The Contra Costa County Board of Supervisors voted unanimously Tuesday morning for a motion backing the East Bay Regional Park District’s opposition to reactivating a section of old railroad that goes through the Miller/Knox Regional Shoreline Park in Richmond.

The tracks are owned by BNSF Railway Company, a Berkshire Hathaway company owned by Warren Buffett. It used to serve Richmond’s Terminal 1 and Ferry Point, before the surrounding real estate was purchased and converted into a public park.

Running trains through that park now would create a significant safety hazard, especially for children, according to county staff. However, BNSF sent the district a letter threatening to legally challenge public access back in October.

"It's just a bad idea for BNSF to do this," Supervisor John Gioia said while introducing the matter.

In addition to the risk of injury or death associated with pedestrians struck by trains, reactivating the railway would present a health risk due to increased diesel emissions. Rail traffic in the area could involve train cars carrying hazardous materials.

Given the scenic nature of the shoreline, there would also be visual impacts.
"This is a very, very frustrating situation," park district General Manager Robert Doyle, who happened to be in Martinez for jury duty, said during public comment.

"This is truly an environmental justice issue for the people of Richmond," Doyle added.

Other people who spoke up during public comment, including the presidents of several Richmond neighborhood councils, were unanimous in their opposition to running trains through the park.

"Don't let the railroad railroad us," Bruce Beyaert said. "They've really gone off the tracks."

BNSF spokesperson Lena Kent said in a statement Tuesday afternoon that there have been tough negotiations with the park district dating back to at least the 1960s, when these tracks were owned by the Santa Fe Railway.

BNSF has offered to relocate the tracks on a different path through the park as part of a joint-use plan that would include building a trail along the current right-of-way.

"Moving the rail line away from the shore and providing a trail in the current rail line location makes practical sense and is a much better environmental outcome than the Park's present plan, which will face regulatory and environmental hurdles," Kent said. "We look forward to continuing to work in good faith with the Park District on a joint-use plan."

When asked about that part of the plan, however, district staff told the supervisors it isn't viable.

As a result of the board's unanimous vote, the county will be writing a letter to BNSF asking them to abandon their plans immediately. They'll also be contacting the appropriate regulatory agencies, and asking their legislative advocates at the state and federal level to oppose the reactivation of the tracks.
Meanwhile, the office of the county counsel has been directed to work with the city of Richmond and the park district in search of a legal remedy.

The Richmond City Council is scheduled to consider a resolution opposing the railway's plans at their meeting Tuesday, which starts at 6:30 p.m. in the council chambers at 440 Civic Center Plaza.

The meeting for the agenda is available online at https://bit.ly/30zCLRZ.