



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 4*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

#### MOTION

**Made By:** Mr. Davis, **Seconded By:** Dr. Smoot

**Action:** Motion Carried, Unanimously

**Title: Economic Development Access  
for New Kent City Center  
Project ECON-063-063 – New Kent 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**, the Commonwealth Transportation Board’s Economic Development Access Fund Policy makes special provision for allocation for Major Employment and Investment (MEI) projects identified by the Virginia Economic Development Partnership, including provision of a separate allocation for the design of plans for a qualifying project; and

**WHEREAS**, New Kent County by formal resolution has requested Economic Development Access (EDA) Program funds to design an extension of City Center Court (Route 1029) into New Kent City Center and said extension design is estimated to cost approximately \$800,000; 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 \$650,000 (\$500,000 unmatched and \$150,000 matched) of the Economic Development, Airport and Rail Access Fund is allocated to design an extension of City Center Court (Route 1029), Project ECON-063-063, 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 New Kent County (LOCALITY) and the Virginia Department of Transportation (VDOT), to provide for the:
  - a. Plan design of this road construction 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 an appropriate bond or other acceptable surety device by the LOCALITY to VDOT, commencing prior to either direct VDOT expenditure of funds or to submission by the LOCALITY to VDOT for reimbursement of LOCALITY expenditures from the Economic Development, Airport and Rail Access Fund, and ending after VDOT approval of the design plans.

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## CTB Decision Brief

### Economic Development Access – New Kent County New Kent City Center

**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), New Kent County has requested funds from the EDA Program to assist in improving road access to eligible property within New Kent City Center. 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 addition, the CTB's Economic Development Access Fund Policy makes special provision for design-only Access roadway allocations to localities for Major Employment and Investment (MEI) projects identified by VEDP.

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 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 EDA Program funding prior to the Board's allocation of funds.

The VEDP has confirmed its support in the development of New Kent City Center as an MEI site. The property, with 600 total acres, has multiple parcels capable of supporting a high-impact regional economic development project with capital investment of at least \$250 million and creating more than 400 full-time jobs. The project includes an alternatives analysis to determine the preferred roadway alignment, and the design of a 1-2-mile-long extension of City Center Court.

New Kent County is requesting funding from the Economic Development Access Program to assist in the design of roadway improvements to New Kent City Center. New Kent County intends to administer the design of the proposed road project. The New Kent County Board of Supervisors agrees to provide a surety or bond in the amount of the estimated cost of the design of the access road prior to VDOT's authorization of Economic Development Access funds. New Kent 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.

**Recommendation:** VDOT recommends the allocation of \$800,000 from the Economic Development, Airport and Rail Access Fund be approved for design of this project, subject to certain contingencies as set forth in the accompanying resolution.

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**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 the allocation of funds for the design of the access road project. A resolution is provided for formal vote.

**Result, if Approved:** VDOT and New Kent County will proceed with the EDA design project.

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

**Public Comments/Reactions:** None