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SERVICE DATE – SEPTEMBER 23, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36433

NORTH COUNTY TRANSIT DISTRICT—PETITION FOR DECLARATORY ORDER

Decided: September 22, 2020

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. On September 17, 2020, the City requested a 20-day extension to reply to the petition. The City states that additional time is necessary as it is evaluating a potential conflict of interest involving the City Attorney. On September 18, 2020, the Commission also filed a request to extend the reply deadline by 20 days, noting, among other things, that the petition involves significant questions regarding the Commission's jurisdiction. On September 22, 2020, Surfrider Foundation San Diego County Chapter filed a letter in support of the requests for extension, and states that it seeks to comment under the extension. NCTD opposes the requests for extension, asserting that time is of the essence with respect to certain rail maintenance and upgrade projects that it plans to begin this fall.

Based on the requests, an extension is warranted to allow any interested person sufficient time to address the significant issues raised in the petition. Additionally, although NCTD generally alleges that time is of the essence, it does not appear that granting an extension will cause undue delay in this proceeding. An extension therefore will be granted, as noted below.

It is ordered:

1. Replies to the petition are due October 5, 2020.
2. This decision is effective on its service date.

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