

Niles Canyon Protest Picking Up Steam

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The protest against the cutting down of potentially more than 400 trees in Niles Canyon by CalTrans is growing.

CalTrans wants to remove 439 trees as part of the widening of Niles Canyon Road. The road would be expanded to one 12-foot lane in each direction and 18-inch shoulders on each side.

Currently the road is narrower. The shoulder in some places runs from nonexistent to six inches. Increased bike safety and reduction in traffic collisions have been cited by CalTrans as reasons for the project.

However, residents of Sunol and the Niles District of Fremont at each end of the canyon want to preserve the trees, and stop the widening project. They have protested that a better way to make the road safer is to ban trucks, which account for a much higher accident rate than their numbers would indicate. (Trucks comprise 2.6 percent of the traffic, and are involved in 38 percent of the collisions.)

The critics also say that installation of rubber warning strips on the existing roadway could reduce accidents. That could be accomplished without widening the road, they say. Further, the collision statistics show that over the past five years or so, the road is below the state average for collisions.

Basically, the project is a waste of \$18 million, said some of the critics.

To try to clear the air between CalTrans and the critics, Sen. Ellen Corbett and Assemblyman Bob Wieckowski, whose districts include the canyon, set up a meeting in Fremont for the public to direct questions to CalTrans officials. The meeting was set for March 9, after The Independent's deadline.

CALTRANS OPEN LETTER FAILS TO ADDRESS POINTS

The grassroots dissatisfaction also caused CalTrans to post an open letter on its web site about the Niles Canyon work.

The letter explains why CalTrans says the widening is needed, and cites statistics about traffic collisions.

However, the letter fails to address some of the objections that critics have raised.

Although the critics have said that CalTrans' own statistics cite figures that trucks are the accident culprits far beyond their numbers in traffic, the open letter does not mention it.

The critics call for a ban on truck traffic through the canyon. The Fremont City Council is looking into taking that possible action.

The open letter also does not address the critics' contention that CalTrans' own figures show an accident rate that is below average for the state's rural roads for the past four or five years, and could be lowered by simply adding rubber dots to the existing roadway.

Instead, the open letter says that between 1999 and 2008, there were 436 collisions, 11 of which resulted in fatalities, and 226 injuries. "More than one-third of the total collisions occurred across the median line or on the shoulder."

CalTrans wants to change that by the 12-foot widening of the road, and the widening of shoulders to the state standard of 18 inches. There would also be installation of rubberized dots on the median and shoulders.

DISPUTE OVER PUBLIC'S CHANCE TO COMMENT

The critics also complained they didn't have a chance to comment on the final EIR, which was in the lesser form of a negative declaration. Jeff Miller, a spokesman for the Alameda Creek Alliance, said that although he provided input to CalTrans during the draft comment period, he never heard back about the final draft, and therefore had no chance to comment on it.

The final draft was adopted more than four years ago. That alone can be grounds for a lawsuit that would stop the project, said Miller. He is speaking with an attorney about the possibility of suing CalTrans. Miller was not able to read the EIR until last week. He learned of it only because the tree-cutting had started.

Further, CalTrans advertised the document as one project, but now appears to be "piecemealing" it by breaking the project into three segments. That's illegal under state environmental law, said Miller. The second segment is supposed to start in 2012.

Piecemealing is illegal because an agency can use it to make the effects of a project look less significant than dealing with it as one project, said Miller.

The Creek Alliance objects to the impacts of the project on Alameda Creek, which flows next to the road. Rain run-off will gain more velocity from concrete retaining walls that CalTrans would install. This creates a poorer environment for fish.

The only good news for the fish in the project is construction of an arch bridge over the stream, and removal of a dam and culvert, which would otherwise impede the spawning of steelhead trout. "They don't have to complete the entire project, just to build a bridge," said Miller.

CONCERN ABOUT LOWERING ROADWAY

The widening opponents first learned of the tree-cutting on Feb. 25, when a tree removal crew started work at night under bright lights. Six protesters turned out on the spur of the moment.

Since then, the word spread, and a scheduled demonstration for late afternoon on March 5 brought out about 50 people, according to Fremont resident Roy Heavilin.

Heavilin is a volunteer with the Niles Canyon Railway, which takes hundreds of people on rail rides through the canyon.

The train passengers spend money at both ends of the line. Merchants have expressed concern about how the change in scenery will impact the popular attraction, said Heavilin.

The railway group, as a non-profit, can't take a political stand. However, Heavilin said the group is concerned that the plan would lower the road several inches and might also have some impact then on the railway road bed when there is a flood. One area was under water during a flood in the late 1980s, so it should be a concern, said Heavilin.