

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

301085
ENTERED
Office of Proceedings
September 17, 2020
Part of
Public Record

Finance Docket No. 36433

NORTH COUNTY TRANSIT DISTRICT
VERIFIED PETITION FOR DECLARATORY ORDER

REPLY IN OPPOSITION TO REQUEST FOR EXTENSION

The North County Transit District (“NCTD”) respectfully opposes the 20-day extension request by the City of Del Mar (“Del Mar”) filed in the above-captioned proceeding. As noted in NCTD’s Verified Petition for Declaratory Order (“Petition”), it will begin the safety fencing project and another Del Mar Bluffs project this fall, both of which will be in its rail line right-of-way. The safety fencing project will likely be subject to review by Del Mar and/or the California Coastal Commission under state law. Additionally, the bluffs project will likely be subject to review under the Coastal Zone Management Act Federal Consistency Review. NCTD has argued that these projects should not be subjected to review under these state and federal coastal management law processes because of the preemption provision in the ICC Termination Act at 49 U.S.C. § 10501(b), as set forth in the Petition.

Moreover, Del Mar was served by email by NCTD on the day of filing of the Petition and has had twenty days to reply. NCTD asserts that this time is adequate for Del Mar to have completed its reply herein.

Because these projects are fast approaching, NCTD feels time is of the essence, and this proceeding should not be delayed. Therefore, NCTD respectfully requests that the Board reject this request for an extension by Del Mar.

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September 17, 2020

CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on September 17, 2020, I served a copy of this Reply in Opposition to Request for Extension on counsel known to represent the City of Del Mar and the California Coastal Commission by first-class mail or the most expedient method as follows:

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