

Group sues to stop Niles Canyon road project

By Matthew Artz
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FREMONT -- An environmental group is suing Caltrans in an effort to stop it from beginning roadwork on the first of three safety projects next week in Niles Canyon

The Alameda Creek Alliance, in a lawsuit filed Tuesday in Alameda County Superior Court, contends that Caltrans failed to perform adequate environmental studies and that the project threatens key habitat for steelhead trout and several other species.

"This project was approved illegally," alliance Director Jeff Miller said. "Caltrans was clearly required to do a more thorough environmental review. They have not been interested in public input or transparency."

Caltrans officials declined to comment.

The alliance decided to file suit after failing to reach an agreement with Caltrans on changes to the project during a May 13 meeting, Miller said. If successful, the lawsuit could force Caltrans to perform an environmental impact report, which could take more than a year to complete.

Caltrans has proposed three projects at a total cost of nearly \$80 million to improve safety on Niles Canyon Road, a state-designated two-lane scenic highway that meanders from Mission Boulevard in Fremont to Interstate 680 near Sunol.

The first two projects involve widening traffic lanes and road shoulders and building center medians along much of the road, which Caltrans found had an above-average rate of fatal automobile crashes. A third, less controversial project scheduled to begin in 2013 would replace Alameda Creek Bridge.

The road widening projects include removing about 600 trees and constructing more than two miles of concrete retaining walls, which residents in Fremont and Sunol say would ruin the canyon's scenic beauty.

The city of Fremont has written to Gov. Jerry Brown criticizing the projects and is looking into whether safety goals could be met by banning large trucks from the road.

Caltrans last month reopened the public comment period for the second and most extensive project, which is scheduled to begin next year. That project involves most of the tree removal and retaining wall construction.

However, Caltrans intends to begin work Wednesday on the first project, which involves widening a smaller portion of the road and improving an intersection near the city boundary of Fremont and Union City. Preliminary work done in that area earlier this year included topping at least 81 trees.

Miller, who said the first project would adversely impact nearby Alameda Creek and several native species, including the California red-legged frog, tiger salamander and Alameda whipsnake, expects a judge to rule on the injunction request before Wednesday.

The alliance's complaint charges that Caltrans proceeded with a less rigorous environmental review more than five years ago despite the San Francisco Bay Regional Water Quality Control Board's request for an environmental impact report, and a request by the U.S. Fish and Wildlife Service for more data.

Also, Caltrans never notified the public that it had approved the project, according to the complaint.