

## CALTRANS TO START OVER ON ENVIRONMENTAL REVIEW FOR CONTROVERSIAL NILES ROAD WIDENING PROJECTS



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*Fremont, CA* – The California Department of Transportation announced last week it will restart the environmental review and public comment process for phases one and two of the controversial \$80 million highway widening project in Niles Canyon. CalTrans will propose a new phase one highway safety project in the lower canyon in fall of 2012, after it was forced to abandon the original project due to a lawsuit. CalTrans will also put aside the draft environmental impact report and restart the public comment and environmental review process for the phase two project in the middle of the canyon.

“We’ve chased CalTrans’ scorched earth policy out of the canyon for now,” said Jeff Miller, director of the Alameda Creek Alliance. “Whatever safety concerns Caltrans has - and we dispute the claimed safety benefits of the projects - can be addressed without road widening and adverse environmental impacts. We will work to ensure the revised projects do not involve filling Alameda Creek or cutting any more trees.”

CalTrans terminated the phase one project approvals and cancelled the construction contract this month to settle a lawsuit filed by the Alameda Creek Alliance challenging the flawed environmental review process. CalTrans anticipates issuing a notice of preparation for a new project in the lower canyon in spring of 2013 and preparing an environmental impact report in 2014. CalTrans will reopen the environmental review and comment period for the larger phase two project in mid-canyon, due to public opposition, design changes and new safety data. CalTrans proposes a new draft environmental impact report for phase two in fall 2012.

“CalTrans’ rationalization for squandering \$80 million and trashing an important salmon stream has been blown out of the water,” said Miller. “If CalTrans can’t come back with a reasonable project justified by solid data that avoids damaging Alameda Creek, they risk continued litigation, state legislation and protests in the canyon - whatever it takes to bring this agency to its senses and make them listen to the public.”

CalTrans representatives publicly acknowledged last week that the rationale for the projects and safety data was flawed, that Niles Canyon road is safer in many regards than the state average, and that a safety rumble strip installed in 2007 dramatically reduced accidents and fatalities. CalTrans will accordingly revise the purpose and need for the project, but still insists on widening the highway and refuses to make design changes to avoid severe and unnecessary environmental impacts. CalTrans proposed minor changes in the design of retaining walls and installing two traffic lights at the top of the canyon in Sunol in phase two.

The City of Fremont opposes the proposed highway widening and has initiated a process to restrict large trucks over five tons from Niles Canyon to improve road safety. Fremont's [Initial Study](#) reached significantly different conclusions than CalTrans regarding rates of collisions and fatalities in the canyon. Fremont’s data shows that collision and fatality rates are lower than the statewide average and that after

CalTrans installed a center-line rumble strip in 2007, collisions dropped dramatically from 45 per year to 24.5 per year.

“CalTrans’ one-size-fits-all approach disregards the scenic beauty and wildlife habitat in the canyon and devalues the communities of Niles and Sunol,” said Miller. “We all want a safe roadway, but CalTrans must pursue less ecologically damaging alternatives than highway widening.”

### **Background**

CalTrans has proposed three phases of a highway project for much of Niles Canyon Road between Fremont and Interstate 680, with 12-foot lanes, 2-foot median, and 8-foot shoulders. CalTrans proposes cutting 600 trees along Alameda Creek and filling the creek and floodplain with four miles of cement retaining walls and rip-rap to accommodate unnecessarily wide roadway shoulders. This would damage habitat for steelhead trout, Alameda whipsnake and red-legged frog and remove rare sycamore forest. There are simple alternatives CalTrans has not evaluated such as flashing or signal lights, radar speed signs, median barriers, additional rumble strips, focusing on localized problem areas or other measures within the existing roadway.

CalTrans cut nearly 100 trees in the canyon this spring and intended to resume the environmentally damaging project in June. The Alameda Creek Alliance filed suit challenging the inadequate environmental review for the project, winning a court order halting construction in June 2011 and a settlement agreement from CalTrans in December 2011 requiring them to abandon the project. Phase two would require cutting nearly 500 more trees in the middle of the canyon and adding almost two miles of retaining walls and armoring along the creek. CalTrans has refused to consider any substantive changes to phase two.

CalTrans internally “approved” phase one in 2006 without alerting the public that the project had been finalized. CalTrans filed a “Negative Declaration,” claiming no significant environmental impacts, rather than the required Environmental Impact Report for a project with significant impacts. An Alameda Superior Court judge [excoriated](#) the agency’s clandestine project approval and obstruction of the public process.

The City of Fremont sent a [letter](#) to Governor Brown requesting he intervene to stop the project, citing “extreme” and “shocking” environmental impacts and “blatant disregard for getting input from the public.” Hundreds of local residents opposed the project at public meetings and protested the tree cutting. Save Niles Canyon, Save Our Sunol, Friends of Coyote Hills, Southern Alameda County Sierra Club, Citizens Committee to Complete the Refuge, East Bay Chapter of the California Native Plant Society and Tri-City Ecology Center are also opposing the project. CalTrans claims high numbers of fatal accidents justify road widening, but Niles Canyon Road is safer than the average state road. Traffic experts contend that CalTrans’ project may actually make the canyon more dangerous for drivers and cyclists by increasing vehicle speeds.

Alameda Creek is an ‘anchor watershed’ considered regionally significant for restoration of threatened steelhead trout to the entire Bay Area. Since 1997, numerous organizations and agencies have cooperated on restoration projects to allow migratory fish from the Bay to reach spawning habitat in upper Alameda Creek. Thirteen fish passage improvement projects, including dam removals, construction of fish ladders, and installation of fish screens, have been completed in the watershed since 2001. Several more projects in the lower creek are expected to be completed by 2013-2015, allowing steelhead to migrate into Niles Canyon in the project area and further upstream into the upper watershed for the first time in half a century.