

# Lawsuits Challenges Caltrans Niles Plan

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The Alameda Creek Alliance (ACA) has filed a third lawsuit challenging the Caltrans approval and environmental review for road widening projects in Niles Canyon. The lawsuit challenges the Niles Canyon Medium-Term Improvements Project, based in part on inadequate mitigations for extensive tree cutting in the canyon. The Alliance also filed suit in November 2017 against the Alameda Creek Bridge Replacement Project over the same issues.

The Niles Canyon Medium-Term Safety Improvements Project would add two traffic signals on Highway 84 in Sunol at Main Street and Pleasanton-Sunol Road, re-design a low speed curve in the middle of the canyon, widen the shoulders of straightaways on both sides of Sunol, improve guard rails and remove trees and utility poles near the roadway, install rockfall protection systems including mesh cable netting and barriers in the lower canyon, and install speed feedback and warning signs at dangerous locations. The previously-approved Alameda Creek Bridge Replacement Project would replace the 90-year old Alameda Creek Bridge and add modern safety railings and road shoulders for bicyclist and motorist safety. Caltrans also proposes engineering the approaches to the bridge and at the low speed curve, increasing motorist speeds to 45 mph.

According to ACA, both projects would damage habitat for threatened steelhead trout, Alameda whipsnakes and red-legged frogs, and fail to provide adequate mitigations for significant impacts to native trees.

Caltrans plans to start construction on both projects in the winter of 2019.

Jeff Miller, director of the Alameda Creek Alliance, stated, "The local community wants a road safety project that doesn't unnecessarily cut trees and damage important creek habitat in Niles Canyon. Caltrans can't seem to figure out how to improve road safety without cutting more than 500 trees along Alameda Creek and marring the beauty of this state Scenic Highway. Converting segments of this narrow, windy road into a freeway is a terrible proposal; for real road safety, we need to be slowing down, not speeding up, traffic in the canyon."

Miller added, "Caltrans has nearly two years until construction starts and ought to be able to reduce the numbers of riparian trees to be removed and identify specific mitigations and replanting that will in some measure mitigate for the loss of these trees and their habitat values.."

ACA notes that Caltrans has not yet mitigated impacts related to cutting 150 native trees along Alameda Creek for a proposed highway widening project in lower Niles Canyon that was stopped by a court order in 2011. Caltrans has acknowledged that it cannot find suitable nearby tree planting mitigation sites that are acceptable to regulatory agencies, nor can it adequately mitigate for cutting large, mature riparian trees, such as sycamores and the loss of the habitat values they provide for native wildlife.

ACA writes that the proposed projects do contain some environmentally beneficial elements: the bridge replacement includes removal of a concrete weir in Alameda Creek that may be a barrier to migratory fish passage, lowering the number of bridge piers that are in the creek, and removal of invasive plants; the medium-term project includes replacement of a culvert at the bottom of Stonybrook Creek with a free-span bridge, and removal of invasive plants. The Stonybrook culvert removal is being used by Caltrans as mitigation for the tree cutting in 2011.