

Protesters Move CalTrans to Reopen Niles Road EIR hearing

By Ron McNicoll

Sunol and Fremont opponents of the widening of Niles Canyon Road and its potential to remove a total of 668 trees have prompted CalTrans to change its direction somewhat about how the project will proceed in the future. The physical plans themselves in the \$80 million, 3-phase project were changed somewhat by CalTrans, although the plan primarily remains the same.

However, CalTrans will reopen the commentary period on the EIR for phase 2, a process that had closed October 7, 2010. The announcement was made by CalTrans District 4 director Bijan Sartipi on April 14 at an evening meeting in Fremont, which drew approximately 200 people. It was sponsored by Sen. Ellen Corbett and Assemblyman Bob Wiecewski.

CalTrans said at a mid-March meeting in Fremont that it was listening informally to concerned residents then, and would make some adjustments to the plan, if merited. With the formal reopening of the 45-day comment period of the phase 2 EIR, CalTrans must accept comments, and provide replies in the EIR document. The entire document is expected to be completed this fall.

It is too late to reopen the commentary period for phase 1 of the plan, which is being carried out now. Some 98 trees have been cut down in phase 1. The tree removal galvanized Sunol and Fremont residents to rise up in opposition to the whole road project. The comment period for the phase 1 negative declaration closed in 2005. The document was approved in 2006. The opponents said that no one was notified about the findings of the comment period, and there were no public meetings.

CalTrans said at the meeting April 14 that notices about the phase 1 comment period were sent out to organizations. Ads were placed in two area newspapers in 2005. The Alameda Creek Alliance (ACA) was the only group that asked for a public meeting, so CalTrans met directly with ACA. The ACA's objection was about a culvert that could impair fish migration. CalTrans agreed to change the culvert to a bridge. In all, 13 comments came back to CalTrans.

Work started on phase 1 earlier this year, with the removal of the 98 of a planned 668 trees, the total that CalTrans says must be removed in phase 1. Only a lawsuit seeking an injunction to halt work would stop any more work on phase 1. The ACA has retained an attorney to look into filing a suit.

CalTrans' publication of notices about the widening were not transparent about the threats to the canyon, said several speakers at the meeting on April 14. CalTrans officials said that there were presentations to the Union City and Fremont city councils, and a meeting at Sunol Glen school on July 27, 2010.

Sunol resident Jim O'Laughlin said he was there and in his opinion "It was very effective in terms of not communicating." O'Laughlin said that people at the Sunol meeting looked at maps and pictures on a wall, and had to find staff people and ask them questions. "Not once were we told that phase 1 was approved. You deceived us," said O'Laughlin.

A total of 668 trees could be cut by the time the entire three-phase project is done, a number that shows up in a 10-page report released by CalTrans at the April 14 meeting. The report also said that CalTrans will strive to lower that number through design. At the April 14 meeting, one official said that a stand of eucalyptus trees near Alameda Creek could be saved, but CalTrans would have to take 30 feet out of a hill on the other side of the road to accomplish that.

One of the changes CalTrans is making, after hearing from the public, is to use netting on hillsides, instead of solid retaining walls, which don't look natural, and which can attract graffiti.

DISPUTE OVER VALUE OF WIDENING SHOULDERS

The major issues for the opponents were the tree removal, potential increase in speeding from having wider shoulders, spoiling of scenery, possible harm to fish habitat in Alameda Creek, and what they say is CalTrans's misreading of what is unsafe about the road.

CalTrans said that increasing shoulders from very narrow or non-existent to eight to 10 feet, and putting rumble strips in the median and on shoulders will help motorists avoid the head-on crashes, sideswipes and striking stationary objects that make up a larger percentage of crashes. The traffic lanes will remain at 12 feet. The speed limit will remain at 45 miles per hour. Opponents contend that widening the road will encourage motorists to drive faster. They talked about using traffic calming, instead of widening the road.

CalTrans officials said they will have traffic calming such as the rumble strips, speed feedback signs, and more CHP enforcement, because the wide shoulders will not endanger officers while they are stopping and citing motorists. Wider shoulders also will provide more space for crash avoidance, they said. Opponents said that the biggest cause of accidents on Niles Canyon Road has been poor driving. They said there is no need for widening, only for better enforcement.

TRUCK BAN STUDIED BY FREMONT COUNCIL

Truck traffic is also a problem, said opponents. They want a truck ban. They point to a CalTrans statistic that states that the bulk of the crashes involve trucks. The Fremont City council has hired a consultant to conduct the necessary study to put a truck ban in place. Corbett said that she and Wiecowski, a former Fremont vice mayor, are working with Fremont in support of residents' desire for the truck ban.

However, CalTrans officials said that the ban can affect only trucks with 3 axles or more. Those trucks represent only 6.5 percent of the crashes, they said. Some 80 percent of the trucks in crashes are pick-ups and panel trucks, of the style seen on UPS delivery trucks. They cannot be banned, said the officials.

One comment from the audience April 14 came from Pat Stillman, president of Save Our Sunol, who told the officials that trees were removed from the canyon road after March 15, though CalTrans said no more trees would be removed after that. The response from deputy district director Jim Richards was that CalTrans did not cut any more trees after they said they finished. "If trees are being cut, we would like to know," he said.

Stillman also asked for a show of hands from the audience members who did not want the CalTrans project. Nearly all of the 200 present voted against it. One hand was in favor of it. Stillman said that she has been to five meetings on the plan, and has not found support for the project.