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SERVICE DATE – APRIL 7, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36433

NORTH COUNTY TRANSIT DISTRICT—PETITION FOR DECLARATORY ORDER

Decided: April 6, 2021

On August 28, 2020, North County Transit District (NCTD), filed a petition for declaratory order relating to certain actions of the City of Del Mar, Cal. (City) and the California Coastal Commission (Commission) regarding NCTD's rail line maintenance and other upgrading activities in its rail right-of-way. Numerous filings have been received in response to the petition.

On November 6, 2020, NCTD filed a motion to hold this proceeding in abeyance, stating that it recently had constructive discussions with the City and the Commission and that those three parties agreed that they should engage in further discussions to attempt to resolve the matters at issue. The Board granted NCTD's unopposed request and held this proceeding in abeyance until March 30, 2021, and directed NCTD to file a status update by that date.

On March 29, 2021, NCTD filed a status report, stating that it, the City, and the Commission have had further constructive discussions and that the parties have agreed that settlement discussions should continue. (NCTD Status Report 2-3.) As such, NCTD, with the concurrence of the City and the Commission, requests that the Board continue to hold this matter in abeyance until December 31, 2021. (*Id.* at 1, 3.)

The Board favors the private resolution of disputes whenever possible. NCTD's unopposed request will be granted and this matter will continue to be held in abeyance until December 31, 2021. NCTD will be directed to file a status update by December 31, 2021.

It is ordered:

1. This proceeding is held in abeyance until December 31, 2021. NCTD shall file a status update by December 31, 2021.

2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.