

§ 62.1-132.3:6. Virginia Barge and Rail Usage Grant Program and Fund

A. As used in this section:

"Barge and rail cargo volume" means the total amount of (i) net tons of noncontainerized cargo, (ii) TEUs of cargo, or (iii) units of roll-on/roll-off cargo actually by barge or rail rather than by trucks or other motor vehicles on the Commonwealth's highways, measured from January 1 through December 31 of each calendar year.

"International trade facility" means a company that:

1. Does business in the Commonwealth and is engaged in port-related activities, including warehousing, distribution, freight forwarding and handling, and goods processing;
2. Has the sole discretion and authority to move cargo originating or terminating in the Commonwealth;
3. Uses maritime port facilities located in the Commonwealth; and
4. Uses barges and rail systems to move cargo through port facilities in the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Barge and Rail Usage Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of providing grants to international trade facilities pursuant to subsections C and D. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director.

C. 1. Beginning January 1, 2025, an international trade facility shall be eligible to receive a grant from the Fund in an amount determined by the Virginia Port Authority in accordance with subdivision 2.

2. The amount of the grant shall be \$25 per 20-foot equivalent unit (TEU), 16 tons of noncontainerized cargo, or one unit of roll-on/roll-off cargo moved by barge or rail rather than by trucks or other motor vehicles on the Commonwealth's highways.

3. Applicants shall be required to increase their barge and rail cargo volume for a calendar year by at least five percent above the preceding calendar year's volume in order to be eligible for the grant.

D. The Virginia Port Authority shall issue the grants under this section, and in no case shall more

than \$1 million in grants be issued pursuant to this section in any fiscal year of the Commonwealth. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund or \$1 million, such grants shall be paid in the next fiscal year in which funds are available. The international trade facility shall not receive any grant under this section unless it has applied to the Virginia Port Authority for the grant and the Virginia Port Authority has approved the grant. The Virginia Port Authority shall determine the grant amount allowable for the year and shall provide a written certification to the international trade facility, which certification shall report the amount of the grant approved by the Virginia Port Authority.

E. The Virginia Port Authority shall not make awards under this section to applicants who are receiving tax credits for under § [58.1-439.12:09](#) for the same cargo.

F. The Virginia Port Authority shall develop guidelines establishing procedures and requirements for qualifying for grants under this section. The guidelines shall be exempt from the Administrative Process Act (§ [2.2-4000](#) et seq.).

2023, cc. [238](#), [239](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.