

The Board of Supervisors of Contra Costa County, California

In the matter of opposing the BNSF Railway Company's plans to reactivate rail use through Miller/Knox Regional Shoreline Park in Richmond.

Resolution No. 2019/178

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; and 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; and 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 and Contra Costa County. They 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 regarding extending use of the rail line through Miller/Knox Regional Shoreline Park, including Ferry Point, that "...it has notified the Park District of its expanding business at Richmond Terminal, necessitating the reactivation of its rail use within the easement in the near future"; and

WHEREAS, the rail use easement was valid for rail operations only "as long as Seller serves Petromark and Ford Motor Company or any other shipper" at the City of Richmond's former Terminal One; and

WHEREAS, BNSF is actively working to subvert local control by trying to retake an expired easement from the Park District and the community; and

WHEREAS, BNSF, in their October 9, 2018 letter to the Park District, 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; and

WHEREAS, BNSF is opposing access to the shoreline of one of the City of Richmond's most popular community parks – Miller/Knox Regional Shoreline Park, including Ferry Point; and

WHEREAS, Miller/Knox Regional Shoreline Park, including Ferry Point, serves thousands of Richmond and West Contra Costa County's 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, 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; and

WHEREAS, the impact of BNSF's operations on the health of the Richmond community is already a concern, according to a Health Risk Assessment conducted by the California Air Resources Board. (https://www.arb.ca.gov/railyard/hra/bnsf_richmond_hra.pdf)

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby direct staff to implement the following actions: Write a letter to BNSF expressing Contra Costa County's strong opposition and requesting that BNSF immediately abandon their plans to reactivate rail use through Miller/Knox Regional Shoreline Park; Write a letter to the Surface Transportation Board (STB) of the United States (the independent adjudicatory and economic-regulatory agency charged by Congress with resolving railroad rate and service disputes) expressing Contra Costa County's strong opposition; Request our Federal and California legislative advocates and elected legislative delegation to oppose BNSF's efforts to reactivate rail use through Miller/Knox Regional Shoreline Park; Direct the County Counsel's office to work with the City of Richmond and the Park District to support any legal remedies that may exist to prevent BNSF's efforts to reactivate a diesel rail line through Miller/Knox Regional Shoreline Park.

PASSED by a unanimous vote of the Board of Supervisors members present this 21st day of May, 2019.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

District II Supervisor

KAREN MITCHOFF

District IV Supervisor

DIANE BURGIS

District III Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown:

ATTESTED: May 21, 2019

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By Stephanie Mello, Deputy

