

RESOLUTION NO. 39-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, OPPOSING BNSF RAILWAY COMPANY'S PLAN TO REACTIVATE RAIL USE THROUGH MILLER/KNOX REGIONAL SHORELINE PARK

WHEREAS, The BNSF Railway Company (“BNSF”) is the largest freight railroad network in North America. One of eight North American Class I railroads, BNSF has 44,000 employees; 32,500 miles of track in 28 states; and more than 8,000 locomotives. BNSF is owned by Berkshire Hathaway, Inc., which is owned by Warren Buffett; and

WHEREAS, according to the BNSF website, “For more than 160 years, BNSF Railway has been an essential connector – safely and efficiently transporting freight from point A to point B. But we don't just move freight; we touch people and communities along the way. We're proud to tell our story and how we strive to be a trusted partner worthy of your respect;” and

WHEREAS, according to the BNSF website, “BNSF strives to maintain strong relationships with our communities – the communities where our employees live, work and play;” and

WHEREAS, BNSF is a legacy business in the City of Richmond, which first arrived as Atchison, Topeka and Santa Fe Railroad in the late 1890's and served as the cornerstone of the development of the City of Richmond; and

WHEREAS, BNSF, in a letter to the East Bay Regional Park District (“Park District”) dated October 9, 2018, has indicated that it plans to reactive its rail line through Miller/Knox Regional Shoreline Park, including Ferry Point; and

WHEREAS, BNSF is actively working to subvert local control and is threatening to legally challenge the long-desired public access to the shoreline of Miller/Knox Regional Shoreline Park between Keller Beach and Ferry Point by trying to retake an expired easement from the Park District and the community; and

WHEREAS, the Park District purchased, through eminent domain, the rail line from BNSF in 1991, and provided BNSF an easement to use the track only to serve industrial uses at the end of the track, including Petromark and Bray Oil, which no longer exist; and

WHEREAS, Miller/Knox Regional Shoreline Park, including Ferry Point, serves thousands of Richmond and surrounding area residents, who hold family BBQ's and recreational activities every day, particularly on the weekends; and

WHEREAS, a strong majority of park users are Latino and African American families who are able to enjoy the park's Bay access close to where they live; and

WHEREAS, the impact of BNSF's operations on the health of the Richmond community is already a concern, according to the California Air Resources Board; and

WHEREAS, BNSF's efforts to run diesel trains through Miller/Knox and Ferry Point will have serious impacts on the community and the environment, including:

- Creating a significant safety hazard for the community, especially children at the park.
- Allowing trains to cut off visual and physical access to the shoreline and Bay.
- Bisecting a heavily used community and regional park.
- Allowing storage and movement of railroad cars carrying hazardous substances. Increasing harmful diesel emissions in the community and the Park, leading to increased health risk in a community, which is already disproportionately impacted by local emissions.
- Increasing asthma rates in a city that already has one of the highest asthma rates in the Bay Area.
- Increasing blockage of the West Richmond Avenue railroad grade crossing.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council stands in strong opposition to BNSF's plan to reactivate rail use through Miller/Knox Regional Shoreline Park; and

BE IT FURTHER RESOLVED, that the Richmond City Council directs staff to implement the following actions:

- Send a letter to BNSF expressing the City of Richmond's strong opposition and demanding that BNSF immediately abandon their plans to reactivate rail use through Miller/Knox Regional Shoreline Park.
- Send a letter to the Surface Transportation Board (STB), the independent adjudicatory and economic-regulatory agency charged by Congress with resolving railroad rate and service disputes, expressing the City of Richmond's strong opposition.
- Request that Congressman DeSaulnier do everything in his power to oppose BNSF's efforts as a majority member of Congress and as a member of the House Committee on Transportation and Infrastructure.
- Inform the Richmond Neighborhood Coordinating Council (RNCC), trail advocacy and shoreline protection groups, and Brickyard and Point Richmond HOA's of BNSF's plans and encourage them to take a position of opposition.
- Direct the City Attorney to work with the Park District to review any and all legal remedies that may exist to prevent BNSF's efforts to reactivate a diesel rail line though Miller/Knox Regional Shoreline Park.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held May 21, 2019, by the following vote:

AYES: Councilmembers Johnson, Martinez, Myrick, Willis, Vice Chair Choi, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Bates.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT

Mayor

Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 39-19**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 21, 2019.



Pamela Christian, Clerk of the City of Richmond