## **RESOLUTION NO. 2019-55**

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

WHEREAS, The BNSF Railway Company ("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, in Richmond, California, which borders Albany to the North along the shoreline of the San Francisco Bay; 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, BNSF 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 and the City of Richmond have both resolved to oppose the action threatened by BNSF; and

WHEREAS, Miller/Knox Regional Shoreline Park serves the people of our region including residents of the City of Albany who visit the area for recreation and relaxation; and

WHEREAS, the operation of diesel trains through Miller/Knox Regional Park will have serious impacts on the park and its users, including:

- Creating a significant safety hazard, especially for 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.
- Imposing risks of (1) hazardous emissions and/or (2) accidental release of hazardous substances that could injure park users.

**NOW, THEREFORE, BE IT RESOLVED,** that the Albany City Council strongly opposes BNSF's plan to reactivate rail use through Miller/Knox Regional Shoreline Park; and

**BE IT FURTHER RESOLVED,** that the Albany City Council directs staff to convey a copy of this resolution to BNSF urging BNSF to abandon its plan to reactivate rail use through Miller/Knox Regional Shoreline Park, with copies to (2) the City of Albany's elected representatives in the United States Congress and the California Legislature and (2) the Board of Directors of the East Bay Regional Park District and the Mayor and City Council of the City of Richmond.

ROCHELLE NASON, MAYOR



## City of Albany

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 17th day of June, 2019, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid and Mayor Nason

NOES: None

ABSENT: none

ABSTAINED: Council Member Pilch

Eileen, Starrington

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

18th day of June, 2019.

Eileen Harrington

DEPUTY CITY CLERK