

## § 62.1-132.3:5. Virginia Port Volume Increase Grant Program and Fund

A. As used in this section:

"Agricultural entity" means a person engaged in growing or producing wheat, grains, fruits, nuts, or crops; tobacco, nursery, or floral products; forestry products, excluding raw wood fiber or wood fiber processed or manufactured for use as fuel for the generation of electricity; or seafood, meat, dairy, or poultry products.

"Base year port 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 transported by way of a waterborne ship or vehicle through a port facility during the period from January 1, 2023, through December 31, 2024. Base year port cargo volume must be at least 75 net tons of noncontainerized cargo, 10 loaded TEUs, or 10 units of roll-on/roll-off cargo for an eligible entity to be eligible for the grants provided in this section. For an eligible entity that did not ship that amount in the year ending December 31, 2023, including an eligible entity that locates in Virginia after such periods, its base cargo volume shall be measured by the initial January 1 through December 31 calendar year in which it meets the requirements of 75 net tons of noncontainerized cargo, 10 loaded TEUs, or 10 units of roll-on/roll-off cargo. Base year port cargo volume shall be recalculated each calendar year after the initial base year.

"Eligible entity" means an agricultural entity, manufacturing-related entity, or mineral and gas entity.

"Major facility" means a new facility to be located in Virginia that is projected to import or export cargo through a port in excess of 25,000 TEUs in its first calendar year.

"Manufacturing-related entity" means a person engaged in the manufacturing of goods or the distribution of manufactured goods.

"Mineral and gas entity" means a person engaged in severing minerals or gases from the earth.

"Port cargo volume" means the total amount of net tons of noncontainerized cargo, net units of roll-on/roll-off cargo, or containers measured in TEUs of cargo transported by way of a waterborne ship or vehicle through a port facility.

"Port facility" means any publicly or privately owned facility located within the Commonwealth through which cargo is transported by way of a waterborne ship or vehicle to or from destinations outside the Commonwealth and that handles cargo owned by third parties in addition to cargo owned by the port facility's owner.

"TEU" or "20-foot equivalent unit" means a volumetric measure based on the size of a container that is 20 feet long by eight feet wide by eight feet, six inches high.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Port Volume Increase 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 eligible entities 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 eligible entity that uses port facilities in the Commonwealth and increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume shall be eligible to receive a grant from the Fund in an amount determined by the Virginia Port Authority in accordance with subdivisions 2 and 3. The Virginia Port Authority may waive the requirement that port cargo volume be increased by a minimum of five percent over base year port cargo volume for any eligible entity that qualifies as a major facility.

2. Eligible entities that increase their port cargo volume by a minimum of five percent in a calendar year shall be eligible to receive a grant in the amount of \$50 for each TEU, unit of roll-on/roll-off cargo, or 16 net tons of noncontainerized cargo, as applicable, above the base year port cargo volume. An eligible entity that is a major facility as defined in this section shall be eligible to receive a grant in the amount of \$50 for each TEU, unit of roll-on/roll-off cargo, or 16 net tons of noncontainerized cargo, as applicable, transported through a port facility during the major facility's first calendar year. An eligible entity may not receive more than \$250,000 for each calendar year. The maximum amount of grants allowed for all eligible entities pursuant to this section shall not exceed \$3.8 million for each calendar year. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund or \$3.8 million, such grants shall be paid in the next fiscal year in which funds are available. The Virginia Port Authority shall allocate the grants pursuant to the provisions of subdivision D.

3. An eligible entity shall be eligible for a grant pursuant to this section only if the eligible entity owns the cargo at the time the port facilities are used.

D. For every year in which an eligible entity is applies for a grant, the eligible entity shall submit an application to the Virginia Port Authority by March 1 of the calendar year after the calendar year in which the increase in port cargo volume occurs. The eligible entity shall attach a schedule to its application with the following information and any other information requested by the Virginia Port Authority:

1. A description of how the base year port cargo volume and the increase in port cargo volume were determined;

2. The amount of the base year port cargo volume; and

3. The amount of the increase in port cargo volume for the calendar year stated both as a percentage increase and as a total increase in net tons of noncontainerized cargo, TEUs of cargo, and units of roll-on/roll-off cargo, as applicable, including information that demonstrates an increase in port cargo volume in excess of the minimum amount required to claim the grants awarded pursuant to this section.

E. The Virginia Port Authority shall not make awards under this section to applicants who are receiving tax credits for under § [58.1-439.12:10](#) 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.