



## Watershed Group Challenges Caltrans Tree Cutting Plans in Niles Canyon

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*Oakland, CA* – The Alameda Creek Alliance filed a lawsuit today challenging Caltrans approval and environmental review for the Alameda Creek Bridge Replacement Project in Niles Canyon, east of Fremont, California. In addition to replacing the bridge, Caltrans wants to widen and reengineer a half mile of Niles Canyon Road, cut nearly three hundred trees, excavate along thousands of feet of the canyon, and build large retaining walls. The construction would damage habitat for threatened steelhead trout, Alameda whipsnakes and red-legged frogs.

“Replacing and upgrading the old bridge would be fine,” said Jeff Miller, director of the Alameda Creek Alliance. “Cutting 300 trees along Alameda Creek and a state Scenic Highway so that Caltrans can convert half a mile of Niles Canyon Road into a freeway is not acceptable. Caltrans has consistently ignored community requests to slow traffic down in the canyon and the project would speed traffic up in this dangerous stretch.”

The project would replace the 89-year old Alameda Creek Bridge and add modern safety railings and road shoulders for bicyclist and motorist safety. But Caltrans also proposes engineering the approaches to the bridge to increase motorist speeds from 35 to 45 mph.

“This project would make Niles Canyon Road more dangerous for drivers and cyclists, and lead to further road widening and tree cutting by Caltrans,” said Miller. “Caltrans bears full responsibility for delays in road safety projects in the canyon. This is an agency that can’t seem to follow the law in terms of disclosing the impacts of its projects to the public and conducting an adequate environmental review.”

Caltrans approval of the project violates the California Environmental Quality Act (CEQA) by failing to identify mitigation measures and improperly deferring what mitigation will be provided until after project approval. Caltrans did not disclose that mitigation for cutting trees, particularly riparian trees, would likely not be feasible, given that the agency has failed to implement promised mitigation for past logging of 150 trees in Niles Canyon in 2011. Caltrans withdrew a 2015 Environmental Impact Report for the current project after it was widely criticized by conservation and community groups and experts on special-status wildlife species, hydrology and fisheries, and traffic safety. Caltrans’ revised environmental review released in 2017 failed to clearly identify for the public what changes were made to the project.

“Caltrans’ overbuilt approach will not make the bridge segment safer and will not address the main causes of accidents in the canyon, which are speeding and distracted and drunk driving,” said Miller. “Caltrans should quit trying to turn Niles Canyon Road into a freeway one segment at a time and instead slow traffic down at dangerous narrow turns. It’s time for Caltrans to consider installing a median barrier for much of the length of the canyon.”

### Background

Caltrans claims the agency is “required” to increase the design speed of the bridge and its approaches to the posted canyon speed limit of 45 mph. Yet many locations throughout the canyon are posted for 30-35 mph because of tight turns in the narrow canyon. The Federal Highway Administration and Caltrans’ own Highway Design Manual allow a lower than “standard” design speed, based on environmental, safety and other considerations.

A dozen community groups have proposed safety solutions for Niles Canyon Road that do not involve needless destruction of the environmental and scenic values of Alameda Creek or Niles Canyon, and have opposed Caltrans’ plans to increase the design speed of the Alameda Creek Bridge and other road segments. The Alameda Creek Alliance, East Bay Chapter of the California Native Plant Society, Citizens Committee to Complete the Refuge, Save Niles Canyon, Southern Alameda County Sierra Club, and Bay Area Transportation Working Group opposed Caltrans’ proposal to speed up traffic at the bridge.

Caltrans has not mitigated impacts related to cutting 150 native trees along Alameda Creek for a proposed highway widening project in lower Niles Canyon that was stopped by a court order in 2011. Caltrans has several other planned safety projects in the Niles Canyon corridor that will cumulatively cut or impact a total of 550 to 650 trees. Caltrans has no timeline for mitigation for tree-cutting impacts from the bridge replacement project and no details about where mitigation tree planting will occur. Caltrans has acknowledged that it cannot find suitable nearby mitigation sites that are acceptable to regulatory agencies, nor can it adequately mitigate for cutting large, mature riparian trees such as sycamores and the loss of the habitat values they provide for native wildlife.

The proposed bridge replacement project does contain some environmentally beneficial elements, including removal of a concrete weir in Alameda Creek which may be a barrier to migratory fish passage, lowering the number of bridge piers that are in the creek, and removal of invasive plants.

Caltrans initially proposed a three-phase highway safety project that involved uniform widening of much of Niles Canyon Road between Fremont and Interstate 680, which would have significantly damaged habitat for steelhead trout and other endangered species, and removed rare sycamore forest along the creek. Caltrans tried a stealth approval of phase one of the project, without alerting the public, and started cutting trees in the canyon in spring of 2011. After large public protests, the Alameda Creek Alliance filed suit challenging the inadequate environmental review. A court order in June 2011 halted construction and a settlement agreement in December 2011 forced Caltrans to abandon the highway widening project. In 2012 the Federal Highway Administration conducted a road safety assessment for Niles Canyon, finding that Caltrans’ proposed highway widening was not warranted by the safety data. The FHA identified accident hot-spots within Niles Canyon that should be addressed, and noted four other locations in the canyon with higher priority needs for safety improvements than the Alameda Creek Bridge.