Judge halts Niles Canyon roadwork

Hearing set for June 23 on environmental group's lawsuit against Caltrans

By Matthew Artz
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FREMONT -- A judge issued a temporary restraining order Thursday blocking Caltrans from beginning roadwork next week on the first of three safety projects in Niles Canyon.

Alameda County Superior Court Judge Frank Roesch issued the order at the request of the Alameda Creek Alliance, which earlier this week filed a lawsuit contending that Caltrans failed to perform adequate environmental studies for the project.

Roesch scheduled a June 23 hearing to consider whether the environmental group was too late in filing the lawsuit and, if the lawsuit is valid, whether to grant the group's request for a longer injunction blocking the project, said Jeff Miller, the alliance's director.

Caltrans approved the project about five years ago. However, the alliance is arguing that the state transportation agency never alerted the public of the approval, and thus it is legally not too late to challenge the project.

"We know for a fact that they didn't do a legal or adequate environmental review, so we feel we deserve our day in court," Miller said.

Caltrans representatives were not available for comment Thursday.

The project would involve widening a small stretch of Niles Canyon Road and improving an intersection on the two-lane state highway that connects Fremont and Interstate 680 near Sunol.

Caltrans said the work, which includes removing dozens of trees and building retaining walls, will make the road safer. The alliance has written in court papers that the project will affect nearby Alameda Creek, harming several native species and setting back efforts to return steelhead trout to the creek.

Caltrans also is considering a much larger widening project along Niles Canyon Road that has faced strong opposition from residents in both Fremont and Sunol. That project is still undergoing environmental review and isn't scheduled to begin until next year.