds, if applicable, and all costs not justified by eligible capital outlay within the timeframe established according to the EDA Program and Policy will be provided from sources other than those administered by the Virginia Department of Transportation; and,

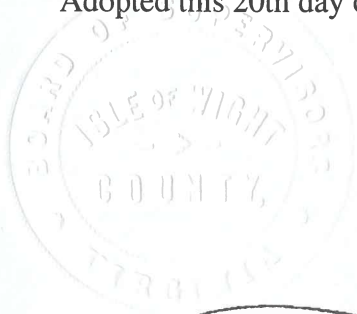
**NOW, THEREFORE, BE IT RESOLVED** that the Isle of Wight County Board of Supervisors hereby requests the Commonwealth Transportation Board provide Economic Development Access Program funding to provide adequate road access to this property.

**BE IT FURTHER RESOLVED**, that Isle of Wight hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the Commonwealth Transportation Board's allocation less eligible private capital outlay credit as determined by VDOT; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on qualifying parcels within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

**BE IT FURTHER RESOLVED** that the County Administrator and his/her designee(s) be authorized to act on behalf of the Isle of Wight County Board of Supervisors to execute any and all documents necessary to secure funding in the maximum amount eligible under the Economic Development Access Program.

**BE IT FURTHER RESOLVED** that the Isle of Wight County Board of Supervisors hereby requests that the new roadway so constructed will be added to and become a part of the Secondary System of State Highways pursuant to Section 33.2-1509, paragraph D., of the Code of Virginia.

Adopted this 20th day of April, 2023.



A handwritten signature in black ink, appearing to read "William M. McCarty, Sr.", written over a horizontal line.

William M. McCarty, Sr., Chairman

A handwritten signature in black ink, appearing to read "Carey Mills Storm", written over a horizontal line.

Carey Mills Storm, Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read "Robert W. Jones, Jr.", written over a horizontal line.

Robert W. Jones, Jr., County Attorney



**PROPOSED ECONOMIC DEVELOPMENT ACCESS PROJECT  
 Shirley T. Holland Intermodal Park  
 Project ECON-046-753  
 Isle of Wight County**

Economic Development Facility / Site

Extension of William A. Gwaltney Way into Shirley T. Holland Intermodal Park which will provide access an undeveloped 43-Acre parcel.

Anticipated Traffic: 1,238 vpd

Access road project

Project Length: 0.34 miles

Pavement Width: 28 feet

Estimated Cost: \$1,988,959

Proposed Allocation: \$850,000

(\$700,000 unmatched, \$150,000 matched)