

## Caltrans to start over on Niles Canyon project

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FREMONT -- Caltrans will relaunch the first phase of an \$80 million highway widening project in Niles Canyon in the spring of 2013, a spokesman said Monday.

The state transportation agency abandoned the original project in December to settle a lawsuit filed by the Alameda Creek Alliance, which challenged the environmental review.

The agency plans to issue a notice of preparation of a draft environmental impact report for the first phase in the spring of 2013 and prepare a report for public review and comment by the spring of 2014, Caltrans spokesman Bob Haus said.

The agency also plans to issue a new draft environmental impact report for the second phase of the project in the fall, Haus said.

After the alliance filed suit, a judge in June indefinitely blocked Caltrans from beginning road work on the first of three safety projects in Niles Canyon.

Alameda County Superior Court Judge Frank Roesch, in issuing a preliminary injunction, said that Caltrans had failed to notify the public upon approving the project.

He also ruled that the nonprofit alliance could proceed with a lawsuit charging that Caltrans approved the roadwork without performing adequate environmental studies.

The lawsuit was settled in December, when Caltrans agreed to rescind its 2006 approval and environmental review for the project, notify regulatory agencies that it is withdrawing the project, terminate the construction contract and comply with mitigation requirements for work already done, including tree-cutting along Alameda Creek.

Caltrans says the three-phase project to widen Niles Canyon Road, a winding two-lane state highway connecting Fremont and Interstate 680 near Sunol, will make the road safer, pointing out that there were 436 accidents in the canyon from 1999 to 2008, killing 13 and injuring 342.

But environmentalists, citizen groups and the city of Fremont oppose much of the proposed work, which they say would destroy sensitive habitat and ruin the canyon's beauty by removing hundreds of trees and adding more than two miles of concrete retaining walls.

"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," alliance director Jeff Miller said in a statement. "We will work to ensure the revised projects do not involve filling Alameda Creek or cutting any more trees."