



Caltrans Signs Agreement on Environmental Protections for Niles Canyon Road Project

For Immediate Release, May 15, 2020

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Oakland, CA – The Alameda Creek Alliance has secured another settlement agreement with Caltrans to enhance environmental protections during the agency’s [Niles Canyon Medium-Term Safety Improvements Project](#) in Niles Canyon, east of Fremont, California. Caltrans has agreed to plant additional native riparian trees and remove invasive plants along Alameda Creek after construction of the road safety project.

“Caltrans now has a much improved road safety project with measures to promote a healthier riparian corridor along Alameda Creek through Niles Canyon,” said Jeff Miller, director of the Alameda Creek Alliance. “This agreement will result in significant numbers of new sycamore trees being planted along the creek and removal of invasive plants, which will improve stream habitat for trout and other wildlife.”

The project will realign a low-speed curve in Niles Canyon, widen road shoulders on straightaways near Sunol, upgrade guard rails, and remove some trees and utility poles close to the roadway. Caltrans will also install two traffic signals on Highway 84 in Sunol at Main Street and Pleasanton-Sunol Road. The agency already added rock-fall protection systems in the lower canyon, including mesh cable netting and barriers, and will install speed feedback and warning signs at dangerous road locations. The project will likely start construction in winter of 2020 and be completed by the end of 2022.

Under the agreement signed by an Alameda County Superior Court judge this week, Caltrans will replant riparian trees that are cut during the road safety project at a 4:1 replacement ratio, and will remove invasive trees and plants within and around the project area in Niles Canyon. Caltrans will also prepare a public report explaining a road culvert removal that is part of the project, which will be replaced with a bridge to improve migratory fish passage into the Stonybrook Creek tributary in Palomares Canyon.

“Now all of Caltrans’ proposed road safety projects in Niles Canyon are moving forward or have been completed,” said Miller. “The two settlement agreements we recently reached reduce our concerns about impacts to trees along Alameda Creek in the riparian zone. Riparian trees, especially sycamores, provide important wildlife habitat, shade the creek, stabilize stream banks, and provide nesting cavities for birds.”

The project will remove or impact up to 83 native riparian trees in Niles Canyon. Caltrans will attempt to replant 332 replacement trees, primarily within Caltrans right-of-ways in the middle of the canyon. Where feasible, Caltrans will plant trees at other locations within Niles Canyon, or in the Sunol Valley. Caltrans will complete replanting within four years of completing the project construction. If Caltrans is unable to plant all 332 replacement trees, it will fund a Native Tree Mitigation Bank Fund for other agencies to plant the sycamore trees in the Sunol Valley and other areas in the Alameda Creek watershed.

Caltrans will implement a plan to remove and control invasive plants within Caltrans right-of-ways in the middle of Niles Canyon. Caltrans will remove invasive trees, and control invasive shrubs and weeds such as tree-of-heaven, giant reed, pampas grass, and French broom.

The project includes removing a culvert in Stonybrook Creek under Highway 84 and replacing it with a free-span bridge. The creek channel in the lower portion of Stonybrook Creek will be reconfigured to prevent scour of the bridge. The culvert removal is being used by Caltrans as mitigation for tree cutting the agency conducted in lower Niles Canyon in 2011. Caltrans will publish a report explaining to the public the design of the bridge and the re-graded creek channel, and the benefits of the project for the fish passage and fish habitat. The report will also disclose the rationale for project elements or designs that were recommended by regulatory agencies but not incorporated into Caltrans' design for the culvert project.

Background

In 2005, Caltrans initially proposed a three-phase highway safety project that involved uniform widening of much of Niles Canyon Road between Fremont and Interstate 680. This would have needlessly damaged habitat for steelhead trout and other endangered species, and required extensive removal of rare sycamore forest along the creek. Caltrans 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 and lack of public notification of the approval for the project. A court halted construction and a settlement agreement in 2011 forced Caltrans to abandon the canyon-wide highway widening project.

Community groups then proposed safety solutions for Niles Canyon Road that did not involve extensive destruction of the environmental and scenic values of Alameda Creek or Niles Canyon. In 2012 the Federal Highway Administration conducted a road safety assessment for Niles Canyon, finding that Caltrans' proposed canyon-wide highway widening was not warranted by the safety data. The FHA identified accident hot-spots within Niles Canyon that should be addressed.

Caltrans subsequently proposed four smaller highway safety projects within Niles Canyon:

- Short-Term Improvements Project, completed in 2016. It added signage, roadway markings, and safety improvements at spot locations along Highway 84 between Mission Boulevard and Highway 680;
- Arroyo De La Laguna Bridge Project, approved in 2018. It will rehabilitate the foundation of an antiquated bridge in Sunol, replace bridge railings, and provide adequate sidewalks and shoulders on the bridge. Construction is anticipated to begin in early 2021.
- Alameda Creek Bridge Replacement Project, approved in 2017. It will replace the 90-year old Alameda Creek Bridge, adding modern safety railings and widening road shoulders for bicyclist and motorist safety. It will also remove an abandoned concrete weir from Alameda Creek to improve fish passage. The Alameda Creek Alliance filed suit challenging the approval of this project, leading to a settlement agreement in 2019. Caltrans agreed to increased tree planting mitigation and invasive plant removal.
- The current Medium-Term Safety Improvements Project. The Alameda Creek Alliance filed suit in 2018 challenging Caltrans' approval of the project, due to inadequate mitigation measures for the environmental impacts of the project. This week's settlement ends that lawsuit.

The Alameda Creek Alliance was represented in the settlements by the Law Offices of Brian Gaffney APC.