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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36433

**NORTH COUNTY TRANSIT DISTRICT –
PETITION FOR DECLARATORY ORDER**

**OBJECTION TO NORTH
COUNTY TRANSIT DISTRICT REBUTTAL**

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October 29, 2020

The California Coastal Commission objects to the late filing submitted by North County Transit District (NCTD) on or about October 26, 2020. The Commission is greatly disadvantaged by NCTD's attempt to cure the defects identified in the Commission's Reply. NCTD filed its Petition on August 28, 2020, without prior notice to the Commission. NCTD could have included the exhibits it now seeks to put before this Board but chose not to do so. Importantly, Exhibits A1 and A2 were final on June 30, 2020 so they clearly could have been included and their contents discussed. Exhibit B is a self-serving letter from NCTD to the San Diego Association of Governments (SANDAG) that goes beyond the issues NCTD put before this Board in its August Petition. Exhibit C is a PowerPoint that could have been prepared before the Petition was filed. Moreover, the rebuttal brief expands the issues by supposedly fleshing out the alleged fencing project yet the Commission was not provided an opportunity to review the proposal and cannot analyze it on such short notice.

It is inherently unfair for NCTD to seek to expand the scope of this matter when it chose the scope and timing to institute this proceeding. Given that the Board's rules of procedure do not contemplate a rebuttal brief (49 CFR § 1104.13(c)), the Board should decline to grant NCTD permission to file a late prejudicial brief that unfairly expands the scope of NCTD's petition.

Dated: October 29, 2020

Respectfully submitted,

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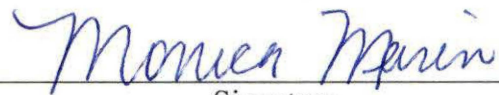
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CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on October 29, 2020, I served a copy of this **OBJECTION TO NCTD REBUTTAL** on counsel known to represent North County Transit District by first-class mail and email as follows:

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