

## Protesters say "hell no" to more tree cuttings in Fremont

by Wes Bowers  
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Tri-City residents and several East Bay community and conservation groups gave a big "hell no" to the California Department of Transportation cutting more trees last week during a special meeting at the Fremont Teen Center.

State Sen. Ellen Corbett, D-San Leandro, and Assemblymember Bob Wieckowski, D-Fremont, asked Caltrans to attend the April 14 meeting to address concerns regarding the Niles Canyon Highway Safety Improvement and Widening Project.

Corbett and Wieckowski also asked the transit agency to reopen the public comment period for phase two of the project.

"As soon as we heard the concerns from Niles Canyon, Bob and I got on the phone with Caltrans and set up this meeting," Corbett told the roughly 100 attendees last Thursday. "Obviously protecting the canyon is very important to Bob and I, and we are thankful to have this opportunity to sit down with Caltrans and talk about all this."

Wieckowski, a former Fremont City Council member, said the canyon is special to him and other Fremont residents because many of them grew up with the Niles Canyon.

"When I was on the (Fremont) council I expressed my own concerns when Caltrans presented this project to the city," he said. "I'm pleased they've been willing to hear our community not just to listen to us, but connect the dots and show us exactly what they're doing."

The project involves widening state Route 84, and residents and community groups alike have been protesting Caltrans' project, specifically its decision to remove more than 100 mature native trees from the canyon.

Caltrans has also been accused of refusing to conduct a transparent and thorough environmental review, and of not being forthcoming in disseminating information to the public about the project.

Caltrans' project is split into three stages, costing an estimated \$80 million. The first two involve widening the majority of Niles Canyon Road between Fremont Boulevard and Interstate 680 to provide 12-foot lanes, a 2-foot median, and 2-foot to 8-foot shoulders.

The first phase starts this spring, while the second will start in fall 2012. The third stage is expected to get underway in summer 2013, and will involve replacing the Alameda Creek Bridge.

Caltrans officials say the project is aimed at improving highway and bicycle safety, but some opponents do not believe it will do that. Instead, they claim the state's safety statistics show Niles Canyon does not have a high accident rate.

They further believe the project may actually increase traffic fatalities by allowing cars to travel at higher speeds through the canyon.

Additionally, Fremont City Council voted 4-0 in February to begin discussion with Caltrans in banning large trucks in Niles Canyon along Route 84. City of Fremont staffers reported then that trucks cause 38 percent of the accidents in the canyon, yet make up 2.5 percent of the vehicles that use Route 84 on a daily basis. City staffers have claimed trucks often use the canyon to avoid the scales on I-680, contributing to unsafe traffic.

The Alameda Creek Alliance, Save Niles Canyon, Save Our Sunol, Friends of Coyote Hills, Southern Alameda County Sierra Club, East Bay Chapter of the California Native Plant Society, Tri-City Ecology Center, Citizen's Committee to Complete the Refuge, Local Ecology and Agriculture Fremont all oppose the project.

Hundreds of residents in Niles and Sunol, as well as members of these environmental groups, have written letters opposing the project, and protested and picketed at Vallejo Mill Historic Park on March 5 and at the corner of Mission Boulevard and Niles Canyon Road on April 9.

Opponents confronted Caltrans officials at a March 9 meeting, claiming the agency had created false premises for the project and is wasting \$80 million in public funds. They also accused the agency of severely damaging a trout habitat in Alameda Creek, creating blight along a designated scenic highway, as well as impacts to Niles and Sunol.

Bijan Sartipi, Caltrans' district director for the Bay Area, was asked by Corbett and Wieckowski to reopen the phase one's public comment period so residents could discuss the project's draft environmental impact report.

"We will reopen the comment period for 45 days, although we said we've already received your comments and have responded to them," Sartipi said. "But because of these new concerns brought to us we will reopen the comment period."

Despite this news, those in attendance said they remain displeased with Caltrans. They were given the opportunity to publicly voice their concerns last week, many disputing the agency's data regarding accidents.

Kimberly Harbin, a professional auditor, said Niles Canyon is a lot safer than Caltrans has been reporting.

"You say there have been 11 fatalities in the last 10 years on Niles Canyon Road," Harbin told transit officials. "But we can only find one, and it was a motorcyclist. He had too much to drink and he fell over. He didn't collide with another vehicle; he just slid."

When Harbin asked officials where they found their data, they said their information was from California Highway Patrol records. They added that they would be happy to provide their data to her and the other residents in attendance.

Jeff Miller, Alameda Creek Alliance director, said the project would require cutting 439 native trees from the Alameda Creek riparian corridor.

He said retaining walls, earthmoving for cut and fill, and rip-rap would harm important habitat for steelhead trout, California red-legged frogs, Alameda whipsnakes, rare sycamore forest habitat, and other native wildlife.

Miller said less environmentally damaging alternatives should be used such as installing radar speed signs, median barriers, and rumble strips, focusing on localized problem areas, and trimming or removing only selected trees.

He also noted City of Fremont had discussed banning large trucks from Niles Canyon.

Miller claimed Caltrans failed to present the project and communicate with the public properly.

"You failed to adequately notify the public about this project, and you deprived us the chance to challenge it," he said. "If our elected officials don't stop you, we will."

Miller's last comment generated a roar from the crowd. But Caltrans officials claimed they had communicated with Miller and his organization.

"Jeff, we met, we made changes to the (project) contract and sent you plans for review," Caltrans District Deputy Manager Mark Zebaneh said.

But Miller maintained the transit agency never held a public forum for residents, stating that was a different form of notifying the public than sending a few people project plans.

Answering Miller's assertion about the more than 400 trees being removed, project manager Ron Kiaaina said Caltrans could not identify any adverse affect on cultural resources before starting the project.

"Those trees were studied and not considered historically significant or to be historical resources," Kiaaina said. "Cutting them down will open up the scenic views of the canyon."

That comment received a guffaw from the audience. Many in attendance shouted that officials should actually take a walk through Niles Canyon to see the trees don't need to be removed to have scenic views.

Rich Godfrey, a member of Tri-City Ecology, urged Caltrans to re-analyze the project and conduct further studies, as well as involve the residents of Sunol, Niles and the rest of Fremont.

"I respect and honor what you guys do professionally," he said. "Everyone appreciates you trying to improve safety. At the same time, I have to be clear: The time for Caltrans to stop in its tracks is now."

State officials repeated their claim the project's main purpose is to improve safety. Caltrans maintained it has notified the public of its project, but several in attendance noted otherwise.

"I read five newspapers a day, and I never saw your ad," Sunol resident Nancy Farber said. "I didn't even learn about this until you had a meeting in Sunol (last month). It was a dreadful feeling to go to that meeting and to think of what Caltrans is going to do to us."

Many in attendance were under the impression Caltrans would be widening Niles Canyon Road to four lanes and increasing the speed limit, but officials said that plan was never presented.

"The project is intended to protect safety," Kiaaina repeated. "There's not going to be four lanes going through Niles Canyon. We're going to keep it at two lanes. We're trying to address safety, and we've found that rumble strips is a step in the right direction."

Many in the audience laughed at the idea.

About 50 residents spoke to Caltrans officials over the course of 90 minutes. One speaker took a survey to find that no one in attendance supported the project. But it was former Fremont councilman Steve Cho who told everyone the only way to get the project changed or halted was to continue talking with Corbett and Wieckowski, the only state politicians who seemed to be listening.

Cho's comments received thunderous applause from the audience.

"I thought the purpose of this forum was to communicate with the people," Cho said. "But the flavor I'm getting, is that you've already decided what

you're going to do and you're just here to tell us what that is you're going to do."

Zebaneh said Caltrans officials will take the meeting's input, as well as input from the reopened 45-day public comment period, and review it.

"We are making changes to the project," he told the audience. "And as we continue this dialogue we will continue to make changes to our plan and address your concerns."