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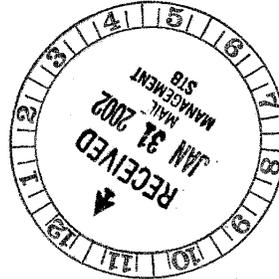
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†ALSO ADMITTED IN THE  
DISTRICT OF COLUMBIA

January 30, 2002

**VIA FEDERAL EXPRESS**

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



Re: *North San Diego County Transit Development Board*  
Finance Docket No. 34111  
Our File No. 2612

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Reply of the City of Encinitas to the Motion of the NCTD to Strike Portions of the Reply of the City of Encinitas. An additional copy is enclosed to confirm which can be returned to us in the enclosed self-addressed, stamped envelope.

Regards,

Stephen M. Uthoff

SMU:mjs  
Enclosures  
cc: Client  
All Parties on Certificate of Service

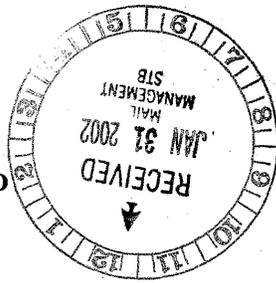
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204665

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



**FINANCE DOCKET NO. 34111**

**NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD  
-PETITION FOR DECLARATORY ORDER-**

**REPLY TO THE MOTION OF NORTH SAN DIEGO COUNTY  
TRANSIT DEVELOPMENT BOARD TO STRIKE PORTIONS  
OF THE REPLY OF THE CITY OF ENCINITAS**

Communications with respect to this document should be addressed to:

Glen Sabine  
City Attorney, City of Encinitas  
Stephen M. Uthoff  
CONIGLIO & UTHOFF, APLC  
60 Elm Avenue  
Long Beach, California 90802  
(562) 491-4644

Counsel for CITY OF ENCINITAS

DATED: January 30, 2002

**ENTERED  
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The City of Encinitas ("City") hereby replies to the Motion by the North San Diego Transit Development Board ("NCTD") to strike portions of the reply of the City of Encinitas.

#### BACKGROUND

On October 11, 2001, the NCTD filed a Petition with the Surface Transportation Board ("STB") for an order declaring that their construction of the Encinitas Passing Track ("Passing Track") was exempt from local oversight. On October 31, 2001 the City as well as the California Coastal Commission filed its reply thereto. Notwithstanding the arguments to the contrary, the STB on December 5, 2001 ruled that it would accept the Petition and set a schedule for the NCTD's response as well as the City's reply thereto.

In its order, the STB also acknowledged that it was convinced by the NCTD that expedited action was warranted because of the NCTD's erroneous representation that its funding for this project was in jeopardy. Instead, the City has now learned that contrary to the NCTD's representation, the funding for this project is secure until 2010. (See Exhibit "Q")

The NCTD, faced with facts taken from their own records, now attempts to file a further reply in support of their petition veiled as a motion to strike portions of the City's response. Since the STB did not provide for any further rebuttal by the NCTD and since the motion is, in effect a reply to a reply disallowed under 49 C.F.R. 1104.13(c) the motion in its entirety should be disregarded. However, should the STB wish to consider the motion on its merits, the City provides the following response:

#### ARGUMENT

The gravamen of the NCTD's motion is that somehow the Passing Track project is no longer part of the NCTD's Double Track Implementation Policy or the 2020 Regional Transportation Plan .

The NCTD tries to do this in two ways. They make a bold assertion vis-à-vis the declaration of Karen King that "the Encinitas Passing Track was not part of the future double tracking project contained in the 2020 Regional Transportation Plan (2020 RTP)

and NCTD further argues that because specific reference to the Encinitas Passing Track was deleted from a draft Coastal Double Track Implementation Policy, the revised Coastal Double Track Implementation Policy does not apply to it. The NCTD is wrong on both accounts.

**I. THE PASSING TRACK IS PART OF THE 2020 REGIONAL TRANSPORTATION PLAN.**

All parties agree that the 2020 Regional Transportation Plan (“2020 RTP”) contemplates double tracking the entire rail corridor in San Diego County. The NCTD is required by statute to conduct its operations in conformance with the 2020 RTP, Cal. Public Utilities Code, §125260, see also Cal. Govt. Code, §65080. Thus, in the first instance, if the Passing Track is not contemplated by the 2020 Regional Transportation Plan, the NCTD is prevented from building it.

Second, the NCTD’s actions and their own documents show that the Passing Track is being developed as part of the double tracking the entire corridor pursuant to the 2020 RTP. In a memorandum dated November 21, 2001, Martin Minkoff, Executive Director of the NCTD, (among others) suggests to the NCTD board that the \$3.3 million shortfall for funding the Passing Track project may be available through the Traffic Congestion Relief Program (TCRP). The funding would be available through the TCRP since the TCRP “includes a project to double-track intercity rail within the San Diego County” (see Exhibit “R”) As part of the request for TCRP funding the NCTD (once again through its executive director, Martin Minkoff) represented that the Passing Track “is part of or in conformity with, the appropriate Regional Transportation Plan” ( see Exhibit “S” section VI, question B.

The assertions of Karen King, without basis or foundation whatsoever, that the Passing Track is not part of the 2020 Regional Transportation Plan are outrageous and can be seen as a last ditch attempt by the NCTD to pull itself out from its statutory obligations.

**II. THE ENCINITAS PASSING TRACK REMAINS PART OF THE  
DOUBLE TRACK IMPLEMENTATION POLICY.**

Once again, Ms. King misses the point and instead, contrary to her own counsel's admonition that "the Final Coastal Double Track Implementation Policy says what it says", Ms. King tries to put a "spin" on the wording therein to suit her purposes.

If, we follow the NCTD's counsel's admonition to acknowledge that the policy "says what it says", the policy says the following:

" . . . Whereas, Section 65080 of the State Government Code specifies that actions by transportation agencies, including transportation development boards, must be consistent with the Regional Transportation Plan; and,

Whereas, the 2020 RTP transit element proposes double-tracking the entire railroad right-of-way, with the exception of the Del Mar bluff, from Oceanside to San Diego *conditional on appropriate environmental impact analysis to evaluate the combined impact of the double track project and;* (emphasis added)

Whereas, the 2020 RTP calls for NCTD, in cooperation with MTDB, Amtrak and the state to proceed with project-level environmental studies, design and implementation of double-track and other rail improvement projects in the coastal rail corridor; . . . and

Now, Therefore, it is hereby resolved that: 1. The Board shall endorse and actively pursue implementation of the SANDAG 2020 RTP transit element, which calls for double tracking of the railroad right-of-way, as it relates to NCTD. . . . 3. The Board shall conduct a study of the railroad right-of-way from the Orange County line to San Diego for the purposes of developing

alternative conceptual designs for double tracking segments of the railroad right-of-way; . . . . Once the study is complete, the Board shall prepare a programmatic environmental impact report (EIR) on the study in compliance with the California Environmental Quality Act (CEQA) . . .

It further provides:

“11. Should the Board, at a time in the future, certify the subject programmatic EIR and adopt a double track project for the railroad right-of-way, *implementation of each discreet segment of double track, or double track project, would be subject to further CEQA review.*” (emphasis added)

Thus, not only has the NCTD agreed to provide an EIR for this project, it also had agreed to provide a study on the entire corridor before going forward with any specific project so that the cumulative effect of any one project could be addressed as it relates to the impact of double tracking the entire corridor.

When the revised double track policy was presented to the Board at its March 29, 2001 meeting, the NCTD general counsel confirmed that the NCTD board was implementing the 2020 RTP through the policy. Further, several Board members expressed concern over having “specific projects listed in the policy”. (see Exhibit “T”, pg 2) Apparently, after discussion, it was decided that because the Board was implementing a general policy, it would not be appropriate to list any specific projects by name in the policy. Thus, the reference to the Passing Track as well as other specific projects was removed. The policy did not remove the NCTD’s obligation to conduct EIRs on a project by project basis. The wording may be different, but the obligation remained.

Indeed, in addition to the Passing Track, references to the San Onofre Passing Track, Tecolote Creek Track improvements, O-Neal Flores double track, and general “bridge” projects were removed from the draft policy. A comparison of the draft policy

to the implemented policy does show that in addition to those specific references, other things were also removed and/or added to the final policy. The final policy "says what it says" and it does say that the NCTD will first conduct a study before implementing any project and second, provide a broad brush EIR as well as a project specific EIR before implementing any part of any construction of a double track project.

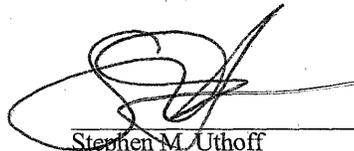
The fact that the specific reference to the Encinitas Passing Track was removed from the draft policy is of no effect. The NCTD's obligations remained the same. The NCTD's actions, namely adopting the 2020 Regional Transportation Plan as well as adopting its broad brush policy still evidenced an agreement to provide necessary environmental analysis before going forward with the Encinitas Passing Track.

In conclusion:

1. The NCTD is a political subdivision of the State of California created by virtue of Public Utilities Code.
2. As part of its creation, the NCTD is mandated to conduct itself in conformity with the 2020 RTP.
3. Contrary to the assertions of Karen King, the Executive Director of the NCTD, Martin Minkoff acknowledges that the Encinitas Passing Track is part of the 2020 RTP to double track the entire San Diego corridor.
4. The RTP as well as the NCTD's adopted policies requires that before any project is commenced to double track the corridor, (including the Encinitas Passing Track), an environmental impact report must and would be completed.

Thus, the motion by the NCTD must be denied

Respectfully submitted,



\_\_\_\_\_  
Stephen M. Uthoff  
CONIGLIO & UTHOFF  
A Professional Law Corporation  
Attorneys for  
CITY OF ENCINITAS

**EXHIBIT Q**



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## Panel gives NCTD extension on passing-track money

**JANET LAVELLE**  
Staff Writer

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What We Do

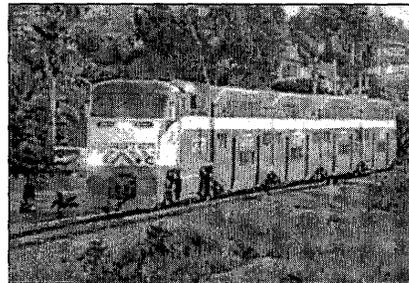
### Keyword Search

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ENCINITAS ---- A state transportation board agreed Wednesday to grant an extension for construction funds to build a passing track through Encinitas, but said it wants regular updates on the legal battle over the rail project.

The nine-member California Transportation Commission, which distributes state funds for transportation projects, gave North County Transit District a 19-month extension to use a \$2.95 million grant to build a 1.7-mile passing track through downtown Encinitas and Cardiff. The grant was due to expire Feb. 28.

The project became entangled in controversy and legal wranglings after the city of Encinitas filed a lawsuit in August to prevent construction. The City Council decided Tuesday to appeal a ruling issued last week by a U.S. District Court judge that the case should be decided by the federal Surface Transportation Board. A decision by the federal board, which regulates interstate commerce, is pending.



BILL WECHTER / Staff  
Photographer

After Encinitas Mayor Christy Guerin described the legal and political turmoil surrounding the project to the state Transportation Commission in Sacramento on Wednesday, the panel granted the funding extension but ordered the transit district and city officials to return to Sacramento every three months to give an update on the situation.

**A northbound Coaster train travels through Cardiff on Wednesday afternoon. A state board agreed to grant an extension for construction funds to build a passing track in the area, but wants updates on the battle over the project.**

Guerin and Ellen Roundtree, manager of grants and legislative affairs for the transit district, both said in phone interviews from Sacramento on Wednesday that they left the meeting feeling that they had gotten at least some of what they had requested.

Roundtree said the transit district got its extension.

"They want a status report every quarter, and that's fine. We would have done that anyway,"

she said.

Roundtree added that Guerin "was very eloquent" in persuading the commission that community opposition to the second track warranted their attention.

Guerin said that, although the commission rejected her request not to give the transit district an extension on the funding, the trip was a success.

"I'm extremely pleased we came up here to talk in front of the commission," she said. "We made a request that, if they decided to grant the extension, that they watch this really closely. We asked them to review it every six months, and they actually made it a three-month review."

Even before the meeting Wednesday, the legal battle cost the transit district a setback.

Transit district staff members discovered last fall that a new cost estimate for the passing track put the price tag at \$6.2 million ---- or \$3.3 million more than the district had for the project. The district staff applied to the California Transportation Commission for a \$3.3 million grant, and the request would have been heard at Wednesday's commission meeting. Roundtree said she withdrew the request in December, however, after state transportation officials said the unresolved lawsuit would likely sink chances of getting the money.

"We reserve the right to reapply," Roundtree said.

Guerin also accused the transit district staff of misleading the public and the transit district board of directors for many months about the Feb. 28 deadline to use the \$2.95 million grant. Guerin, who represents Encinitas on the transit district board, said the deadline had always been characterized as a "use it or lose it" situation.

Guerin said she recently discovered that the \$2.95 million in construction money came from funds raised by the 1990 Clean Air and Transportation Act, or Proposition 116.

"It's not a use it or lose funding," she said. "It's there until 2010. I was pretty angry when I found that out because I think some (transit district) board members voted for the passing track because they thought the money would be lost otherwise."

While the project has been on the transit district's to-do list for years, the district's board of directors approved construction of the second track with a 6-3 vote in July and reaffirmed its intention with a 5-4 vote in August.

Roundtree said projects using Prop. 116 must periodically renew their applications for the funding and that was the purpose of the Feb. 28 deadline. The district was never in jeopardy of losing the money, she said.

"It really stays (as funding to be used) in the rail corridor for NCTD," she said. "It would have to take a legislative act to change that. But what they could have done was taken the funds away temporarily" until the district submitted a new request.

"I think there was a lot of confusion over that," Roundtree said. "But it was not intentional."

**EXHIBIT B**



**MEMORANDUM**

**DATE:** November 21, 2001

**TO:** Chairwoman and Members of the North San Diego County Transit Development Board

**FROM:** Martin Minkoff, Executive Director *MM*  
Leslie Blanda, Manager of Capital Development  
Ellen Roundtree, Manager of Grants and Legislative Affairs *ER*

**SUBJECT:** UPDATE ON THE ENCINITAS PASSING TRACK PROJECT

---

At the July 19, 2001 Board meeting, the Board took action to proceed expeditiously with construction of the Encinitas Passing Track Project.

At the August 2, 2001 Board meeting, staff provided a brief status report for the Board outlining initial activities undertaken towards implementing the Board's action.

At the August 16, 2001 Board meeting, the Board reaffirmed the vote of July 19, 2001 and directed staff to implement construction of the Encinitas Passing Track Project in an expeditious manner.

At the August 16, 2001 Board meeting, the Board authorized the Executive Director to issue a purchase order to Frederic R. Harris, in the amount of \$69,000, for revision and completion of plans and specifications, preparation of a revised engineer's cost estimate and bid support for the Encinitas Passing Track Project. In addition, the Board established an additional project contingency in the amount of \$6,900 and authorized the Executive Director to approve expenditure of said contingency as needed.

Since that time, staff has been working with Frederic R. Harris, Inc. to finalize plans and specifications for the project. Plans and specifications were reviewed and revised to ensure consistency with the current design criteria used by NCTD. Revisions include refinement of track geometry to support train speeds of 70 miles-per-hour, as opposed to the original 40 miles-per-hour speed, upgrading the specified track from 115 to 136 lb. continuous welded rail, upgrading turnouts to achieve a speed of 60 miles-per-hour and the specification of concrete ties. Utilities within the project limits were reviewed to determine if there would be any impact associated with construction of the project and a utility matrix was prepared. Signal plans were advanced from the 30 percent design level and are now complete.

**EXHIBIT**   R

Frederic R. Harris prepared an engineer's cost opinion, or estimate, based on the final plans and specifications for the project. NCTD staff estimated non-construction costs, project contingency and escalation and prepared the final estimated cost for the project. **The updated cost estimate for the Encinitas Passing Track Project totals \$6,242,500.** A copy of the cost estimate is attached for the Board's information.

Copies of the final plans and specifications for the Encinitas Passing Track Project are available for review to Board members upon request.

Currently, the funding available for the Encinitas Passing Track Project is \$2.95 million, which will expire on February 28, 2002. With Board direction to proceed with the project, protection of the existing funding for the project is critical. Staff has prepared a request to extend the funds for the maximum allowed period of 20 months. For action at the California Transportation Commission (CTC) meeting scheduled for January 23-24<sup>th</sup>, 2002, the submittal must be received by the CTC staff by November 27<sup>th</sup>.

With the revised cost estimate of \$6,242,500, the project budget is short approximately \$3.3 million. Also implicit in the Board's decision to proceed with project construction, is the pursuit of any additional funding needed to complete the project. The Governor's Traffic Congestion Relief Program (TCRP) provides an opportunity to augment the project budget as the program includes a project to double-track intercity rail within the San Diego County. Staff has prepared an application request for this funding intended for presentation at the January 23-24<sup>th</sup> CTC meeting and will be transmitting the request prior to the November 27<sup>th</sup> deadline.

Should you have any questions regarding the funding or waiver request, please contact Ellen Roundtree at (760) 966-8550. For questions regarding the project definition or implementation, contact Leslie Blanda at (760) 967-2852.

Thank you.

cc: North San Diego County Transit Development Board Members  
(with enclosure)

EXHIBIT S



September 4, 2001

Mr. Robert Remen  
Executive Director  
California Transportation Commission  
1120 N Street, Suite 2221 (MS 52)  
Sacramento, CA 95814

Subject: Traffic Congestion Relief Program Partial Application (Paragraph 74)

Dear Mr. Remen:

The North County Transit District respectfully submits a partial application, for the TCRP funding designated to double track the rail line between San Diego and Orange Counties, for approval at the October 2001 California Transportation Commission meeting. The funding is listed under paragraph 74 of the Traffic Congestion Relief Program AB 2928 legislation. We are currently requesting that the \$3 million of the \$47 million be programmed for the construction of the Encinitas Passing Track.

Included with this request is the following documentation:

1. TCRP Application
2. TCRP Resolution
3. CalTrans Master Agreement Resolution
4. Regional Transportation Plan Documentation
5. Map of the Project Area
6. Financial Capacity Projections for the North County Transit District
7. Environmental

The North San Diego County Transit Development Board adopted the TCRP Resolution on November 2, 2000 and the Master Agreement Resolution on August 2, 2001, copies of which are attached.

NORTH COUNTY TRANSIT DISTRICT  
510 Mission Avenue, Oceanside, CA 92054-2825  
760.967.2626

EXHIBIT 5

PROJECT #74.2  
ENCINITAS PASSING TRACK

TCRP APPLICATION

### Traffic Congestion Relief Program

#### Section I. Application Information

- A. Specify the paragraph number, authorized dollar amount, and project description pursuant to Government Code section 14556.40 (a) (AB 2928, Chapter 91 of the Statutes of 2000) authorizing this project:

Paragraph Number: 74.2 Amount: \$ 47 million

- B. Description: San Diegan (Pacific Surfliner); double track intercity rail line between San Diego & Orange County line; Add maintenance yard in San Diego.

- C. Applicant Agency: North County Transit District  
 Address: 810 Mission Ave.  
Oceanside, California 92054  
 Contact Person: Ellen Roundtree, Manager of Grants & Legislative Affairs  
 Phone # 760.966.6550 FAX #: 760.967.0941  
 Email: eroundtree@nctd.org

- D. Implementing Agency: North County Transit District  
 Address: 810 Mission Ave.  
Oceanside, California 92054  
 Contact Person: Ellen Roundtree, Manager of Grants & Legislative Affairs  
 Phone # 760.966.6550 FAX #: 760.967.0941  
 Email: eroundtree@nctd.org

- E. Caltrans District: 75  
 Address: Rail Program, MS 74  
P.O. Box 942874, Sacramento, CA 94274  
 Project Manager/Coordinator: Pat Merrill, CalTrans, Rail Program  
 Phone # 916.654.7543 FAX #: 916.653.4565  
 Email: Patrick\_Merrill@dot.ca.gov

- F. Application Type:
- Study Only (Complete Sections II, IV, VI, & VIII)
- Non-Capital Phase(s)  
 (Complete All Sections except VII. Detail for requested phase(s), estimate otherwise)
- Studies, environmental review, and permits
- Preparation of project plans and specifications
- Capital Phase(s) - Must attach required environmental documents  
 (Complete All Sections except VII. Detail for requested phase(s), estimate otherwise)
- Right of Way Acquisition
- Construction or Procurement
- Complete Project (Complete All Sections except VII)
- Alternative Project (Complete All Sections)

**Section II. General Project Information**

- A. Project Name: Encinitas Passing Track
- B. Project Purpose: Constructing 1.7 mile passing track at Encinitas will eliminate most dispatcher delays which will increase schedule reliability and on time performance. It immediately benefits Coaster Commuter, Amtrak intercity and BNSF freight train movements by creating a key longer passing track, at a location where there are a significant number of train meets.
- C. Project Location (attach a map if applicable): Mile Post 238.0 to Mile Post 239.7, between E Street and Chesterfield Drive in the City of Encinitas San Diego County (see map).
- D. Project Description: NCTD is proposing to utilize \$3 million of the funding designated in the legislation toward a passing track project located in the City of Encinitas.  
  
The proposed project consists of the construction of a 1.7 mile passing track from just north of Chesterfield Drive to just south of E Street in the City of Encinitas. The project involves the reinstallation of a passing siding removed in the early 1970's by Santa Fe. The project would provide a 1.7 mile passing track on the east side of the existing main track with track speeds at 70 mph. The passing track would be contained within the existing railroad right-of-way and would not traverse any street or highway. The project will increase capacity, improve operational reliability and reduce the delay in train waiting time.
- E. Project Scope: The scope of the project consists of the construction of the 1.7 mile passing track, including sitework, track work, drainage, signal, permitting, mobilization, demobilization and associated construction management and administrative costs. A more defined scope and cost estimate will be provided at the time of allocation, as it is currently being revisited and updated.
- F. Total Estimated Cost of Project: \$6,000,000 (\$3,000,000 in TCRP Funds)
- G. Project Start Date: February 1996
- H. Construction Start Date: December 2001
- I. Project End Date: August - December 2002

**Section III. Project Phase Information**

Phase of work	Scope	Schedule (month/year)		Cost
		Start	End	
1. Studies, environmental review, and permits	Environmental	July 2001	Aug 2001	\$0
2. Preparation of project plans and specifications.	Original Updated/Revised	Feb 1996 Aug 2001	June 1996 Sept 2001	\$125,000
3. Right of Way acquisition	N/A	N/A	N/A	N/A
4. Construction or procurement	Construct Encinitas Passing Track	Dec 2001	Aug-Dec 2001	\$5,875,000
			Total:	\$6,000,000

**Section IV. Project Phases and TCRP Funds covered by this Application**

	Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP Funds				\$3,000,000	\$3,000,000
Estimated Allocation Date (month/year)				December 2001	Dec 2001

A. The Implementing Agency requests TCRP fund allocation in the amount of \$ 0 concurrent with this Application.

B. The Implementing Agency requests an advance payment of \$ 0

Please explain and justify:

\_\_\_\_\_

\_\_\_\_\_

C. The Implementing Agency requests the following rate of reimbursement be considered in association with the requested allocation: (As an allocation is not be requested, this section is not applicable at this time).

\_\_\_ Proportionally spread across all funding sources.

\_\_\_ Other, please explain and justify: \_\_\_\_\_

**Section V. Funding Information for the Total Project**

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP	State	Committed					
		Proposed				\$3,000,000	\$3,000,000
Proposition 116	State	Committed		\$125,000*		\$2,875,000	\$3,000,000
		Proposed					
		Committed					
		Proposed					
		Committed					
		Proposed					
		Committed				\$2,875,000	\$3,000,000
		Proposed				\$3,000,000	\$3,000,000
		<b>Total:</b>				\$3,000,000	\$6,000,000
		<b>Project Totals:</b>				\$3,000,000	\$6,000,000

\*Note: Approximately \$45,000 has been expended.

\* Note: Total Project costs include:

Segment 1 - #74.1 Oceanside Double Tracking (\$6,000,000 TCRP);--

Segment 2 - #74.2 LOSSAN Corridor PEIR/EIS and Improvements (\$19,000,000 TCRP; \$156,374,000 TBD, Total Cost = \$175,374,000);

Segment 3 (#74.3 - Yet to be programmed) Maintenance Yard (\$22,000,000 TCRP; \$8,000,000 STIP; \$1,000,000 Amtrak, Total = \$31,000,000).

**Section VI. Additional Information**

- A. Will this project utilize Regional or Inter-Regional Transportation Improvement Program funding?

Yes (application must be co-signed by regional planning agency or Caltrans, whichever is applicable.)

No

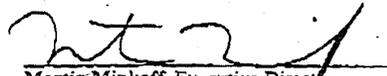
- B. For Projects with a Right of Way or Construction/Procurement Phase, the Lead Agency must demonstrate that it is part of, or in conformity with, the appropriate Regional Transportation Plan. Attach a copy of the relevant section(s) of the Regional Transportation Plan. **ATTACHED.**

- C. If this project will utilize other fund sources (i.e. STIP, local measure tax, demo funds, etc.), have they been programmed or committed? Please provide a narrative describing how they have been committed or a strategy that the Agency will undertake to commit necessary funds:

Proposition 116 Funds: \$3.0 million has been allocated towards for use toward this project.

**Section VII. Justification for Alternative Project Application - NOT APPLICABLE****Section VIII. Signatures of Applicant Agencies**

By affixing the signature(s) below, the agency certifies it has provided complete and accurate information necessary for the California Transportation Commission to review and process this Project Application; that the agency will in good faith pursue this work for the public's benefit in a timely and diligent manner and comply with all existing and future Commission policies and rulings; and that the Regional Planning Agency or Caltrans has reviewed and approved this project.

  
\_\_\_\_\_  
Martin Minkoff, Executive Director  
North County Transit District  
(Applicant & Implementing Agency)

9-4-01  
Date

PROJECT #74.2  
ENCINITAS PASSING TRACK

TCRP RESOLUTION

## RESOLUTION NO. 00-09

RESOLUTION OF THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD AUTHORIZING THE FILING OF APPLICATIONS AND ALLOCATION REQUESTS FOR TRAFFIC CONGESTION RELIEF PROGRAM (TCRP) FUNDS WITH THE CALIFORNIA TRANSPORTATION COMMISSION; AND EXECUTION OF FUND TRANSFER AGREEMENTS OF SAID APPLICATIONS AND ALLOCATIONS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF PROJECT EXPENDITURES

WHEREAS, the Traffic Congestion Relief Act of 2000 (the Act) was established by Chapters 91 (AB 2928) and 92 (SB 496), as amended by SB 1662, of the statutes of 2000; and

WHEREAS, the North San Diego County Transit Development Board- (NSDCTDB), has been named in the Act to receive \$14 million for project #76 (Train Set for the COASTER Commuter Rail Service); and \$80 million for project # 79 (Oceanside-Escondido Rail Project); and co-recipient of project #75 (\$9 million- Purchase of Alternatively Fueled Buses); and

WHEREAS, the statutes require a local or regional implementing agency to execute a fund transfer agreement with the Department of Transportation (Caltrans) before it can be reimbursed for project expenditures; and

WHEREAS, the Guidelines adopted by the California Transportation Commission governing the administration of the projects contained in the Traffic Congestion Relief Program require that the cooperative agreement contain a certification, by resolution of the governing Board of the local or regional agency, as required by statutes that the level of expenditures for transportation purposes, will be sustained at a level of expenditures consistent with the average of annual expenditures during the 1997-98, 1998-1999, and 1999-2000 fiscal years, including funds reserved for transportation purposes, during the fiscal years that the allocation provided for this project is available for use.

WHEREAS, the North San Diego County Transit Development Board has no other funds already available for the proposed projects in the TCRP; and

WHEREAS, State funding received by NSDCTDB for the New Capital Budget are discretionary and outside the control of NSDCTDB; and

WHEREAS, NSDCTDB has established an ongoing source for this program, which is expected to continue well above the FY 1997-98, 1998-1999, and 1999-2000 levels; and

WHEREAS, it is within the control of the NSDCTDB to assure that this level continues.

NOW, THEREFORE, BE IT RESOLVED, by the NSDCTD Board of Directors, that the Executive Director is authorized to execute and file an application on behalf of the NSDCTDB with the CTC for TCRP funding; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to execute and file any certifications, assurances, and other documents that the CTC requires before awarding a grant; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to execute fund transfer agreements with Caltrans on behalf of the NSDCTDB; and

BE IT FURTHER RESOLVED, by the NSDCTD Board of Directors that the level of expenditures for transportation purposes will be sustained at the same levels (at a minimum) of expenditures consistent with the average of annual expenditures during the 1997-98; 1998-1999, and 1999-2000 fiscal years; including funds reserved for transportation purposes, during the fiscal years that the allocation provided for this project is available for use.

PASSED AND ADOPTED this 2nd day of November, 2000

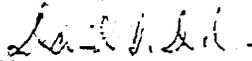
by the following vote:

AYES: DRUKER, NYGAARD, DUVIVIER, WALDRON, HARDING, EBERT, RITTER, HORN, KELLEJIAN

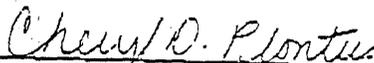
NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
\_\_\_\_\_  
CHAIRMAN, North San Diego County  
Transit Development Board

ATTEST:

  
\_\_\_\_\_  
SECRETARY, North San Diego County  
Transit Development Board

PROJECT #74.2  
ENCINITAS PASSING TRACK

CALTRANS  
MASTER AGREEMENT  
RESOLUTION

**EXHIBIT A****RESOLUTION # 01-06****RESOLUTION OF THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR STATE FUNDED TRANSIT PROJECTS**

**WHEREAS**, the North San Diego County Transit Development Board may receive funding from the State of California now or in the future for transit related projects; and

**WHEREAS**, substantial revisions were made to the programming and funding process for the transportation projects programmed in the State Transportation Improvement Program, by Chapter 622 (SB 45) of the Statutes of 1997; and

**WHEREAS**, the Traffic Congestion Relief Act of 2000 (the Act) was established by Chapters 91 (AB 292B) and 92 (SB 496), as amended by SB 1662, of the statutes of 2000, creating the Traffic Congestion Relief Program (TCRP); and

**WHEREAS**, these statutes related to state funded transit projects require a local or regional implementing agency to execute a cooperative agreement with Caltrans before can be reimbursed for project expenditures; and

**WHEREAS**, the California Transportation Commission (CTC) guidelines for the Traffic Congestion Relief Program, encourages caltrans and the implementing agency to maximize the use of existing agreements such as Master Agreements and Program Supplements to expedite development and execution of cooperative agreements; and

**NOW, THEREFORE, BE IT RESOLVED** by the North San Diego County Transit Development Board (NSDCTDB) that the NSDCTDB agrees to comply with all conditions and requirements set forth in this agreement and applicable statutes, regulations and guidelines for all state funded transit projects.

**WHEREAS**, the CTC, who governs the administration of transit related projects, requires a cooperative agreement, for TCRP projects to include a certification, by resolution of the governing board of a local or regional agency, as required by statutes, that it will sustain its level of expenditures for transportation purposes at a level that is consistent with the average of its annual expenditures during the 1997-98, 1998-99, and 1999-2000 fiscal years, including funds reserved for transportation purposes, during the fiscal years that the allocation is available for use; and

**NOW, THEREFORE, BE IT RESOLVED** that the level of expenditures for transportation purposes will be sustained at a level that is consistent with the average of its annual expenditures during the 1997-98, 1998-99, and 1999-2000 fiscal years, including funds reserved for transportation purposes, during the fiscal years that allocations for TCRP projects are available for use.

WHEREAS, the North San Diego County Transit Development Board wishes to delegate authorization to execute these agreements and any amendments thereto to the Executive Director; and

NOW THEREFORE, BE IT RESOLVED that the Executive Director of the North San Diego County Transit Development Board be authorized to execute the Master Agreement and all Program Supplements for State Funded Transit Projects and any amendments thereto with the California Department of Transportation.

PASSED AND ADOPTED by the NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD this 2<sup>nd</sup> of August 2001, by the following vote:

AYES:	NYGAARD, ESTES, DRUKER, GOLICH, GUERIN, HARDING, HARRIS-EBERT,
NAYES:	NONE
ABSENT:	HORN
ABSTAIN:	NONE
	WALDRON

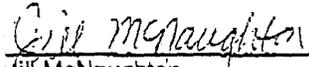
  
 \_\_\_\_\_  
 CHAIRWOMAN, North San Diego County  
 Transit Development Board

ATTEST:

  
 \_\_\_\_\_  
 SECRETARY, North San Diego County  
 Transit Development Board

CERTIFICATION:

I, Jill McNaughton, Board Secretary of the North San Diego County Transit Development Board, hereby certify that this is a true and accurate copy of Resolution No. 01-06, adopted at the regular meeting of the North San Diego County Transit Development Board held on August 2, 2001.

  
 \_\_\_\_\_  
 Jill McNaughton

8/17/01  
 \_\_\_\_\_  
 Date

PROJECT #74.2  
ENCINITAS PASSING TRACK

REGIONAL TRANSPORTATION PLAN (RTP)  
DOCUMENTATION

# 2020 REGIONAL TRANSPORTATION PLAN

San Diego



ASSOCIATION OF  
GOVERNMENTS

401 B Street, Suite 800  
San Diego, CA 92101  
(619) 595-5300

April 2000

This report was financed with federal funds from the U.S. Department of Transportation, Federal Transit Administration (FTA), U.S. Department of Transportation, Federal Highway Administration, state funds from the California Department of Transportation, and local funds from SANDAG member jurisdictions.

The contents of this report reflect the views of the San Diego Association of Governments which is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policy of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.  
ADVISORY/LIAISON MEMBERS: California Department of Transportation, Metropolitan Transit Development Board, North San Diego County Transit Development Board, U.S. Department of Defense, San Diego Unified Port District, San Diego County Water Authority, and Tijuana/Baja California/Mexico

### Local Bus Services

Local bus services should be expanded into newly developing areas as soon as such services have a sufficient population or employment base to support cost-effective operation. Local feeder service should be provided to Trolley, Coaster and express bus services. In addition, service improvements in existing communities should be regularly evaluated and revised to best meet travel demands and attract new riders.

The transit development boards routinely perform these planning activities as part of their short-range planning work. Both MTDB and NCTD are in the midst of major updates to their strategic or business plans. Because of these plans, major transit system changes probably will not be considered through the year 2001.

### TransNet (Local Transportation Sales Tax) Transit Improvements

*TransNet* is a 20-year, local sales tax that was passed by voters in 1987 to provide funding for highways, local roads and public transit. Transit system improvements funded by *TransNet* include several San Diego Trolley extensions, Coaster commuter rail service in the coastal corridor, and a rail transit service in the Oceanside to Escondido corridor.

Construction of the *TransNet* rail transit system is programmed for implementation by the year 2008. The Oceanside-Escondido light rail line will begin service in 2004. The *TransNet* transit network is incorporated into both this Transit Chapter as well as the Revenue-Constrained Plan described in Appendix A.

### Coast Express Rail (Coaster) Commuter Rail Service

Since the start up of commuter rail service in February 1995, the Coaster has expanded from 12 to 18 one-way train trips, Monday through Friday. In addition, eight trips provide service on Saturdays. Expansion to 20-minute peak period and hourly off-peak service is proposed by the year 2020.

Based on the North Coast Transportation Study and the initial studies of several intercity rail agencies, major improvements to the existing rail corridor are proposed. These include double-tracking the entire line from Oceanside to Centre City San Diego, conditional on appropriate environmental impact analyses to evaluate the combined impact of the double-track projects. In addition, tunnels are proposed at University City in San Diego and in Del Mar. Realignment of the railroad to avoid the Del Mar bluffs completely, either with a proposed tunnel or other viable alternatives, will be evaluated. Grade separation of the rail line also is proposed, where practical, to improve safety and travel speeds.

In the near term, a new Coaster station is planned at University City and a parking facility is planned at the Sorrento Valley Station. Two "special events" station platforms are proposed: one at the Del Mar Fairgrounds and a second adjacent to the Convention Center and the Gaslamp District in Centre City San Diego. The Convention Center/Gaslamp station would provide access to the proposed downtown San Diego Padres baseball park.

NCTD is straightening curves and adding additional track capacity at several locations. The completion of these projects will enhance the efficiency of the rail mode as well as reduce travel times and improve schedule adherence on the Coaster and the Amtrak service as well.

### **Intercity and High Speed Rail**

Four major studies of intercity passenger rail service are in preparation or review. The California High Speed Rail Authority is studying a statewide very high speed rail service. In addition, the Caltrans Division of Rail is updating its 5-, 10- and 20-year plans for conventional rail service throughout the state.

Amtrak recently initiated a new planning process for the California "corridor" as part of a national effort to upgrade passenger rail services. In Southern California, the seven-county SCIRG is monitoring and coordinating the previous three efforts as a part of its on-going planning program.

#### *California High Speed Rail Authority*

Created by the legislature in 1996 to implement high speed rail service, the Authority is nearing completion of a business plan for the very high speed passenger rail system. The potential service would operate at a maximum speed of 200 to 300 miles per hour, depending on the technology chosen for the service. The proposed routing would connect Sacramento and San Diego, with service to the San Francisco Bay area, the San Joaquin Valley and the Los Angeles basin.

Within San Diego County, the Authority will evaluate two corridors through the environmental process. These corridors are the existing rail alignment terminating at either Lindbergh Field or Centre City San Diego, and the I-15 corridor terminating at Qualcomm Stadium. The I-15 alignment will be used in preparing the Authority's Business Plan.

The very high speed rail Business Plan was presented to the Governor and legislature in January 2000. It will provide cost, operating and financing information for consideration by the state, as well as other interested agencies and individuals. To finance the project, a ballot proposition probably will be presented to the voters.

The Regional High Speed Rail Task Force, appointed by SANDAG, is participating in and monitoring the preparation of the Business Plan. The state's evaluation and a resolution of the very high speed rail proposal(s) will not be completed until after the proposed adoption date of the 2020 RTP.

#### *Caltrans Rail Program*

The Caltrans Rail Program maintains a 20-year plan for conventional (100 miles per hour or less) passenger rail service in the state. Recently, the legislature expanded Caltrans' planning responsibility to include freight rail service as well. It is currently updating the passenger portion of the program; a draft was issued in October 1999.

The state, through Caltrans, subsidizes three intercity Amtrak corridors in California: the Capitol Corridor, the San Joaquin and the San Diegan. These corridors also are under study by the California High Speed Rail Authority.

#### *Amtrak*

As a major part of its program to make its system self-supporting, Amtrak is preparing a 10-year plan for the California Corridor. Initiated in spring 1999, this program will evaluate the most productive improvements that would move Amtrak toward its financial goal. SANDAG is participating in this program through its membership in the SCIRG. This planning process should be completed in the year 2000.

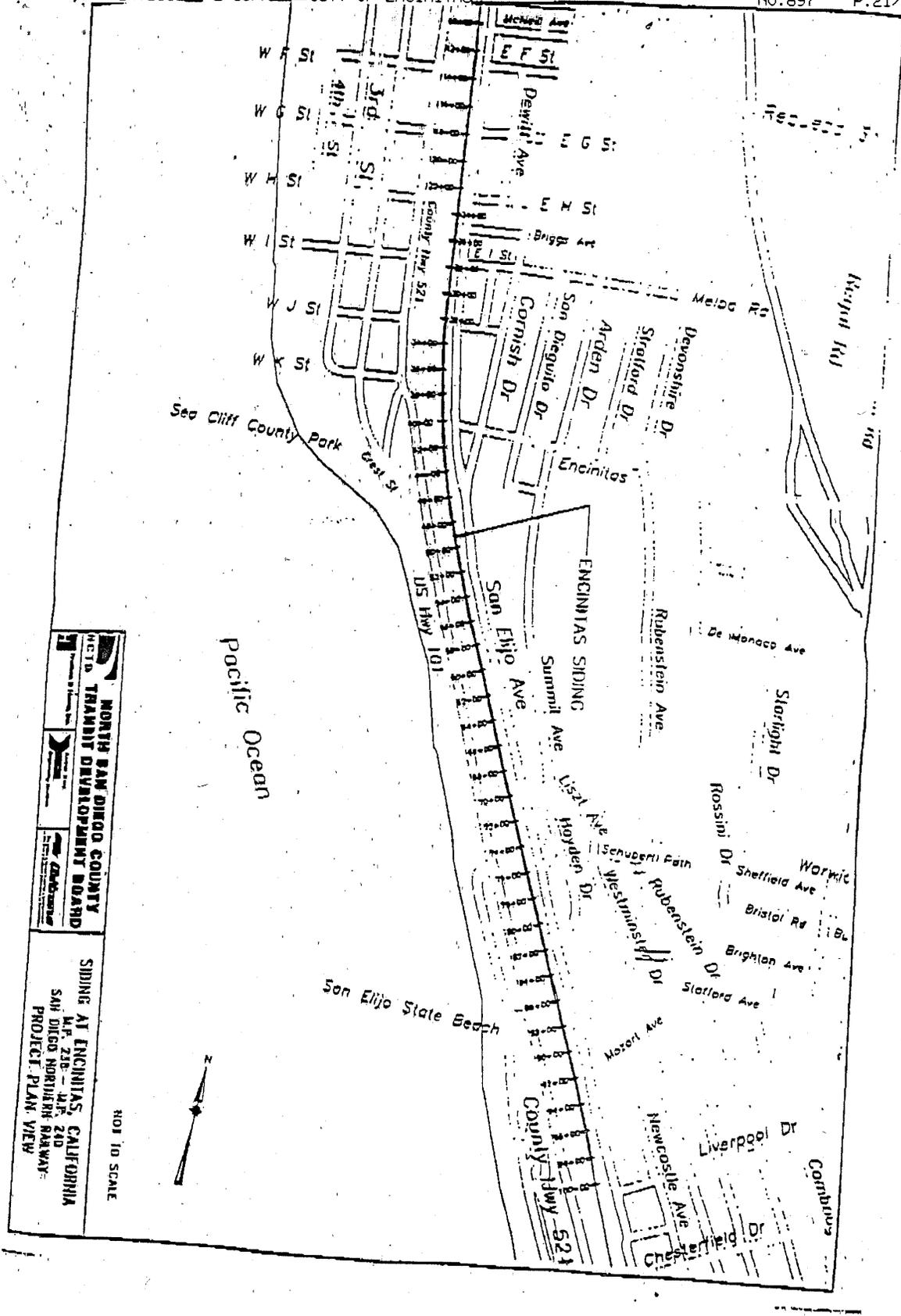
#### *Southern California Intercity Rail Group*

Seven counties in Southern California have formed a joint powers agency to oversee the development and operation of passenger rail services in the southern part of the state. SCIRG monitors the operation of the state-subsidized Amtrak services and promotes better coordination between Amtrak and commuter rail services.

The rail group is playing a major advisory role in the preparation of the Amtrak plan. As part of this effort, SCIRG is developing a "vision" for rail services in Southern California. Under existing state legislation, SCIRG has the authority to assume the administration of the state-subsidized San Diegan service, but has chosen not to exercise that authority.

PROJECT #74.2  
ENCINITAS PASSING TRACK

MAP OF PROJECT AREA



**NORTH SAN DIEGO COUNTY**  
**TRANSIT DEVELOPMENT BOARD**

**SIDING AT ENCINITAS, CALIFORNIA**  
 MAP 218 - MAP 240  
 SAN DIEGO-NORTHERN RAILWAY  
 PROJECT PLAN VIEW

1" = 100' SCALE



PROJECT #74.2  
ENCINITAS PASSING TRACK

NCTD'S  
FINANCIAL CAPACITY PROJECTIONS

Ten-Year Financial Operating Model-FY 2002-2013

All Modes  
(in millions)

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<b>REVENUE</b>												
Estimated Beginning Carryover	13.7	14.4	15.4	16.5	18.6	20.4	25.2	26.9	23.4	20.4	17.4	14.5
Passenger Revenue	12.7	12.8	13.1	13.4	14.0	16.3	17.5	17.6	18.5	19.1	19.6	20.2
Capital COASTER Fare Increase	0.0	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.5	0.6	0.6	0.6
Other Revenue	7.9	8.2	8.4	8.6	8.8	9.1	9.3	9.5	9.3	10	10.3	10.5
<b>Subtotal Operating Revenue</b>	<b>20.6</b>	<b>21.5</b>	<b>22.0</b>	<b>22.5</b>	<b>23.3</b>	<b>25.9</b>	<b>27.4</b>	<b>27.9</b>	<b>28.9</b>	<b>29.7</b>	<b>30.5</b>	<b>31.3</b>
ADA 4.0	25	26.1	27.4	29	30.5	32.0	33.6	35.3	37.1	38.9	40.9	42.9
Estimated TDA 4.0 Carryover FY 01	0.9											
ADA 4.5	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.7	1.7	1.8	1.8
TransNet	3.6	3.8	4	4.3	4.5	4.6	4.8	-	-	-	-	-
TransNet 4.5	0.2	0.2	0.2	0.2	0.2	0.2	0.2	-	-	-	-	-
-PM, Planning, Assoc. Cap. Maint.	5.3	5.6	5.8	6.1	6.2	6.3	6.4	6.5	6.8	6.9	7.0	7.2
-Funds Remaining in Grants	0.4											
-PM O-E Maint.												
-ADA Paratransit	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.7	0.7	0.7	0.7
Initial CMAQ					4	4						
City of SD OTC/ETC Shared-Use	0.6	0.6	0.6	0.6	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.7
	0.6	0.7	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.9	0.9	0.9
<b>Subtotal Subsidy</b>	<b>38.9</b>	<b>38.8</b>	<b>40.6</b>	<b>43.0</b>	<b>48.9</b>	<b>51.7</b>	<b>49.7</b>	<b>46.7</b>	<b>48.9</b>	<b>50.9</b>	<b>53.1</b>	<b>55.4</b>
<b>Total Revenue</b>	<b>59.9</b>	<b>60.3</b>	<b>62.6</b>	<b>65.5</b>	<b>72.3</b>	<b>77.7</b>	<b>77.1</b>	<b>74.6</b>	<b>77.7</b>	<b>80.6</b>	<b>83.6</b>	<b>86.7</b>
<b>EXPENDITURES</b>												
Line-Other than Salaries and Wages, FB	26.6	27.4	28.2	29.1	34.5	35.6	36.6	37.7	38.9	40.0	41.2	42.5
Line-Salaries and Wages	27.2	28.3	29.4	30.5	31.8	33.1	34.4	35.6	37.2	38.7	40.3	41.9
<b>Subtotal Baseline</b>	<b>53.8</b>	<b>55.7</b>	<b>57.6</b>	<b>59.7</b>	<b>66.4</b>	<b>68.7</b>	<b>71.1</b>	<b>73.5</b>	<b>76.1</b>	<b>78.8</b>	<b>81.5</b>	<b>84.4</b>
Time Expenses	0.9											
Reserve Board Contingency	3.5	3.6	3.8	3.9	4.1	4.2	4.3	4.5	4.7	4.8	5.0	5.2
<b>Total Expenditures</b>	<b>58.2</b>	<b>59.3</b>	<b>61.4</b>	<b>63.6</b>	<b>70.4</b>	<b>72.9</b>	<b>75.4</b>	<b>78.0</b>	<b>80.8</b>	<b>83.6</b>	<b>86.5</b>	<b>89.5</b>
Net Year Over/(Shortage)	0.7	1.0	1.2	2.0	1.8	4.8	1.7	(3.5)	(3.0)	(3.0)	(2.9)	(2.8)
Operating Carryover	14.4	15.4	16.5	18.6	20.4	25.2	26.9	23.4	20.4	17.4	14.5	11.7
Carryover % Budget	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
	25%	26%	27%	29%	29%	35%	36%	30%	25%	21%	17%	13%

Twenty-year graph on the next page indicates, without additional revenue sources, such as the Reauthorization of TransNet, the projected carryover balance is rapidly depleted.

PROJECT #74.2  
ENCINITAS PASSING TRACK

ENVIRONMENTAL DOCUMENTATION

The North County Transit District believes this project to be exempt under CEQA and had subsequently filed the attached Notices of Exemption with the Recorder/County Clerk for San Diego County. However, there has been a recent legal challenge filed by the City of Encinitas.

FILED  
Gregory J. Smith, Recorder/County Clerk

MAY 09 1996

Notice of Exemption

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

BY \_\_\_\_\_  
From: North San Diego County Transit DEPUTY

Development Board  
Address:  
311 South Tremont Street, Oceanside, CA 92056

County Clerk  
County of San Diego  
1500 Pacific Highway, Room 260  
San Diego, CA 92101-2480

Project Title: Encinitas Passing Track  
Project Location - Specific: San Diego Northern Railway, San Diego Subdivision between Mile Post 237.8 and 239.7

Project Location - City: Encinitas Project Location - County: County of San Diego

Description of Nature, Purpose, and Beneficiaries of Project: Reinstallation and extension to the south of former passing track. Expansion of track capacity required for efficient operation of both intercity and commuter rail between Los Angeles, Oceanside and San Diego. The reinstallation of the siding will improve service reliability and reduce automobile traffic.

Name of Public Agency Approving Project: North San Diego County Transit Development Board  
Name of Person or Agency Carrying Out Project: North San Diego County Transit Development Board  
Exempt Status:

Improvement to passenger rail facility. (Sec. 21080(b)(11)(14).

Reasons why project is exempt: The activities will not result in any direct or indirect physical changes to the environment. The project is for enhanced operations of commuter and intercity passenger rail between Los Angeles, Oceanside and San Diego. All work is to be performed within the existing railroad right-of-way. The only potential impacts will be beneficial, to the extent that additional passengers ride the train instead of driving personal automobiles.

Lead Agency  
Contact Person: Bill Farguher Area Code/Telephone/Extension: 619-987-2828

- Filed by applicant:
1. Attach certified document of exemption finding.
  2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: [Signature] Date: 5-4-96 Title: Associate Planner

Date Received for filing as CFA: \_\_\_\_\_

**NOTICE OF EXEMPTION**

TO:      Clerk of the Board of Supervisors  
or  
**XX** County Clerk  
P. O. BOX 121750  
San Diego, CA 92112-4147  
County of:  
SAN DIEGO

FROM: NORTH SAN DIEGO COUNTY  
TRANSIT DISTRICT  
810 Mission Avenue  
Oceanside, CA 92054  
Phone: (760) 967-2828  
Fax: (760) 754-0644

TO: **XX** Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Fax No. (916) 323-3018  
Attention: SHEILA BROWN

**FILED**  
Clergy J. Smith, Recorder/Clerk  
JUL 25 2001  
*[Signature]*

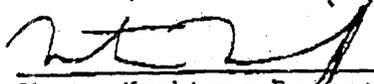
1. Project Title: Encinitas Passing Track Project
2. Project Location - Specific: The proposed project is located between M.P. 238.0 and M.P. 239.7 which lies between E Street and Chesterfield Drive in the City of Encinitas.
3. (a) Project Location - City: City of Encinitas  
(b) Project Location - County: San Diego County
4. Description of nature, purpose, and beneficiaries of Project: The proposed project involves reinstallation of a passing siding removed in the early 1970s by Santa Fe. The proposed project would provide a 1.7 mile passing track on the east side of the existing track. The passing track will be within the North County Transit District right-of-way and does not traverse any street or highway. The proposed passing track will increase capacity, improve operational reliability and reduce the delay in train waiting time.
5. Name of Public Agency approving project: NORTH SAN DIEGO COUNTY TRANSIT DISTRICT
6. Name of Person or Agency carrying out project: NORTH SAN DIEGO COUNTY TRANSIT DISTRICT
7. Exempt status: (Check one)
  - (a)      Ministerial project.
  - (b)      Not a project.
  - (c)      Emergency Project.
  - (d)      Categorical Exemption. State type and class number: \_\_\_\_\_
  - (e)      Declared Emergency.
  - (f) **XX** Statutory Exemption. State Code section number: Pub. Res. 521080(b)(10)
  - (g)      Other. Explanation: \_\_\_\_\_

**COPY**

8. Reason why project was exempt: This project falls within the statutory exemption for projects for the institution or increase of passenger or commuter services on rail rights-of-way already in use. (Pub. Res. 621080(b)(10).

9. Contact Person: MARTIN MINKOFF, Executive Director  
Telephone: (760) 967-2828

Date Received for Filing: \_\_\_\_\_  
(Clerk Stamp Here)

  
\_\_\_\_\_  
Signature (Lead Agency Representative)  
  
\_\_\_\_\_  
Executive Director  
\_\_\_\_\_  
Title

FILED IN THE OFFICE OF THE COUNTY CLERK  
SAN DIEGO COUNTY ON JUL 25 2001  
POSTED JUL 25 2001 REMOVED \_\_\_\_\_  
RETURNED TO AGENCY ON \_\_\_\_\_  
DEPUTY \_\_\_\_\_

**PRELIMINARY EXEMPTION ASSESSMENT**

(Certificate of Determination  
When Attached to Notice of Exemption)

1. Name or description of project: Encinitas Passing Track Project. The proposed project would provide a 1.7 mile passing track on the east side of the existing track and will be within the North County Transit District's right-of-way.
2. Location: Within the City of Encinitas, County of San Diego; located between M.P. 238.0 and M.P. 239.7 which lies between E Street and Chesterfield Drive in the City of Encinitas
3. Entry or person undertaking project:

- XX A. NORTH SAN DIEGO COUNTY TRANSIT DISTRICT
- B. Other (Private)
- (1) Name: \_\_\_\_\_
- (2) Address: \_\_\_\_\_

4. Staff Determination:

The District's Staff, having undertaken and completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA) has concluded that this project does not require further environmental assessment because:

- a.        The proposed action does not constitute a project under CEQA.
- b.        The project is a Ministerial Project.
- c.        The project is an Emergency Project.
- d.        The project constitutes a feasibility or planning study.
- e.        The project is categorically exempt.  
Applicable Exemption Class: \_\_\_\_\_
- f. XX The project is statutorily exempt.  
Applicable Exemption: Pub. Res. 621080(b)(10)
- g.        The project is otherwise exempt on the following basis: \_\_\_\_\_
- h.        The project involves another public agency which constitutes the Lead Agency. Name of Lead Agency: \_\_\_\_\_

Date: July 25, 2002

[Signature]  
Staff

**COPY**



**REQUEST FOR TIME EXTENSION**  
**PROPOSITION 116 Projects**

To: Mr. Bill Figge  
 State of California  
 Dept. of Transportation  
 District 11, MS 50  
 P.O. Box 85406  
 San Diego, CA 92186

Date: November 27, 2001  
 PFNO: 8201D  
 EA: R2016D  
 FTA 11-A-13  
**ENCINITAS PASSING TRACK**  
 San Diego County  
 San Diegan Corridor

Dear Mr. Figge:

We request that the California Transportation Commission approve the maximum allowed time extension of 20 months for this project. Our project schedule is consistent with this request; however, it is subject to the resolution of legal matters that are described in more detail under section E., *Reason for Project Delay*.

A. Project description:

The proposed project consists of the construction of a 1.7 mile passing track from just north of Chesterfield Drive to just south of E Street in the City of Encinitas. The project involves the reinstallation of a passing siding removed in the early 1970's by Santa Fe. The project would provide a 1.7 mile passing track on the east side of the existing main track with track speeds at 70 mph. The passing track would be contained within the existing railroad right-of-way and would not traverse any street or highway. The project will increase capacity, improve operational reliability and reduce the delay in train waiting time.

The following table indicates the project's programmed funding by phase:

Funding Source	Environmental Permitting & Design	Right of Way	Final Design	Construction	Total
Proposition 116	\$45,000		\$100,000	\$2,855,000	\$3,000,000
TransNet	\$15,000				\$15,000
Federal Funding					\$ 0
Funding Gap*				\$3,288,000	\$3,288,000
<b>Total Cost</b>	<b>\$60,000</b>	<b>\$ 0</b>	<b>\$100,000</b>	<b>\$6,143,000</b>	<b>\$6,303,000</b>

\*A request for TCRP funding to fill this funding gap is being submitted concurrently, to be scheduled for the same CTC meeting.

**Request for Time Extension – Encinitas Passing Track**  
**Page 2 of 3**

**B. Project element for which extension is requested: (check appropriate box):**

Allocation     
  Expenditure     
  Award     
  Completion  
 (contract acceptance)

**C. Phase (component) of project: (check appropriate box or boxes):**

Environmental Permitting & Design     
  Plans, Specs & Estimate     
  Right of Way     
  Construction

**D. Allocation and deadline summary:**

Allocation Date By Phase (if applicable)	Allocated Amount By Phase (if applicable)	Original Deadline	Number of Months of Extension Requested	Extended Deadline
N/A	N/A	Feb 28, 2002	20 Months	October 28, 2003

**E. Reason for Project Delay:**

In February 1998, the NCTD Board of Directors put the Encinitas Passing Track Project "on the back burner" as a result of community controversy, pending a comprehensive, long-range study of the coastal corridor's overall needs. In March 2001, NCTD approved the Amtrak 20 Year Improvement Plan, which includes a study of the Coastal Corridor and confirms the need for this project. On July 19, 2001, the NCTD Board voted to move forward with implementing the Encinitas Passing Track Project and work began immediately to review and update the plans, specifications and cost estimates for the Project. On August 29, 2001 the City of Encinitas filed suit in the Superior Court of the State of California claiming that NCTD, through its implementation of the Encinitas Passing Track Project, is in violation of the California Environmental Quality Act (CEQA) and the California Coastal Act. NCTD has removed the Action to Federal Court, and has petitioned the Surface Transportation Board to decide the matter on an expedited basis. While NCTD desires to expedite resolution of this matter, it is unlikely that construction on the project could commence by February 28, 2002. Therefore, NCTD is requesting a 20-month extension of the funding for this Project, which is fully designed and could be put out for construction bidding quickly following the resolution of these legal matters.

**F. Timely Use of Funds**

We request that the Commission approve this request at the January 2002 meeting.



November 27, 2001

Diane C. Eidam  
Executive Director  
California Transportation Commission  
1120 N Street, Suite 2221 (MS 52)  
Sacramento, CA 95814

Subject: Traffic Congestion Relief Program Partial Application (Paragraph 74)

Dear Ms. Eidam:

On September 4, 2001, the North County Transit District submitted an application for TCRP funding to construct the Encinitas passing track, a passing track which would be located on the rail line between San Diego and Orange Counties. The funding for the proposed project is listed under paragraph 74 of the Traffic Congestion Relief Program AB 2928 legislation.

Since the time of the original application submittal, the scope of work and cost estimate for the project have been finalized. As such, we are submitting a *revised* request letter and application to reflect the new information. We now respectfully request that \$3,288,000 of the \$47,000,000 be programmed for the construction of the Encinitas Passing Track. We ask that this request be heard at the January 2002 California Transportation Commission meeting.

Included with this request is the following documentation:

1. TCRP Application
2. Project Scope of Work
3. Project Cost Estimate
4. TCRP Resolution
5. CalTrans Master Agreement Resolution
6. Regional Transportation Plan Documentation
7. Map of the Project Area
8. Financial Capacity Projections for the North County Transit District
9. Environmental

Ms. Diane C. Eidam  
California Transportation Commission  
TCRP Application, Paragraph 74  
November 27, 2001  
Page 2 of 2

This project is critical to the continued reliability of the railroad right of way, which benefits not only NCTD's Coaster Commuter Rail, but also Amtrak and Burlington Northern & Santa Fe.

We feel it is important to disclose, as indicated in the original application, that the City of Encinitas has filed a legal challenge for the Encinitas Passing Track project. NCTD has since filed a petition with the Surface Transportation Board requesting a declaratory order to resolve the controversy between NCTD and the City of Encinitas. A copy of the petition is enclosed under the environmental documentation section attached to this letter.

The North San Diego County Transit Development Board adopted the TCRP Resolution on November 2, 2000 and the Master Agreement Resolution on August 2, 2001, copies of which are attached.

Thank you in advance for your time and consideration. If you require any additional information, please do not hesitate to contact Ellen Roundtree, Manager of Grants and Legislative Affairs, at (760) 966-6550.

Sincerely,



Martin Minkoff  
Executive Director

Enclosures

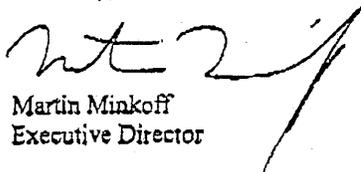
Cc: Ms. Deborah Mah, Program Manager, Traffic Congestion Relief Program  
Mr. Pat Merrill, Project Coordinator, CalTrans District 75 (Rail)

**Request for Time Extension - Encinitas Passing Track**  
**Page 3 of 3**

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Thank you in advance for your consideration of this request. Should you have any questions, please contact Ms. Ellen Roundtree, Manager of Grants & Legislative Affairs, at (760) 966.6550 or Ms. Leslie Blanda, at (760) 967.2852 .

Sincerely,



Martin Minkoff  
Executive Director

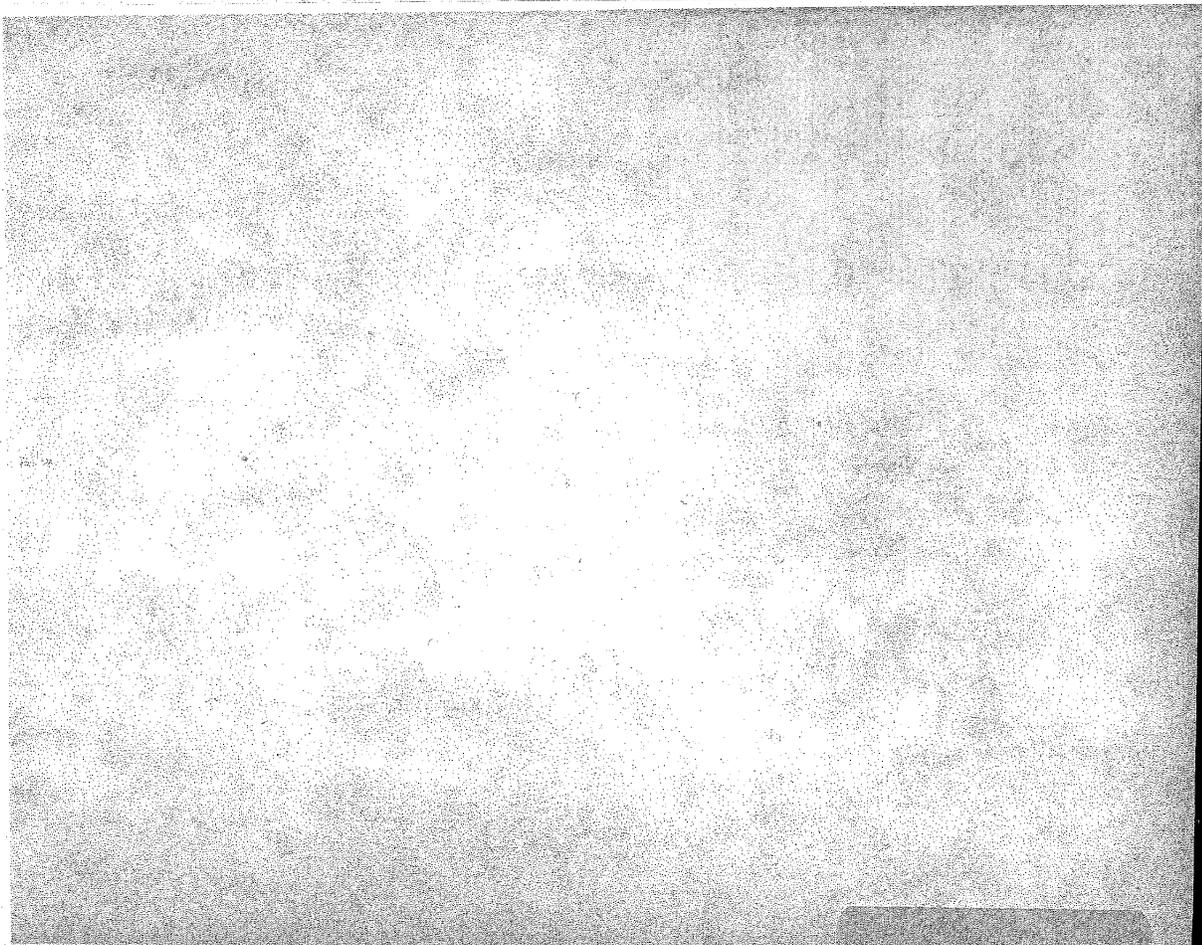
Attachments:

- Scope of Work
- Project Cost Estimate
- Project Schedule
- Financial Plan
- Map of Project Area
- Environmental Document
- Petition to the Surface Transportation Board

Cc: Kathie Jacobs, Proposition 116 Program  
Pat Merrill, Caltrans, Rail Program  
Karen King, NCTD  
~~Ellen Roundtree, NCTD~~  
Leslie Blanda, NCTD

**Scope of Work  
Encinitas Passing Track Project**

Final Design	\$ 100,000
Construction and associated non-construction costs	<u>\$6,143,000</u>
Subtotal	\$6,243,000
Initial Design Work	<u>\$ 60,000</u>
Total	\$6,303,000



**EXHIBIT T**

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD HELD MARCH 29, 2001 – PAGE 1**

**CALL TO ORDER**

Chairwoman Nygaard called the meeting to order at 3:04 p.m.

**ROLL CALL OF BOARD MEMBERS**

Chairwoman Julianne Nygaard (Carlsbad); Christy Guerin (Encinitas); Marie Waldron (Escondido); Betty Harding (Oceanside); Pia Harris-Ebert (San Marcos); Pam Slater (Alternate, County of San Diego) sitting in until Bill Horn arrives; Tom Golich (Solana Beach); David Druker (Del Mar).

Also present were Martin Minkoff (Executive Director) and C. Michael Cowett (General Counsel).

David Druker (Del Mar) arrived at 3:06 p.m. Judy Ritter (Vista) arrived at 3:08 p.m. Bill Horn (County of San Diego) arrived at 3:10 p.m.

**CHANGES TO AGENDA**

General Counsel announced that there was no need to hold the Closed Session listed on the agenda today.

**PUBLIC COMMUNICATIONS**

None

**FOR BOARD DISCUSSION/POSSIBLE ACTION**

D-1 **CONSIDERATION OF A REVISED DRAFT POLICY FOR IMPLEMENTING DOUBLE-TRACKING IN THE COASTAL RAIL CORRIDOR AND CONSIDERATION OF ADOPTION OF RESOLUTION NO. 01-03**

Mr. Minkoff stated that this item is a continuation of an initiative that began last summer when staff developed a draft Coastal Double Track Implementation Policy. He stated that toward the end of last year, the Board had approved its release (without endorsing the content), for public comment for a 45-day review period. The review period has passed and staff did receive comments, which are included in the Board packet for this meeting. He added that this item is now coming back to the Board as a follow-up for discussion and consideration.

**EXHIBIT   T**

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO  
COUNTY TRANSIT DEVELOPMENT BOARD HELD MARCH 29, 2001 –  
PAGE 2**

Karen King, Director of Development and Communications, gave a power-point presentation on the draft Coastal Double Track Implementation Policy. She reviewed the background information relating to the development of the draft policy, pointing out that it was prepared to address a number of Board priorities relating to double tracking, including how to implement major projects and how to consider community concerns. She described the public comments received and how staff has revised the draft policy based on these comments. She then described the elements of the revised draft policy, which would include a Resolution, recitals, an environmental review, and a Memorandum of Understanding (MOU) among the following agencies: Amtrak, Caltrans, SANDAG and MTDB. She informed the Board that all reference to near-term projects have been removed from the draft policy and explained the components of the proposed Comprehensive Study and environmental review process as well as the estimated timeline for these, which is approximately 36 months. She then explained how this proposed policy would clearly establish the Board's intention to implement the 2020 Regional Transportation Plan (2020 RTP) to double track the coastal corridor, allow development of a MOU, commence the comprehensive study and environmental review process, and provide for programming of funds for future project implementation.

A great deal of discussion followed among the Board with questions and answers being exchanged regarding the estimated timeline for the MOU, the environmental review, the Del Mar Bluffs, and the 2020 RTP.

Bill Horn stated that he feels they should consider shoring up the bluffs and review the cost for this versus a tunnel.

General Counsel clarified that the Board is implementing the 2020 RTP.

Leslie Blanda, Manager of Capital Development, stated that this language is in #4a of the draft policy.

Chairwoman Nygaard voiced her concern of having specific projects within the policy.

Discussion followed among the Board with various Board members expressing their concern in having specific projects listed in the policy.

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO  
COUNTY TRANSIT DEVELOPMENT BOARD HELD MARCH 29, 2001 –  
PAGE 3**

*Mr. Robert T. Nanninga, 1928 Leucadia Scenic Ct., Encinitas, CA addressed the Board. He stated that he is the Co-Chair of the San Diego County Green Party and is representing the Lagoon Greens Local (the coastal cities from Oceanside – Del Mar). He stated that the Green Party in San Diego County supports mass transit and understands that the LOSSAN rail corridor is highly underutilized. He encouraged the Board to take into consideration the cities where double tracking would go through and how those cities would like to see this happen. He added that when something affects the people of a region, they should have a bigger say in the policy that affects them and more weight should be given to this. He then pointed out the environmental concerns of double tracking at-grade through Encinitas and along the Del Mar Bluffs. He added that they need to do the best thing now to avoid spending more money later.*

*Michael Cochrane, Escondido, CA addressed the Board. He commented on how he has seen the Board approve a lot of items and come back later to decide how much they are going to pay for it. He stated that if they are going to change the draft policy, then they need to add how much it is going to cost for each item mentioned. He also stated his concern on how they are approaching double tracking, pointing out that they should be planning on costing out for three tracks in case they need them. He then referred to page 7 (item 2) of the draft policy and requested clarification on who is going to pay for what.*

*Mr. Hershell Price, 1763 Grand Avenue, Del Mar, CA addressed the Board. He first addressed Supervisor Horn's request of eliminating the specific language for double tracking the Del Mar Bluffs. He referred to Section 605080 of the State Government Code, which specifies that "actions by transportation agencies must be consistent with the Regional Transportation Plan". He added that on December 2, 1999, the Board took action to support the transit element of the 2020 RTP of SANDAG, with the addition of the statement that "the realignment of the railroad right-of-way to avoid the Del Mar Bluffs completely". He added that this policy is something that is going to stand up over time and indicates directly what they are suppose to do, and those bluffs, under no conditions, are ever to be double tracked. He added that this language should remain in the policy. He also stated that the Encinitas Passing Track should not have been removed from the policy before the comprehensive study is completed to determine how this whole corridor is going to be created as a double-track corridor. He then recommended the following: Designate Caltrans as the lead agency in conducting the*

*comprehensive corridor study to eliminate any bias and to expedite the necessary funding; include language that would eliminate any further consideration of the Encinitas Passing Track until completion of the*

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO  
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*Comprehensive Corridor Study; and in the first draft of the policy, there were two paragraphs – 6a to 6b. These should be incorporated into the final policy because these two paragraphs would reprogram the existing funding for the construction of the Encinitas Passing Track and the San Dieguito River Bridge Replacement to a fund necessary for completion of the Comprehensive Corridor Study.*

*Mr. John Kerridge, 33452 Amigo, Del Mar, CA addressed the Board. He stated that the issue regarding double tracking the Del Mar Bluffs has been exhaustively studied for several years in a very democratic, fair and open fashion. He added that the conclusion has been made that for the entire corridor to be double-tracked, the section through Del Mar has to be removed, whether it goes through a tunnel or somewhere else is not the point, but rather it has to be moved from the bluffs. He stated that the legal language of the 2020 RTP is important, but it goes beyond this. The 2020 RTP is not just a set of legal phrases, but is a result of a great deal of discussion and great deal of public testimony; and the conclusion of thinking people that double tracking the Del Mar Bluffs is insane. He added that throwing concrete in some peoples backyards is totally unacceptable. He concluded by stating that leaving the Del Mar alternative until the end of the double-tracking process is almost "as stupid" as trying to double track the bluffs themselves. The reason being that it will create "the mother of all bottlenecks", and they need to get rid of the choke-point first and then get on with the rest of the double tracking.*

*Supervisor Pam Slater, County of San Diego, 1600 Pacific Highway, San Diego, CA addressed the Board. She stated that as the Supervisor who actually represents the area from Palomar Airport Rd. south past Mission Bay, she is here today to speak to some issues that, unfortunately, have not been well articulated by Supervisor Horn, who does not seem to understand some of the coastal issues. She stated that if he had been present at some of the prior discussions, he would have learned that the Del Mar Bluffs have previously failed twice and trains have gone into the ocean twice. She added that one of the problems right now with the Del Mar Bluff area is that there is a curve that slows down the train. And, even if it were a double-track or stabilized, this would not change the speed of the train, which is one of the reasons this should be put into a tunnel or put on some other kind of straight away. She pointed out that if you read the policy in its entirety, it proposes to reduce the time by 10 minutes, and they are talking about a lot of money to be spent to reduce the time by 10 minutes. And, even if they allow that curve to be in place, they would not*

*get a reduction in time. She stated that Supervisor Horn's concerns with some of the recitals have to do with his own opinion and they cannot change what SANDAG has already voted on.*

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO  
COUNTY TRANSIT DEVELOPMENT BOARD HELD MARCH 29, 2001 –  
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*Ms. Slater stated that there is some validity in not having specific projects listed in a policy, but that this policy was derived from projects and that is why they are included. She added that it would be problematic to go back to rewrite the entire policy to take away the specific projects, and that the policy as written is very good. She pointed out that as long as she has been a Supervisor and Councilwoman from Encinitas, they have been talking about double tracking (11 years), and it is important to move forward.*

*Ms. Slater referred to a letter regarding this draft policy from Mr. Gary Gallegos of Caltrans that was inadvertently left out of the letters referenced in the agenda item, which the Board now has copies of, and suggested that the cities themselves also be part of the MOU. She also stated that the other opinions referred to by Mr. Gallegos be adhered to. She concluded by stating that Caltrans is moving with the corridor study and it would be in the best interest for all parties concerned that NCTD be a partner in this study.*

Supervisor Horn stated that, as public officials, they are all elected to give their opinion, as this is how these policies come about. However, he added that he has heard Ms. Slater give her opinion many times and the reason the Legislature has set the 5<sup>th</sup> District Supervisor on this Board is because they want this Supervisor to watch over the region's interests rather than just the cities. He stated that he appreciates all of the specific cities, but at the same time, they need to double-track the railroad, and they should not write into a policy language that prevents them from even studying an option that may be available, which is shoring up the bluffs.

After a great deal of discussion and comments made by various Board members expressing their concerns regarding the Del Mar Bluffs, specific project language, and the draft double track policy as a whole, the following motion was made:

**MOTION BY DAVID DRUKER, SECONDED BY CHRISTY GUERIN, TO  
ADOPT THE RECOMMENDED NORTH COUNTY TRANSIT DISTRICT  
DOUBLE-TRACKING IMPLEMENTATION POLICY.**

Further discussion followed with Supervisor Horn pointing out that the Board is not required to have a double track policy and they have the authority to go ahead and build a railroad by federal law. In addition, they

should leave their options open and recommended the motion be amended to reflect this.

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD HELD MARCH 29, 2001 - PAGE 6**

After further comments by the entire Board, the Executive Director and General Counsel, the above Motion was amended as follows:

MOTION BY DAVID DRUKER, SECONDED BY CHRISTY GUERIN, TO ADOPT THE RECOMMENDED DRAFT DOUBLE TRACK POLICY AFTER TAKING THE WORD "COMPLETELY" OUT OF SENTENCE #a OF ITEM #4 OF THE POLICY.

ROLL CALL VOTE: AYES: CHRISTY GUERIN, BETTY HARDING, JUDY RITTER, TOM GOLICH, DAVID DRUKER. NAYES: JULIANNE NYGAARD, MARIE WALDRON, PIA HARRIS-EBERT, BILL HORN. MOTION CARRIED.

**CORRESPONDENCE, BOARD MEMBER COMMENTS, AND OTHER MATTERS**

David Druker requested clarification on Caltrans participation in developing a comprehensive study on double tracking.

Chairwoman Nygaard clarified that all the agencies (Amtrak, SANDAG, MTDB and Caltrans) would be involved in the development of the Comprehensive Study and Programmatic EIR.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Minkoff informed the Board that he, along with some members of his staff, would be attending the APTA Commuter Rail Conference the first part of next week and that Brian Graham, Director of Maintenance and Security Services, would be in charge of the District while he is gone.

Betty Harding thanked everyone for their cards and concerns while her husband was having open-heart surgery. She also informed the Board that the City of Oceanside would be having their high speed power boats race on Saturday and Sunday, with a parade on Friday. She added that these boats go up to 160 mph and that she would be riding in one that goes 140 mph. She invited all to attend.

**REMAINING PUBLIC COMMUNICATIONS**

*Michael Cochrane, Escondido, CA addressed the Board. He stated his objection to how the Board seems to be always changing the time for the Board meetings and how this causes a great deal of confusion.*

*General Counsel clarified that the agendas have been posted according to the Brown Act.*

**MINUTES OF THE ADDITIONAL MEETING OF THE NORTH SAN DIEGO  
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**ADJOURNMENT**

The meeting adjourned at 4:26 p.m. Submitted by Cheryl D. Plontus, Secretary to the North San Diego County Transit Development Board.

THE NEXT REGULAR MEETING OF THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD WILL BE HELD ON APRIL 5, 2001, AT 3:00 P.M. AT 810 MISSION AVENUE.

CHAIRWOMAN \_\_\_\_\_

SECRETARY \_\_\_\_\_

DATE: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that I have this date served a copy of the foregoing Reply of City of Encinitas to the Motion to Strike of the NCTD on the persons listed below by Federal Express, prepaid and properly addressed.

Charles A. Spitulnik  
Alex Menendez  
McLeod, Watkinson & Miller  
One Massachusetts Avenue, NW, Suite 800  
Washington, DC 20001

Tracy R. Richmond  
D. Wayne Brechtel  
Worden, Williams, Richmond, Brechtel & Kilpatrick, P.C.  
462 Stevens Avenue, Suite 102  
Solana Beach, CA 92075

Kennard R. Smart, Jr.  
Woodruff, Spradlin & Smart  
701 South Parker Street, Suite 8000  
Orange, CA 92868-4760

Catherine E. Cutler, Esq.  
Deputy Chief Counsel  
Christopher Pederson  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

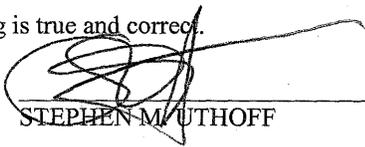
Governor Gray Davis  
State Capitol Building  
Sacramento, CA 95814

Attorney General Bill Lockyer  
California Department of Justice  
1300 I Street  
Sacramento, CA 95814

California Public Utilities Commission  
1350 Front Street State Building  
Room 4000  
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California and the  
United States of America that the foregoing is true and correct.

DATED: January 30, 2002

  
STEPHEN M. UTHOFF