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Groups Join State of California in Holding Railroads Responsible for Oil Spills, Disaster Planning

Railroads claim they are not responsible for hazardous fuels they transport across the state

San Francisco — Today, San Francisco Baykeeper and a coalition of concerned citizen groups, sportfishermen, and environmental organizations [joined](#) with the State of California in a lawsuit to defend the state’s oil spill response planning and financial responsibility requirements against a challenge by the railroads. Baykeeper filed a friend of the court brief along with Communities for a Better Environment, the Sierra Club, California Sportfishing Protection Alliance, Center for Biological Diversity, Association of Irrigated Residents and the Asian Pacific Environmental Network. Earthjustice is representing the coalition.

Reacting to a dramatic surge in crude oil trains coming into the state and threatening state waters, California passed a law this year (SB 861) requiring that railroads and others that transport oil across the state prepare comprehensive oil spill response plans to clean up a worst case oil spill. The new law expands the State’s personnel and planning to protect all of California waters from oil spills, including from railroads. The railroad industry recently sued the state, seeking to prohibit enforcement of the law, arguing that federal rail laws preempt any state regulation of the railroads.

According to the California Energy Commission, oil shipments by railroad into California hit an all time record this year, with nearly 285 million gallons arriving by train in the past twelve months – up from just two million just four years ago. The West Coast is becoming a major outlet for Canadian tar sands oil, which is one of the most toxic, heavy, and environmental destructive types of oil being mined. Meanwhile, volatile Bakken crude oil is increasingly being shipped from North Dakota, mostly in outdated, explosion-prone tank cars.

Earthjustice filed a brief describing the current oil train crisis and showing that the Oil Pollution Act of 1990, enacted after the Exxon-Valdez oil spill as part of the Clean Water Act, expressly preserves state authority to add to federal requirements governing oil spill planning and response.

“Californians have the right to protect our bay, marshes, and wild river canyons from the threat of crude by rail,” said **Deb Self, Executive Director of San Francisco Baykeeper**, an environmental nonprofit active in oil spill prevention. “We fought hard for these new protections and we’re going to see that they’re enforced.”

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*Since 1989, Baykeeper has worked to improve the health of San Francisco Bay.
We use science and clean water laws to improve habitats
and communities reliant on a thriving Bay ecosystem.*