



COUNTY TO APPEAL RULING ON STATE FUNDING OF INTERMODAL

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Montgomery County, Virginia –The Montgomery County Board of Supervisors will ask the Virginia Supreme Court to hear the County’s lawsuit against the Commonwealth of Virginia challenging the constitutionality of using State tax dollars to fund the proposed private intermodal rail yard in Elliston.

“The Board of Supervisors knew going into this effort to protect the County against unwanted development that the decision would be likely made by the Virginia Supreme Court,” said Board Chair Annette Perkins. “While disappointed by the lower court ruling, we believe that the issues at stake are very important and need to be addressed by Virginia’s highest court. The state should not subsidize bad projects with taxpayer dollars for a private corporation’s benefit.”

“The interests of all Montgomery County citizens are protected by this lawsuit,” Perkins added. “Norfolk Southern’s selection of this rural site ignores our zoning and land use laws and what citizens have told us they want to see for the County’s future. We have repeatedly noted that we’re not against progress; we’re against poor land use decisions that will increase truck traffic on an already dangerous I-81, create pollution and ruin the rural, scenic beauty of Eastern Montgomery. The rail yard is inconsistent with the County’s long-term goals to support smart growth with high paying, high tech jobs that fit in with our vision for our community.”

The Board directed County staff to move forward and file the appeal, which should be done within the next few weeks. The Board reached a consensus on this legal direction after discussion with staff and hearing from citizens who urged the County to continue with an appeal.

It is anticipated that the appeal may cost an additional \$50,000. The cost to argue the initial lawsuit was \$175,293, due partly to preparation and research that will now provide the foundation of the appeal. The case was heard in Richmond Circuit Court by Judge Melvin Hughes.

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