

ALLIANCE SUING CALTRANS (AGAIN) FOR ILLEGALLY WITHHOLDING PUBLIC DOCUMENTS ON NILES HIGHWAY WIDENING



FOR IMMEDIATE RELEASE

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Oakland, CA – The Alameda Creek Alliance will be amending the [lawsuit](#) filed June 7 against Caltrans to add violations of the California Public Records Act. Caltrans has illegally refused to allow the Alameda Creek Alliance to inspect records and is illegally delaying the release of public documents requested under the Public Records Act relating to the environmental review for phase one of the highway widening project, compliance with permits, and the adequacy of the notification of approval of the project.

“Caltrans seems to be completely hostile to any public scrutiny of this project, or dysfunctional or both, but the records we requested are essential to the public's understanding of the Niles Canyon highway widening project and the agency is required to release them to the public,” said Jeff Miller, director of the Alameda Creek Alliance.

The requested records were regarding: public comments received on draft environmental review for the project; Caltrans' Project approval and Notice of Determination for the Project; Caltrans' notification of approval to members of the public, responsible agencies, and trustee agencies; compliance with Fish & Wildlife Service requirements for protected species; and compliance with purchase of mitigation bank acreage for endangered species impacts. The filing of the lawsuit by the ACA last week has no effect on Caltrans' legal obligation to provide public records to the public when formally requested under state law.

“The records requested should have been voluntarily made available to the public long ago if Caltrans was interested in any transparency on this project,” said Miller. “We have every right to these documents; it is our taxpayer money Caltrans is squandering on this wasteful and ecologically damaging project.”

Caltrans refused to allow inspection of the documents by the Alameda Creek Alliance last week even after being shown a May 26 letter from state Senator Ellen Corbett requesting that the agency provide public documents to the Alameda Creek Alliance in a timely manner. The agency notified the Alameda Creek Alliance today it will continue to delay release of the documents, which is illegal under state law.

The Alameda Creek Alliance will seek a court order to release the documents to the public.

Alameda Superior Court Judge Frank Roesch yesterday granted the Alameda Creek Alliance's request for a Temporary Restraining Order barring Caltrans from initiating construction on the first phase of the controversial \$80 million highway widening project in Niles Canyon along Alameda Creek, until a June 23 hearing on whether the Alameda Creek Alliance may proceed to trial challenging the inadequate environmental review for the Route 84 “Safety Improvement” project.

The Alameda Creek Alliance (www.alamedacreek.org) is a community watershed group with over 1,850 members, dedicated to protecting and restoring the natural ecosystems of the Alameda Creek watershed.