

**From:** Joseph P Thompson

**Sent:** Sunday, March 28, 2021 9:32 AM

**To:** GeneralPlan <[generalplan@hollister.ca.gov](mailto:generalplan@hollister.ca.gov)>; CityClerk <[cityclerk@hollister.ca.gov](mailto:cityclerk@hollister.ca.gov)>; Econ Dev SBC <[sbcedc@hollinet.com](mailto:sbcedc@hollinet.com)>; SBC Board of Supervisors <[sbcsuper@supervisor.co.san-benito.ca.us](mailto:sbcsuper@supervisor.co.san-benito.ca.us)>; [sbcsuper@cosb.us](mailto:sbcsuper@cosb.us); Sanbenitocog Info <[info@sanbenitocog.org](mailto:info@sanbenitocog.org)>; Planning Dept. San Benito County <[sbcplan@planning.co.san-benito.ca.us](mailto:sbcplan@planning.co.san-benito.ca.us)>; [supervisordelacruz@cosb.us](mailto:supervisordelacruz@cosb.us); [supervisorhernandez@cosb.us](mailto:supervisorhernandez@cosb.us); [supervisormedina@cosb.us](mailto:supervisormedina@cosb.us); [supervisors@cosb.us](mailto:supervisors@cosb.us); [supervisorkosmicki@cosb.us](mailto:supervisorkosmicki@cosb.us); Erik Chalhoub <[echalhoub@weeklys.com](mailto:echalhoub@weeklys.com)>

**Subject:** Re: Hollister General Plan: GPAC Meeting #5

Dear Sirs,

Thank you for your notice. Thank you for allowing senior citizens to comment. Thank you for giving me this opportunity, once again, to give you my personal comments on the bad public policy reflected in the SBCCOG transport policy for SBC.

Once again I make the same comment that I've often made to SBCBOS, SBCCOG, and City Council, for SBC's damaging transport policy.

I recently mailed you another comment, and I'm taking time from my transportation law practice to, once again probono give you the benefit of my experience and knowledge of transport policy.

I've stood at the podium numerous times in SBC, BOS, COG and Council, and repeated the obvious: COG is a failure by any rational measure. We can see the results of the bad public policy for transport in SBC every day on the highways in SBC, which has only deteriorated each year as the leaders of SBC have refused to reverse course, and continue down the Road to Serfdom with anti-motorist, anti-taxpayer, anti-small business transport policy that damages the people and economy of SBC, especially for ag.

Please add this to the official record of your proceedings, and the attached comments to pertinent to today's persecution by deaf, dumb and blind leaders, like their predecessors, in SBC, so that future generations will know that you were warned.

Unless SBC reverses course, reforms its radical socialist transport policy, then this and future generations will continue to suffer as you plunge us down the Road to Serfdom.

Sincerely,

Joseph P. Thompson, Esq.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

Past-President (2x), Gilroy-Morgan Hill Bar Assn.

Charter Member, SBCCOG Citizens Transit Task Force

Charter Member, SBCCOG Citizens Rail Advisory Committee

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CC: PUBLIC COMMENT: REAL OR VIRTUAL; REGULAR OR SPECIAL; PUBLIC WORKSHOP OR PRIVATE RETREAT; AND ESPECIALLY NON-BROWN ACT COMPLIANT "MOBILITY PARTNERSHIP" COG & VTA---  
SBCBOS, SBCCOG, COUNCILMEMBERS--ALL

CC: ERIK---GUEST EDITORIAL. DEBUNKING WAR AGAINST THE AUTOMOBILE. jpt

**Remarks to the Council of Governments of San Benito County  
by  
Joseph P. Thompson, Esq.**

***Unmet Needs Hearing 2017: Emperor Transit First is Stark Naked-  
COG is Taking us Places That we Don't Want to go, While  
Making our County Unlivable & Unaffordable, and the  
Small Business Killing Fields-  
COG's Directors Refuse to Make Highway Safety COG's Top Priority-  
While "partnering" with VTA & TAMC & AMBAG to Ruin the Region,  
but they Refuse to Abolish COG, Remove the Malignant Cancer, and will  
Not Even Consider Reform by Privatization and Free Enterprise Solutions  
COG's Directors, Like the Bell, California City Council, Ought  
to be Prosecuted for Fraud and Violation of their Fiduciary Duty  
to the Taxpayers of San Benito County***

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Mr. Chairman, and Directors, ladies & gentlemen, thank you for allowing me to address the Joint Powers Authority (unelected and unresponsive and unaccountable to the voters) on the subject of unmet needs of the residents of our community for transportation services. My name is Joe Thompson. I am here volunteering my time to help you with this important issue. I am not here on behalf of any clients. I am not being paid. I have no ulterior motive or hidden agenda. I am here because I promised you that I would give you the benefit of my small sum of transportation experience and knowledge to help you achieve the right answers for our transportation needs.

I am attaching my previous remarks for previous years for your shameful ugly dog and pony show you, like the hypocrites you are, describe as the "unmet transit needs" hearing, another indication of why California is bankrupt, its Counties are bankrupt, and its Cities and Towns are bankrupt. Your policy was conceived insolvent and born bankrupt, but you all pat yourselves on the back proclaiming "success" and watch as COG gives itself "A" on its "report card" (Baloney-BS). While you cling to your radical socialist policy, we have become the worst State, and one of the worst Counties in the worst State, in America, and you'll continue to make this County unlivable for our children and grandchildren. Your "success" is our ruin. Why aren't you ashamed of yourselves? How can we get you out of office ASAP?

I am a former charter member of COG's Transit Task Force, COG's Citizens Rail Advisory Committee, Citizens for Reliable and Safe Highways, and I served on the executive committee of the debtor-creditor-commercial law section of the SCCBA. I am also a member of the Association for Transportation Law Logistics & Policy, the legislation (Past-Chair), arbitration, intermodal, freight claims and bankruptcy committees of the Transportation Lawyers Assn., and a candidate for the American Society of Transportation & Logistics. I have also been a member of Gavilan Employers Advisory Council and am founder of the SBC Small Business Incubator. I have given you a copies of my petitions, position papers and letters, including the transportation infrastructure proposal for restoration of intermodal facilities for the Central California Coast Region, and my various letters regarding the amendments and revisions to the

Regional Transportation Plan service to Hollister. I have also provided you with a copy of my paper, "ISTEA Reauthorization and the National Transportation Policy," which was published by the *Transportation Law Journal* and in *Transportation Lawyer* in 1997.

### **Summary of Petition to COG for Strategic Transportation Planning**

COG's unconstitutional Directors' conduct has sold-out the County's taxpayers and citizens so that they can curry favor with their special interests, e.g., public sector union employees, subsidy recipients, and the employees of the Joint Power Authority who reward themselves with taxpayers' money to feather their nest, and plump their salaries, benefits and pensions, lying all the way and laughing at anyone who begs for truth in transport.

Our local government's growing reliance on our taxes and the ever-increasing number of tax-based districts, authorities, joint powers boards, agencies, etc., combined with the imposition of new taxes, fees, assessments, grants, subsidies, premiums, surcharges, bonds, etc., falls especially hard on small businesses. As a result, the small business failure rate (4 out of 5 in the first five years, up 81% over the previous year, and the family farmers and personal bankruptcy rates (dramatically higher) are increasing, destroying jobs, investments, savings and lives. Hopelessly oppressed small business owners cannot pay their rent and their mortgage payments. Families are torn asunder by the emotional turmoil of foreclosures and evictions which accompany their failed businesses. The victims of the failed businesses and destroyed families become more dependent on local government for assistance. Thus, a spiraling effect grows in our community like a Black Hole or a malignant tumor. It is time to break this cycle and halt Black Hole Government before it is too late. The growth of the public sector tumor must be eradicated if we hope to survive to compete in the global economy of the coming new century. We must take back our government from the bureaucrats and Soviet-style planners who feast off OPM (other people's money). We must bring an end to the creeping socialism that breeds in out-of-control government and its dependence upon money from taxpayers. Otherwise, our fate will be the same as the USSR. When government is the largest employer in the county, the burden on small business and families is fatal. We must demand a return to private sector solutions with user-fees replacing taxpayers' dollars, and thereby reduce government's excesses before we kill-off all small businesses and ruin the capitalistic formula of America's successful past. This petition raises issues which must be addressed by our elected representatives before undertaking further strategic transportation planning for our County. This is a "reality check" and may require a "paradigm shift."

### **Definitions Previously Adopted by COG**

Transportation needs of a community always have, and always will, exceed the community's resources. Defining the terms, e.g., "unmet needs," "transit," "reasonable," "cost," "benefit," establishes both the target of our efforts and their scope. For example, if you include a resident's need to travel to Hawaii for his vacation as an "unmet need" for his transit convenience, then the target becomes much larger. There is a direct correlation between the target we define and the cost of meeting the goal. The broader you define the "unmet needs," the greater will be the need for money to pay for the transportation services you decide to offer. This is true for all modes of transportation, air, water, rail and highway.

There is no “free” transportation in any mode; a cost must be borne to provide the service. How to pay for the inevitable cost is the problem once you determine what service you will provide. Who should pay? Whether the transportation service is owned by private investors or the public, this funding issue is inescapable. Equipment, labor, fuel, supplies, insurance, maintenance, administration, etc., all must be paid or else no service can be offered by the carrier. COG recognized this when it voted unanimously to privatize County Transit.

The truth in transportation costs and benefits must be disclosed to both those who use the service and those who pay for the service. Concealing or distorting costs and benefits is unacceptable policy, especially when the taxation power of government is employed to subsidize insolvent transportation operations.

COG’s definitions are unsound and irrational because they do not result in a reasonable burden on those who pay for the service compared with the benefit to the user of the service. COG’s definitions are not based on truth in transportation costs. For example, “unmet needs” is defined by excluding the needs of those who pay for the service. It is illogical to define society’s needs by excluding the needs of those who make it possible for a service to be provided. Furthermore, it is unreasonable to require the taxpayers to furnish 98% of the funds (fully-amortized amount) while the user of the service pays only a 2% “co-pay.” The layers of government overhead deflect the money paid by the taxpayers from reaching the goal, so it has been said that for every \$100 of federal taxes paid, only \$5 is returned to local government to fund transit services. This increases the insolvency, bankruptcy and small business failure rate in the community, which causes an increase in “unmet needs” for transportation. This vicious cycle kills the goose that lays the “Golden Egg.” In other words, by adopting a model of government-ownership of transportation services, the source of the subsidies is diminished as the service increases. Eventually, there is too much for the middle-class taxpayer to bear, paying for both his own transportation, and the riders on government-owned transportation service. Amtrak is a perfect example, and application of this model to Amtrak has resulted in its collapse, and caused the \$2 billion re-bailout by Congress. Recent decisions by Congress and the Surface Transportation Board to allow Amtrak to haul freight reveal how the genesis of the revenue issue brings us back to the truth in transportation costs. But think of the social costs that society had to endure between 1970, when Amtrak was formed, to the future when it is hoped that it will become “self-sufficient.” You can better meet the “unmet needs” of the community if you adopt a private-sector model for transportation solutions. Instead of killing the Goose That Lays the Golden Egg, the taxpayers will be better able to assist local government in its effort to address all the “unmet needs” of the community you serve. The federal government’s decision to privatize Amtrak is a lesson for local governments like ours. We must now implement COG’s decision.

### **Proposed Redrafting of Definitions**

I believe that we ought to redraft the definitions that the COG Board previously adopted to reflect the truth about transportation costs and benefits. Fairness to the taxpayers requires it; history of public sector transportation fiascoes demands it. COG’s transportation definitions ought to adhere to the California Transportation Commission’s mandate to local governments to plan future transportation infrastructure improvements on “user fees” rather than on higher taxes.

I again refer you to the study by the Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), which I mentioned in my letter to you and which I have shown you at previous COG Board meetings. The revised definitions ought to be based on a full disclosure of all the costs that public-ownership of transportation services imposes on the largest segment of the population. It must include the personal insolvencies, bankruptcies, and business failures that excessive and abusive taxation causes. I believe that we ought to be guided in our effort by studies that have shown us the most efficient methods of providing vital services to our community, e.g., John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989), which I have also shown you at previous COG meetings. If you ignore the truth about transportation costs and benefits in your transportation definitions, then you will condemn future generations to certain failure of the infrastructure so vital to success of our economy. We must not tolerate those who would conceal the truth from the public, or seek to mislead the taxpayers, without whom your effort to satisfy “unmet needs” would be futile.

### **Conclusion**

I support your efforts to help our residents satisfy as many of their “unmet needs” as is feasible, while not undermining the work by utilizing the wrong tools for the job. You would not perform a surgery with a dirty scalpel. You would not fight an epidemic by spraying Ebola Virus in the air. You would not throw gasoline on a fire to extinguish it. So why try to satisfy “unmet needs” with socialism. History has shown that it will not work; it will backfire on you, and then we will have more “unmet needs” than before you started. Remember, there are no “Welfare-to-Work” trains running in the USSR today. We are creating “unmet needs” with the socialist transit policy of urban counties, when we should be following COG’s unanimous decision to privatize passenger bus transportation. We will only worsen budget deficits with the socialist system.

I’ve said this over and over again each passing year, yet COG’s Directors do absolutely nothing to reform and change the sick, unsound, unsustainable transport policy that dooms the future of our County. History will condemn our memories for this failure, while the mass transit radicals will proclaim your “success” right up to the collapse of our government. Shame on the COG Directors for their steadfast refusal to change and restore our free-enterprise roots in transport that helped make America great. It is a sad, despicable thing to see ones friends and neighbors kow-towing to Emperor Transit First, while sacrificing the health and safety of more than 99% of the County’s residents. Shame.

Joe Thompson

### **FINANCING ALTERNATIVE “A” FOR PASSENGER (BUS & TRAIN) SERVICE (Santa Clara County & VTA & COG & TAMC & AMBAG, Etc., Model-Soviet Style)**

**EXCESS TAXATION → →**

**INSOLVENCY & BANKRUPTCY & SMALL BUSINESS FAILURES & HIGHER  
TRAFFIC IMPACT FEES & MORE UNAFFORDABLE HOUSING → →**

**UNMET NEEDS → → HIGHER TAXES**

**FINANCING ALTERNATIVE “B” FOR PASSENGER (BUS & TRAIN) SERVICE**  
(Taxpayer-Friendly Model-Capitalism)

**INCREASED RELIANCE ON FREE ENTERPRISE → →**  
**LOWER TAXES & TRAFFIC IMPACT FEES &**  
**MORE AFFORDABLE HOUSING, FEWER BANKRUPTCIES & SMALL BUSINESS**  
**FAILURES → →**  
**FEWER UNMET NEEDS → → LOWER TAXES → →**  
**MORE BUSINESS ENTERPRISE → →**

**Why COG won't make highway safety our top transport priority? Here in this statute they have discretion to do so, but they refuse to do it. Why?**

**Section 99401.5 of the California Public Utilities Code:**

Prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, the TPA shall annually do all of the following:

- a. Consult with SSTAC
- b. Identify the transit needs of the jurisdiction . . .

c. Identify the unmet transit needs of the jurisdiction and those needs that are reasonable to meet. . . . The definition adopted by the TPA for the terms “**unmet transit needs**” and “**reasonable to meet**” shall be documented by resolution or in the minutes of the agency. The fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet. An agency's determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the need for streets and roads.

d. Adopt by resolution a finding for the jurisdiction . . The finding shall be that

- (1) there are no unmet transit needs,
- (2) there are no unmet transit needs that are reasonable to meet, or
- (3) there are unmet transit needs, including needs that are reasonable to meet.

e. If the TPA adopts a finding that there are unmet transit needs, including needs that are reasonable to meet, **then the unmet transit needs shall be funded before any allocation is made for streets and roads within the jurisdiction.**

[So, why don't COG's Directors define “reasonable” in terms of millions of dollars of subsidies. For example, they could limit the subsidies to \$9 million (level in 2001), or today's level (how many millions of dollars?), and say NO to any more wasteful deficit spending. In that way COG's Directors could place a cap, a ceiling on the waste. If they don't, where will it end?]

jpt

Analysis of County Transit Primary Effects  
on San Benito County

Pros:

- Subsidy recipients get welfare (minimal fares)
- COG employees get salaries and benefits (99% from taxes)
- MV Transportation, Inc.'s shareholders get profits (ditto)
- “”“”“” employees get union wages & benefits (ditto)

Cons:

- Taxpayers pay 99% of all transit riders' costs
- Air pollution from empty buses (98% of seats move empty)
- Congestion added to highways and streets for no benefit
- Road surface maintenance costs increased for no benefit
- Private sector carriers put out of business, by COG's uncompetitive business practices of setting fares lower than total costs in violation of the Unfair Business Practices Act, which deters other carriers from entering the marketplace for carriage of passengers
- Conceals massive deficit spending with non-GAAP accounting methods (same as those used by Enron's executives)
- Hides taxpayers tax subsidies under “other revenue” in their financial statements
- Causes gas prices to be higher by robbing gas taxes from motorists to pay for mass transit boondoggles
- Undermines economy of the County by adding confiscatory levels of taxes&fees to pay for socialist mass transit, destroying the small and very small business owners' livelihoods, making housing unaffordable, and the County unlivable for tax payers (while subsidy recipients and trough feeders thrive under the current socialist policy)

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February 20, 1999

The Honorable Rita Bowling, Chairwoman  
Council of San Benito County Govts.  
3220 Southside Road  
Hollister, CA 95023-9631

Re: Taxpayers and Transportation Policy

Dear Mrs. Bowling,

Thank you for allowing me to address the COG Board of Directors at their meeting on Feb. 18, 1999. Regarding the Report dated 2/18/99 from Mr. Walt Allen, Transportation Planner, to the COG, "Rail Service Study for Hollister/Gilroy Branch Line," I would like to take this opportunity to reply to Mr. Allen's Report.

**I. Assumptions.** At the threshold, your special duties that the voters entrusted to you require that you question basic assumptions upon which the Report is based, and the authorship source of the Report. If the underlying assumptions are unquestioned, then you are in danger of having your decision premised on faulty, irrational information fed to you by persons and entities with their own self-interest, rather than the best interest of the residents of the County, distorting the truth and misshaping the facts.

**1. The False God of Socialism Assumption: Public-Sector Transportation.** The authors' first unstated assumption is that government should provide transportation free, or nearly so, to the public. No where in the Report is it revealed that such a philosophy of government has been shown by history to be ruinous for a society. If this assumption was correct, then the USSR would have won the Cold War. Blind acceptance of this assumption will condemn future generations to a sad fate where they will curse our memory. For an accurate description of the state of public-sector transportation erected on this False God of Socialism assumption, I urge you to read Solzhenitsyn, *The Gulag Archipelago* (1973), ch. 2, "The History of our Sewage Disposal System." The true cost of such a public-sector enterprise is not disclosed by the authors of the Report. In fact, so-called "senior transportation planners" at metropolitan planning organizations (MPOs) like MTC, VTA, TAMC, SCCRTC, etc., never include "negative externalities," i.e., adverse consequences, in their cost-benefit analyses, although they do include "positive externalities," e.g., congestion and smog reduction. Since the authors of those reports gain their income from the tax subsidies that all three

Hon. Rita Bowling, Chairwoman  
Council of Governments  
February 20, 1999  
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levels of government disburse, they conceal the adverse consequences to justify their work and their existence. A thinking person with a duty to the electorate must ask, "What about cognitive dissonance? Are these reports distorting the truth to justify their authors gaining money at taxpayers' expense? Is the lunch really as free as these authors are telling us? Is the "Free Light Rail Shuttle" really free? How much money do these authors receive for their "consulting" to us? Could they survive in a free-enterprise environment? If they did not gain their income from tax dollars, would they be here to advise us how to proceed?"

If the authors' first assumption was correct, then why have Canada, Mexico, Great Britain, Australia, New Zealand, and many other countries de-nationalized their public-sector transportation industries during the past two decades? If they were correct in their assumption, then the Internet would have remained a government-owned message center for the Department of Defense. If their assumption was correct, then the railroads would have been built originally by the government. The railroads would have remained nationalized as they were for 18 months during World War I. If their assumption was correct, they would not conceal the fact that the number of employees per mile of rail lines in socialized countries is substantially greater than in the United States.

Thinking persons with a duty to the electorate will recognize immediately that this assumption is false. The public-sector cannot outperform the private sector. Serious studies have examined this assumption and concluded as I have, and as you should, that the public is better served whenever we harness free-enterprise capitalism to do the job. Before you accept the false God of Socialism assumption, I urge you to read the seminal works of three Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), and John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

The authors' first assumption is contrary to human experience and common sense. If it was accurate, then public housing projects would be preferable to private home ownership. If they were correct, then Americans would have been emigrating to the USSR to live in concrete tilt-up "Dirodonominiums" along public-sector railroads. In truth, the residents of those Soviet-planners' high-rise concrete towers fled to their country farms (dachas) every chance they got. If the proponents of socialist transportation were correct in their assumption, the Berlin Wall would have been torn down by people trying to get into East Germany. Is that what happened?

Reliance on the public-sector solutions that the authors tout will cause you to violate the mandate of the Government Code that local government officials preserve past generations'

investment in our infrastructure. Worse than the Y2K bug on your computer's hard drive is socialism in your infrastructure. The California Transportation Commission (CTC) has recently recommended that local government base future transportation infrastructure on "user fees" rather than on new taxes. The authors' False God of Socialism assumption conveniently ignores both history and the CTC's instruction to local government. Will we learn from our history, or ignore it?

If the authors' False God of Socialism assumption is correct, John F. Kennedy would have said, "Ask not what you can do for your country. What can your country do for you?" If they were right about this, then the Populist Party platform plank, *viz.*, government ownership of railroads, telegraphs and telephones, would have carried the day during the elections of the 1890s decade, when public outcry to the Robber Barons crested. Williams Jennings Bryan's Plumb Plan would have kept the railroads government-owned after WWI if the authors' premise was correct.

If the authors' False God of Socialism assumption was correct, then Abraham Lincoln would not have said in his Second Inaugural Address that no man should dare to ask a just God's blessing to wring his bread from the sweat of another man's brow.

If the False God of Socialism assumption was correct, then Governor Wilson would never have recommended the "Yellow Pages Test" of government as he did in *California Competes*.

The primary reason that the authors' Report omits mention of this assumption is that consultants and advocates for taxpayer-funded transit do not make any money unless they can convince elected officials, and dupe the public, into believing that there are no alternatives. If the tax dollars stopped, then they would be out of jobs. That is why you see them in the "revolving door" moving between MPOs and consultants' offices, milking the taxpayers by deceiving the elected representatives. As a general rule, they downplay the expense of public-sector transportation by an average of 50%, while at the same time they inflate "ridership" projections and anticipated revenues by an average of 50%. This finding was made after an exhaustive study of the previous 100 years of councils just like yours. Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978).

**2. The Pork Barrel Assumption: Politicians Know What's Best.** This assumption, which I also call "The MTBE Assumption," is not stated by the authors. Like the False God of Socialism Assumption, you must adopt it before you can accept the recommendations in the authors' Report. If this assumption, politicians know best, was true, then the taxpayers would not have had to pay the \$1+ trillion to bail out savings and loans after TEFRA, and the transportation industries would not

have suffered 95% attrition through failures and bankruptcies as it did after Congress enacted deregulation legislation. If this assumption was correct, then MTBE would not be universally condemned as a mistake by our government. Since politicians can brag about bringing home their respective pork barrel projects, and make it seem like they are doing something positive for their constituents, the politico-transit alliance promotes the myth of this Pork Barrel Assumption. Many commentators have, however, recognized the fallacy of this assumption, e.g., Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991). Is TEA-21 really Jim Jones Koolaid for your constituents?

**3. The Spending Priorities Assumption: You'll Get Median Barriers When We Are Ready to Give Them to You and Not a Second Sooner.**

Another assumption that is not stated by the Report's authors is that unelected bureaucrats, who get their paychecks regardless of their performance, will establish spending priorities that are in the best interests of the greatest number of people. However, this assumption has been proven wrong, and is a primary reason why Mexico, Canada, Great Britain, Australia, New Zealand, and many other developed countries, have de-nationalized their industries, including transportation, during the past twenty years.

**Just take the example of the VTA in Santa Clara County. What is the highest priority the VTA has? Let's judge them by what they do, not what they preach. If you guessed safety of the motoring public, you guessed wrong. The first thing on their priority list is their own job preservation. Their actions reveal that nothing is so important as that, no matter what the social cost imposed on society. While the county's transit agency is operated for the best interest of the union employees and agency managers, who have vastly higher pay scales and fringe benefits than you find in private sector transportation companies, the public is forced to wait for highway safety improvements. It matters not that many of us are killed or injured by lack of median barriers on the highways. So long as they can double the annual retainer of their federal lobbyists, so long as they can spend money for aesthetics, pensions, "Free Light Rail Shuttles," and other schemes and self-serving plans, then the public be damned. No sooner had the ink dried on the Supreme Court's decision denying a hearing to the taxpayers' challenge to the Court of Appeals' decision in the \$1.2 billion sales tax (Measure A&B) case, than the VTA's board of directors adopted a resolution doubling the \$620,000 annual retainer that they pay their Washington, D.C., lobbyists, raising it to \$1.2 million annually. This money is spent so that VTA can have more lobbying to get more taxpayers' dollars from Washington. The success of their lobbyists ensure that they get more of our tax dollars. Imagine that cycle repeated by all of the MPOs around the country every time reauthorization of transportation infrastructure is debated by Congress! Where will it end? Ask yourselves, if ISTEA reached**

\$186 billion, and TEA-21 rose to \$218 billion, how many people, primarily middle-class taxpayers, will be forced to suffer declining standard of living in the future to support such abusiveness by our government and public servants?!?! Although there have been terrible highway crashes, taking a disgraceful toll of motorists of all ages, unborn, children, teens, adults, and elderly, VTA routinely transfers many millions of our transportation dollars to its employees bloated pension plans (most recently, January 1999, \$52.29 million to PERS). The authors would have us ignore the bureaucrats' spending priorities. Their assumption is that we must close our eyes to the human suffering which those selfish decision-makers at our MPOs like VTA make every day with our money.

Ask yourselves: "Why did Mayor Brown threaten to privatize Muni when it was revealed that they were operating nearly 50% of their bus fleet without meeting CHP's safety standards for passenger buses?" Was Mayor Brown admitting that the private sector could do a better job? Do you believe that he would ever fulfill such a threat when it would mean the loss of vast political patronage in San Francisco for the Mayor? Are you willing to establish that model for our County? Are you willing to accept the priorities revealed by the VTA?

#### **4. The Womb to Tomb Government Assumption: Unelected Bureaucrats Will Address Your Every Need.**

A related assumption which the authors fail to mention in their Report is that we can trust bureaucrats, unelected and unresponsive to the electorate, to make wise decisions for everything we need from the womb to the tomb. This fallacy must be rejected for the same reasons that you denounce the False God of Socialism Assumption. Until Christ's Golden Rule becomes part of human nature, this assumption is false.

#### **5. The Black Hole Government Assumption: Each Little Tax Increment Will be Painless for the Taxpayers.**

The next unstated assumption, which I call "The Black Hole Government Assumption," is one in which the authors expect that each "little" tax increment imposed on the taxpayers will have no adverse effect. They think it will be painless. Their thinking can be shown for what it is by imagining yourself exposed to the ravages of a blood-sucking leech. One leech, say on your foot, takes a few tablespoons of your blood, is satisfied, and falls off. You survive. Two leeches will take twice as much of your blood. Again you survive. Now, keep adding leeches to this thought experiment (don't try this at home!). If your body was totally covered with leeches, you would be dead. Somewhere between the first leech, and total body coverage, a fatal number of leeches, all sucking their own little sip of your blood, attach themselves to you. That number will depend on many factors. Suffice it to say that each person has such a number, but there are an infinite number of leeches

standing by ready to help themselves to everyone's blood.

A Black Hole Government has infinite gravitational pull that will cause it to grow indefinitely as long as it can suck-in more matter that comes within its grasp, just like its namesake in cosmology. The authors misguided assumption is that the leeches can be restrained, the black hole arrested, before the fatal point arrives for our society. In the interim, they may profit from the experience that society undergoes, until they, too, get a fatal dose of leeches or are bound irrevocably to the attraction of the black hole. But the authors, or their descendants, will suffer the same fate as the rest of us. Their thinking is, therefore, self-serving and short-sighted. We may excuse them as advocates for a theory, a philosophy, and all agree that in a democracy they have the right to express their opinion. But thinking persons with a duty to their constituents must see through their fallacies to the truth, and steer us away from the leeches, and clear of the Black Hole Government.

**6. The Malignant Tumor Government Assumption: It Won't Spread.** The authors next unspoken assumption that I call "The Malignant Tumor Government Assumption" presumes that we will keep this socialism from spreading to other parts of society. They say nothing about the malignancy spreading, for example, to retailing, food distribution, medical care, farms, etc. Their unstated assumption is that extending nationalized industry into transportation will not cause further spread of nationalization into other industries. The danger of the spread of socialism in our economy is taught to MBA candidates in our universities. It is widely accepted learning that in a global economy like our children are facing only countries which restrict their spending to income producing activities will prevail in the intense competition. Dunning, *Multinational Enterprises and the Global Economy* (Addison-Wesley Pub., 1993), at p. 529. Until we have elected leaders with the wisdom and courage to stop the spread of this malignancy, the authors and others touting their philosophy may facilitate the spread of this evil throughout our society and forcing us to the same fate as befell the USSR.

**7. The Graffiti Taggers Assumption: Respect for Private Property.** The authors next unstated assumption is that public-sector property will earn the same respect as private property. But like graffiti taggers, who despoil and vandalize others' property, the draftsmen of the Report, like many of their cohorts around the country, fail to state the obvious fact that people have greater respect for something they own, than for what other people own. Just look at a street in your community with renters and owners. Who takes better care of the property? Are graffiti taggers spray-painting their belongings? Or are they lurking around spraying paint on public property, carving their incomprehensible acronyms in the glass doors and windows of our small businesses?

**8. The Vacuum Assumption: This Scheme is the Only Thing Happening.** The next assumption that the authors fail to reveal in their Report is one wherein they pretend that no other tax-funded government program is already draining dollars from us, and that middle-class incomes have been increasing. As shown in the accompanying Petition, this assumption is false, and must be rejected for the same reasons as stated under the Black Hole Government Assumption. Many people have already reached the fatal number of leeches sucking their blood. Look at the number of bankruptcies and their rate of increase in this District. Look at the small business failure rate. Look at the sky-rocketing price of housing. If you have already been forced to tax the beds in our hospitals and convalescent homes to run the socialized buses, what will you have to tax to run socialized passenger trains?

**9. The Grantism Assumption: If the Money is Called a Grant Then it is Not a Tax Subsidy.** You will notice that the authors' Report distorts the meaning of words to conceal the truth as much as possible. For example, the use of the word "grant" instead of "taxpayers hard earned dollars," or "taxpayers' subsidy," is commonly used by authors like those of this Report. Whether the dollars from the taxpayers are called taxes, fees, grants, subsidies, or pork-barrel handouts from the Treasury, the effect is the same. And furthermore, the corollary assumption, that tax dollars from the federal government are somehow different from the taxpayers' dollars that are spent by local, regional and state governments is just as fallacious. The California Supreme Court has held that a fee is not a tax, and therefore, the Legislature need not comply with the California Constitution (2/3 supermajority requirement) whenever it enacts "fees" as opposed to enacting taxes. *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal.4th 866, 64 Cal.Rptr.2d 447, 937 P.2d 1350 (1997). This is contrary to the will of the people as shown by Proposition 13 and Proposition 218. So, it is vital that our local elected representatives voice our concern that the Constitution be enforced and that no new taxes be placed on the backs of the taxpayers. The impact of all these taxes by all the multiplicity of taxing authorities, joint powers boards, redevelopment agencies, municipalities, regional authorities, etc., whose malignant growth can be seen in the explosive growth of our Public Utilities Code in California (which has doubled in size during twenty years of "deregulation" of the industries), may be seen if you read the accompanying Petition.

**10. The Trojan Horse Assumption: Beware of Greeks (and Transit Advocates) Bearing Gifts.** The most insidious assumption that the authors make is that this federal money has no strings attached. Hailed by the politico-transit alliance as "devolution," i.e., returning power to local and state government, all of the ISTEA (Intermodal Surface Transportation Efficiency Act) reauthorization legislation, e.g., BESTEA, NEXTEA, HOTTEA, etc., was laced with poison like Jim Jones' Koolaid. Although bipartisan supporters never once mentioned it, the draftsmen of TEA-21 inserted broad

federal preemption language (“no state or local government shall enact or enforce any law or regulation . . .”). While this was no problem for the politico-transit alliance, who got unprecedented sums for their pet projects out of the deal, the Tenth Amendment in the Bill of Rights was further decimated. Using the Commerce Clause as justification, the Supreme Court has approved this federal incursion of the States’ rights in a wide spectrum of the Nation’s economy, e.g., *Kelley v. United States*, 116 S.Ct. 1566 (1996)[state regulation of intrastate trucking preempted by ICC Termination Act, Pub.L. No. 104-88], so TEA-21's draftsmen traded away the people’s constitutional rights in exchange for the “demonstration projects” (pork barrel) that the politico-transit alliance sought. How does this work? For example, federal preemption of local government power by means of this language was recently approved by the Ninth Circuit Court of Appeals in the Stampede Pass Case (*City of Auburn v. Surface Transportation Board*), where the Court upheld Congressional prohibition of enforcement of environmental, zoning, and construction permit laws by the City of Auburn, Washington when the Burlington Northern Santa Fe Railroad decided to reopen its previously abandoned transcontinental route through the Stampede Pass without complying with their state laws. The federal formula also applies to airlines, 49 U.S.C. §41713(b)(4). Courts throughout the Nation have handed down similar decisions based on the broad federal preemption language. 18 *Harvard Journal of Law & Public Policy* 903, "Federal Preemption of State Consumer Fraud Regulations: *American Airlines, Inc. v. Wolens*," 115 S.Ct. 817 (1995).

The authors’ Report never mentions this erosion of fundamental rights reserved to the people by the Bill of Rights. While temporary gifts are doled-out by campaign-fund, vote-hungry members of the politico-transit alliance, they are depriving future generations of the Founders’ Constitution that we inherited from our fathers. I consider this to be the most egregious harm that is left unspoken by the Report. Acceptance of the Report by the COG Board will be a ratification of this violation of our constitutional rights. Since those rights have infinite value to America’s unborn generations, whatever inducements are offered us in exchange are nothing more than an insult to democracy. Who has the courage to tell the Emperor that he is stark naked? What is more important, another glass of Kool Aid, or your grandchildren’s constitutional rights? A statesmen would rather fall on his sword; a politico-transit alliance comrade will lunge for the chum like sharks in a feeding frenzy.

**II. Recommendations.** I request that you give serious consideration to the accompanying Petition on behalf of the taxpayers, homeowners and small business owners of this County. I urge you to “do your homework” and read my paper for the background and evolution of this crucial issue facing us today, “ISTEA Reauthorization and the National Transportation Policy,” 25 *Transportation Law J.*, pp. 87-*et seq.* (1997). I have already given you copies of this paper, but to aid your decision making, I am enclosing a copy of a shorter version entitled “ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities,”

which was published in the *Transportation Lawyer* (1997). Your special duties to the electorate and residents of the County, and, equally important, your duties to future generations of County residents, require that you adopt strategic transportation planning that is in the best interests of the greatest number of people, not the best interest of consultants and others who feast off the taxpayers. In honor of the self-reliant pioneers from the Donner Party, ranchers and farmers who originally settled this County, you must be guided by the American virtues of independence, self-reliance, and respect for private property which they bequeathed to us, and for which our fathers fought to preserve for us. Rejecting all forms of socialist planning for our transportation infrastructure, I believe that you should adopt the following recommendations to guide us into the next century.

1. The COG Board must refuse to become a partner with another government because partners are responsible for each other's debts.

2. The COG Board must reject the philosophy of public-sector transportation advocates like the transit planners at VTA, TAMC, and other MPOs.

3. The COG Board must obey the mandate of the Government Code to preserve previous generations investment in our infrastructure, chief of which is capitalism.

4. The COG Board must reject invitations to spread socialism into this County, which are extended by self-serving promoters of taxpayer-funded programs that impose unacceptable burdens on the middle-class, homeowners, small business owners, and cause housing to become more unaffordable. COG must denounce the politico-transit alliance and Soviet-style planners.

5. The COG Board must obey the instructions of the CTC to plan infrastructure on "user fees" and not on new taxes. COG must place the taxpayers' well-being as its highest priority.

6. The COG Board must instruct the staff of the County transportation agency to include all negative externalities in their cost-benefit analyses, including small business failures and personal bankruptcies, and their human suffering, resulting from excessive taxation by all levels of government.

7. The COG Board must demand truth in transportation from the staff of the County transportation agency, and any other proponent of public-sector transportation in any mode, i.e., highway, railroad, etc., so that our elected representatives have an accurate factual basis upon which to make decisions for strategic transportation planning.

Hon. Rita Bowling, Chairwoman  
Council of Governments  
February 20, 1999  
page 10

**8.** The COG Board must discount the reports of consultants and proponents of public-sector transportation because their viewpoint is influenced by their desire to profit at the expense of the taxpayers. COG must not emulate Soviet-style models from wealthy, urban counties.

**9.** Before proceeding with any plan, the COG Board must find that it would be in the best interests of the taxpayers of this County to adopt the public-sector model of passenger train transportation and reject the free-enterprise model of the private sector.

**10.** The COG Board must consider the private-sector solution adopted in Stark County Ohio and the benefits for the commerce and business and tax base of this County that could be achieved if we followed their example and had a shortline railroad from the private sector build and operate an intermodal facility on the Hollister Branch Line near Highway 101, which is a NAFTA approved route under TEA-21. Tapping the substantial flow of intermodal traffic, Eastbound from the Salinas Valley, and Westbound into the Silicon Valley, will add tax revenues for the County, attract additional transportation business, reduce highway congestion, road maintenance expense, and improve air quality because of the traffic that is diverted off the highways to TOFC/COFC rail service. This intermodal traffic far exceeds any other available freight revenue that the Hollister Branch Line could offer a shortline railroad/intermodal facility operator.

**11.** The COG Board must adopt a policy of preferring free-enterprise transportation as the only long-term, sustainable transportation as history has shown, and reject public-sector, taxpayer funded transportation schemes promoted by people who delight in spending OPM ("other peoples' money) with no risk to themselves.

**III. Action Request.** Will you please include this reply to the Report, and the accompanying Petition, on your agenda for your meeting on March 18, 1999, at 1PM in Hollister, and consider it on behalf of the taxpayers, homeowners and small business owners of our County. Thank you for considering this request.

Respectfully yours,

JOSEPH P. THOMPSON

Encl.

PUBLIC  
COMMENT -  
NEXT  
MTG:  
GOVERNANCE  
ABUSE  
IN  
SBC

DISPATCH

# OPINION

DECEMBER 23, 2016

## LETTERS

### Public Transit Doesn't Pay for Itself

California law requires that the transit agencies earn 10% of their expenses from their "farebox" meaning what their riders pay. It is like Safeway or K-Mart accepting 10% of the sales price as payment in full. Such pricing by any business would soon plunge it into Bankruptcy Court.

The bankrupt transit agencies, conceived insolvent, born bankrupt, and kept running by massive taxpayer subsidies from motorists, truckers and motorcyclists, keep up their boondoggle operations thanks to the deaf, dumb and blind management by their so-called "Directors."

But what if they violated their "farebox recovery rate" mandated by the Legislature, and earned less than 10% from their patrons?

Well, they do, if you use generally accepted accounting principles in calculating their farebox recovery rate. They don't use Generally Accepted Accounting Principles accounting, which everyone is required to use by federal and State tax regulations.

The transit agencies use Enron-style, "off-book" accounting, which our Supervisor, San Benito Council of Governments Chairman said was "generally accepted government accounting."

By using non-legal accounting, they falsify their financial performance, and our local government officials condone this governance abuse of the taxpayers.

You have a double standard in transport policy; one for transit agency boondoggles like VTA and Council of Governments, and one for the rest of us.

SBC BOS have repeated their requirement of "full cost recovery" for a variety of government enterprises that they do. But with COG, it's not "full cost recovery" from County Transit users. Instead, it's "fool cost recovery" where the "fool" is the taxpayer who is forced to subsidize the bankrupt transit (actually two of them in San Benito County) operation.

Do your readers a service and report his gang-rape of the taxpayers. We're about to be treated to a new exhibition of this COG governance abuse when the BOS, as its first official act of 2017, makes what they call "committee appointments" to COG. The truth is that COG is a joint power authority, not a "committee," which governs without voter consent, and thus violates the civil and constitutional rights of the citizens.

JOE THOMPSON

JOE THOMPSON

Gilroy

## JOSEPH P. THOMPSON

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January 17, 2002

FAX (831) 636-4160  
Honorable Rita Bowling, Chairwoman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

FAX (831) 636-4310  
Mr. George Lewis, Executive Director  
San Benito County Council of Government  
375 Fifth Street  
Hollister, CA 95023

Re: Public Comment on EIR for SBC 2001 RTP

Dear Mrs. Bowling and Mr. Lewis,

Thank you for inviting public comment on the Environmental Impact Report (EIR) for the San Benito County (SBC) 2001 Regional Transportation Plan.

Please add this letter to the responses to the EIR that form the public record of your proceedings, and instruct your staff to include copies of the 50 letters regarding SBC's transportation policy that I sent to COG's Directors between Jan. 21, 1999 and Dec. 29, 2001, together with the documents that I presented to you and the COG Directors and staff at the hearing.

**1. Author:** I am a member of the Association for Transportation Law, Logistics & Policy (formerly Interstate Commerce Commission Practitioners Association), Citizens for Reliable and Safe Highways (CRASH), Transportation Lawyers Association, Citizens Rail Advisory Committee, Safe Kids Coalition, SBC Citizens Transit Task Force, Conference of Freight Counsel, and other professional organizations. These remarks are personal and not made on behalf of a client or any professional or governmental organization to which I belong or for which I serve my community. I have done post-doctoral study of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies.

**2. Background Materials Supplementing These Remarks:** The background for these remarks may be found in my paper "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* pp. 87-*et seq.* (1997). Additional background for these remarks is found in my paper that I wrote while serving on the Government Review Council of two local chambers of commerce in response to Valley Transportation Authority's invitation for public response to the widening of U.S. 101 between San Jose and Morgan Hill, entitled, "**El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101.**"

I previously gave copies of these two papers to each Director of COG, and will you please direct your staff to add them to these remarks for the formal record of these proceedings. Additionally, as you know I wrote an extensive paper while serving on the SBC Citizens Rail Advisory Committee, entitled, "***INTERMODAL FACILITY for HOLLISTER BRANCH LINE: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century.***"

I respectfully request that you direct your staff to add that paper, too, to the formal record of these proceedings.

**3. Major Flaws to EIR for SBC's 2001 RTP:** I have identified 22 major flaws in the EIR which justify your rejecting it, sending it back to TAC for revision, or else subjecting the County to substantial litigation expenses by a likely challenge to it for violation of the applicable law, e.g., California Environmental Quality Act (CEQA). Rather than approve a defective EIR and RTP, I urge you to see that these flaws are eliminated by further revision of the EIR and RTP.

1. The EIR is premised, like the RTP, on unstated assumptions, which are similar to those I pointed out to COG's Directors in my second reply to the COG's consultants' Caltrain extension working paper and my letter to you dated Feb. 20, 1999 (see copies in materials I handed to you at the public hearing).

2. The EIR and RTP do not mention private sector transportation alternatives based on presently-existing technology.

3. The EIR and RTP would impose an urban transit model on a rural, ag-based economy.

4. The EIR and RTP presume tax and population bases which do not exist here to support urban mass transit solutions based on taxpayer-funded public transit that history has shown do not work in the long run.

5. The EIR and RTP make no mention of international law, i.e., North American Free Trade Agreement (NAFTA) and its adverse consequences for SBC's residents.

6. The EIR and RTP make no mention of the High Speed Rail Authority's Bullet Train, which is proposed to run through this County (either over Panoche Pass or Pacheco Pass) and the tax burdens that it will impose on our residents.

7. The EIR and RTP make no mention of passenger stage corporations (PSC's) or transportation charter parties (TCP's), which are authorized by the California Public Utilities Code to perform for-hire carriage of people, nor does it mention private-sector shuttles.

8. The EIR and RTP make inadequate mention of the adverse effects that public-

sector transportation has on local small businesses, and the adverse effect it has on affordable housing by imposition of additional “traffic impact fees” on house prices to support public-sector transit.

9. The EIR and RTP fail to distinguish between transportation infrastructure and transportation business operating on the infrastructure, i.e., for-hire carriage of property and people.

10. The EIR and RTP fail to mention restoration of intermodal facilities for this Region has recommended by Transportation Secretary Mineta, the Director of Caltrans Highway Programs, as I recommended to the California Transportation Commission (with positive response by the CTC’s Chairman) at the CTC’s meeting in December 2001 at the PUC in San Francisco.

11. The EIR and RTP propose an unfeasible transportation alternative in high-density apartments and condominiums (4,000 units in ten years) built around two railroad stations on the Hollister Branch Line north of Hollister, and fails to mention the cost of \$20-\$40 million that the taxpayers would be forced to absorb to refurbish the track to passenger-carrying condition, nor does it mention the massive annual operating subsidies required to operate the passenger service.

12. The EIR and RTP make no mention of viable alternatives available by reliance upon members of the American Shortline Railroad Association.

13. The EIR and RTP make no mention of the decision of the Amtrak Review Council to liquidate Amtrak, and the remarks of Senator John McCain of Arizona who said that Amtrak is a failed experiment, and that Caltrain is equally flawed as Amtrak, and doomed as is all socialist transportation in the long-run.

14. The EIR and RTP make no mention of the massive financial losses sustained each year by SBC’s County Transit, and fails to disclose that in Year 1999-2000 County Express provided heavily-subsidized passenger service for only 101.6 people/day, nor does it reveal the fully-amortized cost of such public-sector transit, or that it would be cheaper to buy ever rider their own automobile, and that the government monopoly is anti-competitive, discriminatory, and prone to massive waste, especially if the operation is unionized (like BART, VTA, etc.). It does not disclose that the riders enjoy nearly free (99% fully-amortized costs paid by taxpayers, not fares) rides while forcing motorists to pay for all of their own transportation expenses, too.

15. The EIR and RTP make no mention of the \$24 billion losses sustained by Amtrak, nor reveals the losses sustained by Caltrain (***Mercury News***’ Mr. Roadshow Gary Richards reported that only 11% of operating costs for Caltrain are paid for by fares--the percentage would be much lower if capital costs were included), yet it irrationally contains an alternative transportation plan to extend Caltrain to this relatively poor agricultural County.

16. There is no mention of the \$20-\$40 million estimated cost to refurbish the UP's Hollister Branch Line being imposed on taxpayers and given to the 154th largest corporation in America, which would be a disgraceful form of corporate welfare that would bankrupt every homeowner and small business owner in the County.

17. There is inadequate discussion of freight movement in SBC and on the Central California Coast Region, which is unacceptable to the public because axle weight is the single largest factor in road maintenance expenses.

18. There is no mention of the adverse effects from the federal government's decision to allow entry of Mexican trucks onto our highways, and US101 is a "NAFTA route" under TEA-21. Those big rigs from Mexico will use Highways 25 and 156 to travel between the Salinas and San Joaquin Valleys, right through our County.

19. There is no mention of the U.S. Supreme Court's decisions supporting the federal governments preemption of commerce on our highways, e.g., (1) NAFTA-harmonized gross vehicle weights (GVW), and (2) long combination vehicles (LCVs), three 27-ft. trailers, or two 53-ft. trailers, pulled by one tractor.

20. There is no mention of the increase of GVW to Canadian or Mexican GVW, which is likely when TEA-21 is reauthorized (**Traffic World** is already reporting on "TEA-3"), effective in three years from now, and which will pulverize the inadequate new concrete being poured on the new lanes of US 101 north of Morgan Hill.

21. There is no mention of the adverse effects on ag-related business in the County or Region and what introduction of Mexican trucks with NAFTA-harmonized GVW and LCVs will have on local truckers, who will be driven into bankruptcy.

22. There is more attention given to endangered species of flora and fauna than to the adverse consequences for the human beings, e.g., SBC's gets only 11 cents back from Sacramento, similar to all rural counties, whose money is diverted to LA, SF, San Jose, Oakland, and other urban areas where their transit riders get about \$500,000 annual subsidies courtesy of the rural counties' taxpayers.

When I get a chance I will send you the additional minor flaws that I see in the EIR and RTP, e.g., "without bankrupting the family" should read "without bankrupting all the families in the County" (page 4 of RTP).

Very truly yours,

JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: Citizens Rail Advisory Committee  
cc: SBC Board of Supervisors

**Response to EIR for SBC's 2001 RTP**

JOSEPH P. THOMPSON  
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August 20, 2007

FAX (831) 636-4160  
Honorable George Diaz, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

Re: Public Comment COG Meeting Agenda, September 2007: COG's Biggest Policy Flaw

Dear Mr. Diaz,

Thank you for inviting public comment on vital issues affecting the people of our County. Thank you for giving me a few minutes to present my views. Please make this part of the official record of the meeting so that future generations will know that you were warned of COG's mistakes.

**1. Author:** See my letter to you (copy enclosed), dated July 18, 2007, regarding COG's many policy flaws, as to which I was not given the courtesy of a reply.

**2. Background:** At the Policy Workshop, COG's many policy flaws were made apparent, and the arrogance of COG shown to be exceeded only by its ignorance.

**3. COG's Irrational, Unsound, Unsustainable Policy – The Signal Biggest Flaw:**

In my opinion there is no greater flaw, as revealed by COG's Policy Workshop, and by its despicable practices, its governance flaws, its mismanagement, and its abuse of taxpayers, than its blatant bias and prejudice against the most beneficial means of transport in our County: privately owned and operated vehicles. Please admit, and have your policy reflect, that 98.6% of the trips, as shown by COG's own data, are made in privately owned vehicles, and paid for by the people using them, not by the taxpayers. And unless you admit to being hypnotized by the APTA-VTA-TAMC radicals, tell the truth in COG's policy that 99% of the cost of County Transit is paid for by motorists gas taxes, sales taxes, use taxes, and other taxes and fees including government impact fees ("traffic impact fees"). Once you admit the folly of COG's policy, then, and only then, it can be changed to reflect the will of the people of our County. *Caveat Viator!*

Very truly yours,

JOSEPH P. THOMPSON

Encl. [Our Answer to TAMC's Bad Advice]  
cc: COG Board of Directors  
cc: SBC Board of Supervisors

**Reject anti-auto and truck policies advocated by APTA, VTA & TAMC. Embrace self-help, user funded, private-sector transport as our only hope.**

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May 11, 2008

FAX (831) 636-4160  
Honorable Brad Pike, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

Re: COG Meeting Agenda May 15, 2008-Public Comment

Dear Mr. Pike,

Referring to the fraud, misrepresentation and deceit recently appearing in reports about the radical socialist LTA government bus service in our County, please include these remarks in the next regular COG&LTA&Etc., Etc., meeting agenda, public comment.

**Summary.** A cancer is growing in our County, and it is metastasizing right under your nose, but you are chairman of an unelected, unaccountable joint powers authority (JPA) that shuns transparency to conceal the massive losses that you place on the backs of our County's taxpayers to deliver the political pork to subsidy recipients and bus system managers, employees, and the shareholders of MV Transportation, Inc. Before this cancer grows to inoperable proportions and kills our County, destroys its livability worse than it already is, drives business away, jacks-up unemployment, you need to act to protect us. The cries of the galley slaves are drowning-out the cheers of the subsidy recipients, and you refuse to alter course, just like the Capt. Of S.S. Titanic-San Benito.

**Identity.** I saw this coming in 2000, and in 2001 convinced COG's Directors to appoint a transit task force, on which I served until I complained about the illegal conflict of interest on the task force members. When I was terminated from it I said that you can kill the messenger, but the message will be laying there in his blood on the floor. Well, it is.

**What if?** What if 154,000 people used County Transit last year? Based on the data supplied by COG for 2001 operating only performance, it would cost our County's taxpayers  $1540 \times = \$13,349,509.00 = \$20,482,000,000.00$ . In other words, for one year's transport service for the 154,000 people using County Transit, you would have to sell all real and personal property in our

**Public Comment on COG/LTA's May 2008 Agenda: Lies and Deception about County Transit; the rape of the County's taxpayers; a more accurate description of us is "Betrayed" taxpayers-betrayed by COG/LTA leadership-who we didn't elect-and who spend tax dollars that we never voted to allow**

County four times. Capital & fixed costs, e.g., additional buses, terminals, etc., would be extra on top of that.

What if ridership on County Transit was 154,000 boardings last year? In 2001 County Transit counted 296,099 boardings, which costs the County's taxpayers \$13,349,509.00. Farebox recovery rate was 14.69, i.e., passengers paid less than 15% of the operating costs only. Motorists paid about 99% of County Transit riders' total costs; riders paid only about 1% of total costs. Far less air pollution could have been suffered by County residents, and far less tax burden subsidies imposed, if we had furnished limousine, shuttle and taxi service for those transit riders instead of sending \$1,721,317.61 to an out-of-county one-half billion annual revenue corporation that drives competitors in private-sector for-hire carriage of passenger business into bankruptcy. So, if COG's costs have increased dramatically since 2001, e.g., fuel, then the County's taxpayers are being raped by unelected, unaccountable JPA to give fewer rides at greater cost, while concealing the growing losses with Enron-style "off-book" accounting which is illegal for business under Corporations Code Section 114.

What if COG's Directors required COG to answer the questions I posed in the Public Records Act request last year, which COG did not answer, and still has not answered?

If you did stick-up for the taxpayers, rather than help COG's deceitfulness about County Transit losses, you'd see, for example, that your load factor (percentage of revenue-paying customers) is only about 2%, which means that COG is transporting empty seats about 98% of the time at taxpayers' expense to the extent of 99% of total costs.

**Conclusion.** I strongly disagree with your abusing taxpayers to grow the malignant cancer in our County. You are Chairman of an unconstitutional, unfair, blighting, illegally taxing, unaccountable and non-transparent Joint Powers Authority (JPA) in our County, and you don't even realize just how greatly the taxpayers here are self-sufficient. Thanks to your JPA's sick policy, over which you preside, and which you refuse to reform, the "self help" taxpayers in SBC are paying 99% of the costs (all, not only operating costs) of your socialist transit system. The tax burdens you are imposing on us are making our County the small business killing fields, and you kill jobs that we vitally need. The residents of our County pay for their own transportation—measured in annual trips it is 99.6% according to your JPA, and 99% of the total costs of the transit system's riders—less than one-half percent of total County trips.

Furthermore, your JPA is undermining our taxpayers' self-sufficiency by gouging the Hell out of us so that you can deliver pork to the subsidy recipients and JPA managers and employees. In my opinion you have a policy taking us to the same fate as that suffered by the USSR. The expansion of your JPA's unconstitutional activities into housing and medical care tells me that your JPA is taking over our County's government and doing so without the consent of the voters. Your JPA is like the Soviet Planners brilliant committees who engineered their country into chaos and revolution. Every JPA meeting I've attended shows the JPA mimicking Soviet geniuses—yesterday you even said "Five Year Plan" just like the Soviet Planners did. Your taxpayers, Mr. Chairman,

**Public Comment on COG/LTA's May 2008 Agenda: Lies and Deception about County Transit; the rape of the County's taxpayers; a more accurate description of us is "Betrayed" taxpayers—betrayed by COG/LTA leadership—who we didn't elect—and who spend tax dollars that we never voted to allow**

are betrayed by you and our leaders, who are helping themselves to our hard-earned dollars to re-distribute to your favorites. And you do this with about 10% of the taxes we send to Sacramento, where our taxes help those radical socialists re-distribute about 90% of our money to their favorites. For example, your fellow JPA in San Francisco hands out an annual subsidy to their transit patrons of more than \$422,000.00, most of which is the taxpayers' money from rural Counties like ours, or money borrowed from our children and grandchildren through bond funding. Instead of preaching to us about "self help," why don't you get us some more of the taxes we already pay? Why don't you sit down in the Governor's Office and say you're not leaving until Sacramento stops gang raping your County's taxpayers? It is an unforgivable insult to your County's taxpayers to accuse us of not being self-sufficient, when in fact after we are raped by Sacramento and Washington, we still end up paying 100% of our expenses and 99% of the expenses of your JPA's socialist bus system. If you are the JPA Chairman then why not use your power to demand reform? If you refuse to reduce the losses (even by 15% as previously voted and approved by COG/LTA), then who will help your "self-help" taxpayers? If you won't help, then the taxpayers are going to have to do some real "self help" and terminate you and your JPA.

Please include this on your official COG/LTA meeting agenda for May 2008. If you won't put it on your agenda, then I am asking your fellow JPA leaders that one of them put it on the agenda. If none of you will put this on the agenda, then I want to know why the voters should not seek to remove COG/LTA through a referendum ballot. Please tell me. Give me an answer. Unlike the AMBAG Chairman's opinion that this does not merit a response, my opinion is that this is the vital issue facing our County and more than any other "unmet need" it is what your JPA is pretending does not exist. Emperor Transit First is stark naked, and your JPA won't even do a damn thing to admit and correct it, even though it was previously voted that an overall reduction of 15% of the bleeding at COG/LTA would be done under the current contract provision with M.V. Transportation, Inc. How dare you lecture your taxpayers about "self help" when you double-cross us with falsehoods like that?

On behalf of our County's taxpayers, I ask that you as the JPA Chairman get the taxpayers answers to the questions that I posed last September, and to which no answers were given by COG/LTA's Executive Director. I ask that you compel answers to these vital questions for your JPA's spending our "self help" dollars, and get us truth in transportation for a change. I hereby renew my public records request, and I don't consider the "refuse to state" or "we don't know" answers that were previously given. If COG/LTA is so incompetent that it doesn't know the load factor (empty seat percentage), then it certainly is not competent to replace our duly elected Board of Supervisors.

***Caveat viator!***

cc: COG Directors  
cc: SBC County Supervisors  
Encl.

Respectfully yours,  
JOSEPH P. THOMPSON

**Public Comment on COG/LTA's May 2008 Agenda: Lies and Deception about County Transit; the rape of the County's taxpayers; a more accurate description of us is "Betrayed" taxpayers--betrayed by COG/LTA leadership-who we didn't elect-and who spend tax dollars that we never voted to allow**

**Public Comment on COG/LTA's May 2008 Agenda: Lies and Deception about County Transit; the rape of the County's taxpayers; a more accurate description of us is "Betrayed" taxpayers--betrayed by COG/LTA leadership-who we didn't elect-and who spend tax dollars that we never voted to allow<sup>4</sup>**

JOSEPH P. THOMPSON  
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January 12, 2009

FAX (831) 636-4160  
Honorable Chairman or Chairwoman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

Re: Public Comment SBCCOG Meeting, Public Hearing, Jan. 15, 2009: If Abe Lincoln Came to COG Today He'd Be Thrown Out and Bankrupted

Dear Mr. Or Madam Chairman, Chairwoman, as the case may be.

Thank you for inviting public comment on the miasma, sickening curse you call "policy," which, if truth prevailed, would be admitted as it really is: radical socialist boondoggle deficit spending, ballooning taxpayers' dollars wastefulness you hypocritically call "success." Thank you for allowing me to present my views, which you've studiously ignored all these years, thereby inflicting the pain you perpetrate on us, making our County unlivable more each time you waste our tax dollars to keep your bankrupt, polluting urban mass transit system running. Please make this part of the official record of the proceedings so that future generations will know that you were warned of the flaws in our policy.

**1. Author:** See attached letter.

**2. Background Materials Supplementing These Remarks:** The background for these remarks may be found in the attached letter, including the Santa Clara County Grand Jury Report that I gave to all COG Directors and all SBCBOS, and other local and state and federal elected officials, and in my paper "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* pp. 87-*et seq.* (1997). Additional background for these remarks is found in my paper that I wrote while serving on the Government Review Council of two local chambers of commerce in response to Valley Transportation Authority's invitation for public response to the widening of U.S. 101 between San Jose and Morgan Hill, entitled, "**El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101,**" and also "**Don Pacheco Y 2005: A Transportation Business and Logistics Perspective on the Proposed Highway 152 & 156 Intersection Changes.**" I previously gave copies of these papers to each Director of COG, and to each of the SBCBOS, and will you please direct your staff to add them to these remarks for the formal record of these proceedings.

**Response to Public Hearing Notice SBCCOG 1/15/09–COG Policy Failures Marching-On! 1**

Additionally, as you know I wrote an extensive paper while serving on the SBC Citizens Rail Advisory Committee, entitled, “**INTERMODAL FACILITY for HOLLISTER BRANCH LINE: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century.**” Additionally, I have given each SBCCOG Director and all the SBCBOS numerous analyses of the fiscally irresponsible operations of SBC County Transit, and have volunteered numerous letters, memos, and faxes with constructive ideas for improvement for the past ten years. I respectfully request that you direct your staff to add that RAC paper, and my numerous letters, too, to the formal record of these proceedings.

**3. Major Flaws in Transport Policy for SBC:** Please refer to my letter to you dated January 17, 2002 (copy enclosed). Please refer to my letter to you (and AMBAG) dated June 24, 2004 (copy enclosed). The flaws I identified in those letters still exist, have been extended, and perpetrated on the taxpayers of SBC notwithstanding my attempts to reveal their harmful effects on our County and its future residents. Also, please refer to the Grand Jury Report that I enclosed with my letter 6/24/04 (and in subsequent letters), which also contains examples of flaws in SCC’s transport policy that we in SBC commit. Additionally, please refer to my letter to Caltrans District No. 4 dated March 4, 2007 (copy enclosed) regarding flaws in the 20-year District System Management Plan (DSMP), which includes flaws that SBCCOG perpetrates and extends.

**4. Summary.** If young Abe Lincoln, the transport entrepreneur at age 19, came to COG today you’d laugh him out of your office, destroy his private-sector business, give him the bum’s rush, tar and feather him, etc., for even suggesting that a private carrier earn a living while competing with your monopoly urban mass transit, extreme ultra radical socialist, taxpayer blighting, deficit-spending, violator of the Fair Business Practices Act, violator of the requirements in the law (Corporations Code §114; IRS Regs.; FTB Regs.) to use generally accepted accounting principles, your pet pork project “success” County Transit. Actually the laugh would be on you as prime examples of what he later called “base hypocrisy,” but not to people in denial like you spendaholics.

Your pork-loving flaws are worsening, and punishing taxpayers for our leaders’ bad decisions. You’re a failed experiment in radical socialism like Amtrak (see the seminal ***Amtrak: Failed Experiment***). You’re the oldest “bailout” in our County, gouging the taxpayers for 99% of your total costs every year no matter how many taxpayers are bankrupted and forced to flee the County because of your insanity and greed. You’re SBC’s “Fannie Mae” and “Freddie Mac,” lunatic government that seeks to impose the Iron Fist of Karl Marx in place of the Invisible Hand of Adam Smith.

I recommend, once again, that your policy mistakes and errors be corrected. I ask this for our children and our grandchildren and the future residents of our County. Either we correct our sick policy, or we should abolish SBCCOG as the Editorial Board of the ***Gilroy Dispatch*** has called for the abolition of VTA in SCC. I believe that we can correct our mistakes, but do we have the leadership qualified to do so? ***Caveat Viator!***

Very truly yours,  
JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: SBC Board of Supervisors

JOSEPH P. THOMPSON  
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March 6, 2009

FAX (831) 636-4160  
Honorable Anthony Botelho, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

Re: Public Comment SBCCOG Meeting, Public Hearing, “Unmet Needs” of the People of San Benito County for Transport–Supplemental Public Comment: Those Tax Dollars Don’t Grow on Trees.

Dear Mr. Chairman,

Referring to our conversation at the last SBCBOS’ meeting, and supplementing my previous remarks for the SBCCOG “public hearing” for “unmet needs,” please accept this additional comment for your record of these proceedings.

As to your assertion that COG does not levy taxes/fees upon the taxpayers of our County, I must object, and direct your attention to the following:

1. COG’s financial statements and audit reports and budget reports include, under the topic of “income” or “revenues,” a segment entitled “other.”
2. “Other” category of revenues reported by COG does not grow on trees, apple other otherwise.
3. I understand that COG’s “other” category of revenues does come from the taxpayers.
4. The COG Executive Director, in response to a lawsuit that the taxpayers of our County filed against COG seeking a judicial decree that COG must obey the California Public Records Act, said that all of COG’s revenues come from taxpayers.
5. When we send our taxes/fees to Sacramento and Washington, D.C., the state and federal government takes almost all of our money before they send back to COG the money that COG uses for the capital, fixed and operating costs and expenses of COG’s public-sector passenger bus business.

6. Therefore, by increasing the usage (“ridership”) of COG’s passenger bus business, our local government, i.e., you, increase the tax/fee burdens under which we labor. We labor first to pay the public-sector transport you protect like Emperor Transit First protecting his kingdom, and then we pay for 100% of our own transport needs.

7. This is the real-world definition of “unmet needs” in our County.

8. Emperor Transit First is stark naked.

***Caveat Viator!***

Very truly yours,

JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: SBC Board of Supervisors

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August 23, 2009

FAX (831) 636-4160  
Honorable Anthony Botelho, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

**Re: SBCCOG Meeting Agenda 8/20/09: SBC Highway Route Selection Jurisdiction:  
Public Comment: COG Illegal Usurpation of Lawful Authority of SBCBOS**

Dear Mr. Botelho,

Referring to the SBCCOG meeting agenda 8/20/09 Item No. 7, please include this for the formal record of the proceedings for public comment. Also, please include this for public comment on Item No. 5 when you restore it to your agenda (please not on consent because it's about taking more of our taxes to waste on your boondoggle wastefulness).

**1. Identity:** See previous letters.

**2. Background:** Read the County Code, which you swore an oath to protect and defend. Read the Brown Act, which you violate with COG and with the "Mobility Partnership" with VTA. Read your own deceptive financial reports, which show how badly you're raping the taxpayers every month, over and over again.

**3. Comment:** Thank you for placing this item on the agenda because it proves, once again, that COG is violating the constitutional rights of three County Districts' citizens. You violate your oath of office each time you preside at COG. Your questions from chair of COG prove the point I've made to you numerous times, your denials notwithstanding. Who has the lawful authority to make decisions about highway construction in our County? Not COG. Only the BOS have a mandate from all five County Districts' citizens. COG lacks representation from three Districts, but COG purports to act on behalf of all five Districts' citizens. Since no voters ever voted to grant COG this power, COG's imposition of tax burdens, i.e., highway construction taxes, mass transit tax subsidies, COG acts illegally by denying the franchise rights of three County Districts' citizens. By doing so it violates the due process and equal protection rights of those citizens. Bluntly, COG taxes without representation by increasing our tax burdens on all SBC's taxpayers but denying lawful representatives to taxpayers of three Districts.

Concealing tax increase proposals by failing to disclose the subject of tax increases when the COG "agenda" (non-disclosure, no transparency "agenda") contains a topic of debate for the purpose

**Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan—A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.**

of deciding whether or not to increase tax burdens on the County's taxpayers is despicable, and illegal. The Brown Act requires COG to make a full disclosure of the items to be discussed on the agendas, but COG's practice has been, and still is on your watch, to conceal the truth about the content of agenda items. For example, item #5 (consent) contained a tax increase of more than \$31,000 to be imposed on SBC's taxpayers, but the description of the item on your agenda, over which you preside as Chairman, did not disclose this. Concealment of the truth is the opposite of transparency in government, and shows you to be condoning and tolerating and encouraging the unelected COG staff to deprive the taxpayers of knowledge that the law requires be given.

Moreover, Item #5, which you pulled even after having given notice, such as it was, that it would be considered, and even after I had submitted a "public comment" request, shows you what hypocrites you are. While claiming to be prudent with our tax dollars, you would have the taxpayers' money subsidies to County Transit boondoggle increased by more than \$31,000 even though you loose millions of our tax dollars operating your bus boondoggle at the present level of operating. Since you don't have remunerative fares (fares that cover your costs), each time you increase "ridership" you increase losses for taxpayers, who are paying about 99% of the total costs of County Transit and JDA riders' rides.

You are living in a fools paradise of deception, trying to deceive the taxpayers, but failing in that too.

You don't even know basics things about transportation, and yet you rely on untrained, unprofessional staff advice. For example, while the Court of Appeal in this Sixth District has held that property owners are responsible for sidewalk maintenance, not municipalities, you discuss spending tax dollars to make sidewalk repairs. Your ignorance hurts us every time you preside at COG. Worse, your arrogance proves that you are unworthy to govern us. The federal "stimulus" money that has been wasted on more transit buses is like you pouring salt in taxpayers' wounds. Those buses sit idle in the yard off Southside Road, or are out polluting the air moving a few passengers per hour while racking-up huge operating costs. But you refuse to do anything about it. COG Directors voted to privatize transit, but you refuse to do it. COG Directors voted to reduce waste of tax money on County Transit, but you refuse to do it. Instead, you kow-tow to COG staff recommendations, which are merely turf protection at the expense of taxpayers.

We cannot tolerate your conduct—you must be removed from office, and COG terminated ASAP to stem the hemorrhaging of our tax dollars on your boondoggle, unconstitutional, illegal COG. Until you are removed from office, may God have mercy on your soul for the suffering that you have, and are causing us. *Caveat Viator!*

Very truly yours,  
JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: SBC Board of Supervisors  
cc: SBC GPU Citizens Advisory Committee

**Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan—A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.**

COG's Lies and Deceit to the People—Just Like the Soviet Union's Planners  
[Here's an Example—You Can Find Many Others When You Ignore the Lies]

## **This goes double for COG's 20-year RTP**

2005 San Benito County Regional Transportation Plan –Baloney & B.S. from COG  
Big Brother DoubleSpeak: You Don't Have Economic Vitality with Socialism—Catastrophic  
Disaster is What You get from COG's Socialism-Communism

### ***Proposed Changes from 2001 RTP***

#### ***General Goals and Policies***

**Goal 1** To support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency. San Benito County jurisdictions:

Policy 1.1 Shall promote improvements in all modes of transportation to respond to growing demand for commuter and commodity travel. They shall give funding priority to major road improvements that address critical safety concerns and provide increased capacity for commuter and commodity travel. They shall also give funding priority to commuter ~~rail~~transit improvements that facilitate movement between Hollister and the San Francisco Bay Area.

**Goal 2** To increase the safety and security of the transportation system for motorized and non-motorized users. San Benito County jurisdictions:

Policy 2.1 (In conjunction with the safety improvements specified in Policy ~~H.A.1.1~~**A.1.1** above) shall give next funding priority to minor road improvements that affect the safety of the greatest number of users ~~and projects that increase safety for school children or the elderly.~~

Policy 2.2 Shall ensure that the integrity of inter-regional transportation facilities, including road, rail, and aviation facilities, can be maintained during and after major natural disasters.

**Goal 3** To increase the accessibility and mobility options available to people and freight. San Benito County jurisdictions:

Policy 3.1 Shall promote alternative modes of transportation, including rail and bus transit, rail freight, and pedestrian and bicyclist travel.

Policy 3.2 Shall ensure that pedestrian and public transit facilities are accessible to all persons, regardless of physical capabilities.

**Goal 4** To protect and enhance the environment, promote energy conservation, and improve quality of life. San Benito County jurisdictions:

- Policy 4.1 Shall develop a street and highway system that promotes compact urban development and preserves prime agricultural land.
- Policy 4.2 Shall design transportation improvements to conserve protected habitats and species.
- Policy 4.3 Shall operate transportation facilities in a way that provides a high level of air quality and energy efficiency.
- Policy 4.4 Shall design urban streets and public transit systems to protect residential and business districts from degradation due to large traffic volumes and or speeding vehicles.

**Goal 5** To enhance the integration and connectivity of the transportation system, across and between modes, for people and freight. San Benito County jurisdictions:

- Policy 5.1 Shall construct an intermodal station facility connecting the future commuter rail system to bus transit systems, pedestrian and bicycle facilities, and park-and-ride lots.
- Policy 5.2 Shall accommodate connections between truck and/or rail freight as demand presents itself.
- Policy 5.3 Shall promote park-and-ride lots and bicycle parking facilities at key locations to facilitate ridesharing and public transit use.

**Goal 6** To promote efficient system management and operation. San Benito County jurisdictions:

- Policy 6.1 Shall promote and incorporate intelligent transportation system (ITS) technology into the regional transportation improvement program as new systems become available.
- Policy 6.2 Shall actively promote ridesharing and public transit to increase the average persons per vehicle during peak hour periods.

**Goal 7** To emphasize the preservation **Maintenance** of the existing transportation system **shall be a priority**. San Benito County jurisdictions:

- Policy 7.1 Shall conduct regular maintenance of all transportation facilities to forestall ~~premature degradation of such~~ facilities.
- Policy 7.2 Shall work to secure the Hollister Branch Rail Line for use as a commuter rail and/or freight rail facility.

## **Streets and Highways**

**Goal 8** To construct and maintain a street and highway system that is safe, accommodates well-managed demand from existing and future development, and is well maintained. San Benito County jurisdictions:

- Policy 8.1 Shall give priority, among all street and highway projects, to the improvement of roadways and intersections that experience the worst safety records. The next highest priority shall be given to projects that reduce weekday congestion and that serve to maintain the existing roadway system.
- Policy 8.2 Shall give priority, among all street and highway maintenance projects, to maintenance projects that improve safety for the greatest number of persons and to maintenance projects required for fire and police equipment to respond quickly and safely to emergencies throughout the county.

**Goal 9** To design, construct, and maintain the integrity of streets and highways to serve their designated purpose and be compatible with the land use to which they are adjacent. San Benito County jurisdictions:

- Policy 9.1 Shall construct (or cause to be constructed if private), roads, highways, and selected urban arterial streets for regional or interregional travel. Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall emphasize safe and efficient *automobile, motorcycle, truck, and transit* operation. Where appropriate, the jurisdiction shall accommodate the safe movement of agricultural equipment on the facility.
- Policy 9.2 Shall construct (or cause to be constructed if private), urban collector and local streets primarily for intra-city travel. ~~Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall~~ accommodate vehicular travel but shall emphasize safe and efficient *pedestrian and bicycle* travel.
- Policy 9.3 Shall construct (or cause to be constructed, if private), streets in downtown areas primarily to serve business activity. ~~Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall~~ include wide sidewalks and encourage diagonal parking where feasible to increase the number of parking spaces close to businesses and to facilitate the calming of traffic on major downtown streets.

**Goal 10** ~~To~~ **New transportation facilities shall be planned to** promote compact urban development, prevent urban sprawl, and prevent the premature conversion of prime farmland ~~caused by new transportation facilities~~. San Benito County jurisdictions:

- Policy 10.1 Shall provide **transportation** incentives to developers of compact, infill development in existing urbanized areas to minimize the premature construction of new streets and highways.

Policy 10.2 Shall locate and design new transportation facilities to minimize the conversion of prime agricultural land outside existing urban/rural boundaries.

**Goal 11** To promote the development of "livable" streets in urbanized areas that accommodates multiple modes of transportation. San Benito County jurisdictions:

Policy 11.1 Shall include bike lanes on arterial and collector streets where feasible, and sidewalks on all streets in developed areas. They should also require street trees designed to form canopies over streets and green strips between sidewalks and streets in new development.

Policy 11.2 Shall protect urban streets from through traffic by constructing bypass routes around Hollister ~~and San Juan Bautista~~.

Policy 11.3 Shall designate appropriate routes for large trucks and establish ordinances that prohibit large trucks from traveling on non-designated streets.

Policy 11.4 Shall adopt alternative street standards, consistent with standards for fire protection that accommodate traffic-calming measures for existing urban streets. Where appropriate, jurisdictions should install traffic-calming devices to protect local residential streets from speeding traffic.

### ***Rail and Bus Transit***

**Goal 12** To provide an alternative mode of transportation to commuters traveling from San Benito County to Santa Clara County. San Benito County jurisdictions:

Policy 12.1 Shall give priority, among all transit operations, to intercity commuter rail service and/or improved express bus service connecting Hollister with Gilroy. The next priority shall be the provision of intra-city bus service in Hollister.

**Goal 13** To provide a transportation system that is responsive to the needs of the elderly, disabled, and transit dependent. San Benito County jurisdictions:

Policy 13.1 Shall continue to provide on-demand general public and paratransit services ~~in Northern San Benito County (Dial-A-Ride Service Areas A and B)~~.

Policy 13.2 Shall manage the demand for, and cost of, transit services by accommodating the development of housing for the elderly and disabled in existing urban areas close to stores and health services.

**Goal 14** To promote transit-oriented development and encourage the use of public transportation to reduce energy consumption and congestion. San Benito County jurisdictions:

Policy 14.1 Shall ~~provide incentives to developers who~~ **give priority to development projects that** construct residential and commercial projects in proximity to existing and planned rail and bus transit stations. Jurisdictions shall review these projects and

possibly require the provision of transit facilities in conjunction with and financed by the developer.

- Policy 14.2 Shall encourage automobile and bicycle parking facilities at major rail and bus transit stations.

### ***Non-Motorized (Pedestrian and Bicycle) Travel***

**Goal 15** To encourage pedestrian and bicycle travel within urbanized areas. San Benito County jurisdictions:

- Policy 15.1 Shall require bicycle-parking facilities at major rail and bus transit stations and in downtown business districts.
- Policy 15.2 Shall ensure that urban streets are safe for bicyclists through regular cleaning and maintenance.
- Policy 15.3 Shall ensure that existing sidewalks are safe, free of obstruction, and accessible to all persons.
- Policy 15.4 Shall plan, design, and construct bicycle facilities in conformance with state standards, as outlined in “Planning and Design Criteria for Bikeways in California” (Caltrans).
- Policy 15.5 Shall construct pedestrian walkways in high-density areas that currently lack adequate pedestrian facilities.

**Goal 16** To facilitate pedestrian and bicycle travel within new development and between new development and existing urban areas. San Benito County jurisdictions:

- Policy 16.1 Shall require sidewalk facilities in all new development in or adjacent to urban areas. ~~Such facilities shall include sidewalks on both sides of the street that are a minimum five (5) feet wide, if separated from the street by a planter strip, or six (6) feet wide if located next to the curb.~~
- Policy 16.2 Shall require all new multi-family residential and large commercial development to provide easily identified pedestrian facilities connecting all parts of the development and providing access through parking areas and across driveways.
- Policy 16.3 Shall design and construct all new bridge structures with sufficient width to accommodate pedestrians and bicyclists.

**Goal 17** To create a new pedestrian and bicyclist facility connecting urban areas with major recreational areas. San Benito County jurisdictions:

- Policy 17.1 Shall plan and construct a combined pedestrian and bicycle path along the San Benito River ~~from San Juan Bautista to the Pinnacles National Monument.~~

**Goal 18** To promote pedestrian and bicycle safety. San Benito County jurisdictions:

~~Policy 18.1 Shall encourage bicycle rider training programs for school children in San Benito County.~~

Policy 18.2 Shall work with school districts to identify and make improvements as necessary to provide safe routes to school.

## **Aviation**

**Goal 19** To promote a safe and efficient air transportation system that serves general aviation and air commerce needs. San Benito County jurisdictions:

Policy 19.1 (City of Hollister and County of San Benito) shall protect airport operations at Hollister Municipal Airport and Frazier Lake Airpark from incompatible land uses and maintain the facilities for general aviation and airfreight purposes.

Policy 19.2 (City of Hollister and County of San Benito) shall plan for facility expansions at Hollister Municipal Airport, including additional hangar space as demand presents itself, a runway expansion to 7,000 feet, and Instrument Landing System (ILS).

Policy 19.3 (City of Hollister and County of San Benito) shall plan for new industrial uses in designated areas of the airport property as demand for space presents itself.

Policy 19.4 Shall support the continued operation of a general aviation airport at ~~Frazer Lake Air Park~~ Frazier Lake Airpark.

## **Commodity Movement**

**Goal 20** To facilitate the safe and efficient movement of commodities in ways that are compatible with existing and planned land uses. San Benito County jurisdictions:

Policy 20.1 Shall accommodate large truck traffic on designated routes throughout San Benito County.

Policy 20.2 Shall, where viable alternatives exist, direct large truck traffic away from narrow rural roads, residential districts, and pedestrian-oriented streets in downtown business districts.

Policy 20.3 Shall accommodate the development of connections between truck and rail transportation facilities as demand for such intermodal facilities presents itself.

## **Special Events**

~~**Goal 21** To plan for efficient and safe movement of visitors and residents during special events. San Benito County jurisdictions:~~

~~Shall work with special event sponsors to ensure that adequate provisions are made for heavy traffic and parking demand during special events.~~

## **OBJECTIVES AND PERFORMANCE MEASURES**

The Council of San Benito County Governments has adopted short- and long-term objectives that are designed to guide the agency's work program until the next update of the Regional Transportation Plan. Also, in accordance with the new Regional Transportation Guidelines, the Council of San Benito County Governments has also adopted performance measures by which the Regional Transportation Improvement Plan will be judged during adoption of that document.

### ***Short-Term Objectives (by 2010)***

- Objective S.1     To increase the capacity of the street and highway system to accommodate projected short-term growth.
- Objective S.2     To serve 350 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy.
- Objective S.3     To reduce the rate of fatal vehicular accidents throughout San Benito County
- Objective S.4     To develop a recreational trail for pedestrians and bicyclists along the San Benito River from San Juan Bautista to Hollister.
- Objective S.5     To develop a transportation emergency preparedness and response plan that identifies emergency transportation systems, including emergency corridors and reliever routes.
- Objective S.6     To convert the old Highway 25 corridor in Hollister from use as a state highway to use as a business-oriented main street that includes increased parking, pedestrian, and bicyclist opportunities.
- Objective S.7     To develop a plan for commodities transportation that designates appropriate routes for large trucks throughout San Benito County and protects rural roads and residential and downtown business districts from degradation caused by large trucks.
- Objective S.8     To increase rideshare and intra-county transit operations by 10 percent over current (2000) levels.
- Objective S.9     To develop and initiate implementation of a comprehensive bike and pedestrian plan.
- Objective S.10    To improve Hollister Municipal Airport operations by lengthening the main runway, installing an Instrument Landing System, and constructing additional hangars for general aviation use.

### ***Long-Term Objectives (by 2020)***

- Objective L.1 To increase the capacity of the street and highway system to accommodate projected long-term growth.
- Objective L.2 To serve 1,000 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy; also, to begin plans to electrify the commuter rail corridor between Hollister and Gilroy.
- Objective L.3 To reduce the rate of fatal vehicular accidents throughout San Benito County.
- Objective L.4 To extend the recreational trail for pedestrians and bicyclists along the San Benito River from Hollister to the Pinnacles National Monument.
- Objective L.5 To increase rideshare and intra-county transit operations by 10 percent over (2010) levels.

### ***Performance Measures***

Is the proposed Regional Transportation Improvement Plan superior to alternative plans in the following ways?

<b>Performance Measure No.</b>	<b>Performance Measure Criteria</b>	<b>Measurement</b>
Measure 1	Does the RTIP improve mobility and accessibility for persons traveling in San Benito County by investing in improvements that allow travelers to reach their destination with relative ease and within a reasonable time?	Travel time for commuters on Routes 25 and 156
Measure 2	Does the RTIP improve safety and security by investing in street and highway facilities with the highest rates of mortality?	Rate of fatal accidents on Routes 25 and 156
Measure 3	Does the RTIP improve transportation system choices by investing in improvements to non-automobile modes of travel?	Transit level of service, including commuter rail; number of bike lane miles

## JOSEPH P. THOMPSON

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October 5, 2011

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Honorable Margie Barrios, Chairwoman  
San Benito County Board of Supervisors  
Hollister, CA 95023

FAX (831) 636-4310

Hon. Jaime DelaCruz, Chairman  
San Benito County Council of Government  
Hollister, CA 95023

Re: Public Comment BOS Oct. 2011 & COG Meeting Agendas - Volunteering Once Again  
to Assist Local Government to Establish Sound, Sustainable Transport Policy to Replace the Failure  
of Your Current Regime COG-VTA Insanity

Dear Madam and Sir,

Thank you for inviting public comment on the miasma, mess and Hell Hole that you've dug for the citizens and taxpayers of our County, you lovers of VTA ultra-radical socialism (see why I told you not to go to bed with VTA?)?! You've fallen into VTA's "BART-to-San Jose Boondoggle Trap" with your illegal, unconstitutional "Mobility Partnership," by doing just what that 800-Pound Gorilla tells you to do. You've earned the condemnation of the taxpayers, again. I warned you time and again, but you refuse to listen, and we suffer for your arrogance and ignorance in transport policy.

Please add this to the "public comment" for your next meeting agenda.

**1. Author:** See previous letters, legal memoranda, lawsuits, emails, etc. I have 48 years of transport industry (rail and highway) experience on the Central California Coast Region, 31 years of practice of transportation law, 35 years of doctoral and post-doctoral study of transportation law and policy, at Santa Clara University School of Law, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, San Jose State University; Transportation Research Board, Georgetown University; and at the Library of Congress. I'm a member of the Association for Transportation Law & Logistics (formerly the Association of Interstate Commerce Commission Practitioners (charter member of the Santa Clara Valley Chapter), Transportation Lawyers Association (committees on Legislation (Past-Chair), Freight Claims, Bankruptcy, and Intermodal Transport), and a candidate for the American Society of Transportation & Logistics. I am licensed to practice before the California Supreme Court, the United States Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, and all U.S. District Courts in California.

**2. Background Materials:** See my hundreds of letters, faxes, legal memoranda and three

**Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF**

lawsuits I filed on behalf of the taxpayers of our County, all given *pro bono* to you, and to Rail Advisory Committee, Transit Task Force, Technical Advisory Committee, SBCBOS, etc., all of which you've totally ignored to the damage and betrayal of the citizens and taxpayers of our County. Give yourselves another "A" in arrogance and stupidity and ignorance. I respectfully request that you direct your staff to add this application, too, to the formal record of these proceedings. I ask that you adhere to your oath of office, and democratic principles of the Founders.<sup>1</sup>

**3. One Condition to My Application.** I have one condition to this application. You must agree that you will not terminate me from the Policy Committee, as you did from the Citizens Transit Task Force, for voicing my opinion, falsely calling it "harassing." You brought everlasting shame on the government of this County by acting in direct violation of the principle of Freedom of Speech, and showed just how much you've betrayed the citizens of our County by selling us out to your special interests "friends," who are really our enemies. By terminating my membership on the Transit Task Force for having the unacceptable courage to speak truth-in-transportation, which you called "harassment," you showed the people of our County that COG is exacting like the Communist Party was in the Soviet Union, where, as Mr. Justice Douglas said in *The Right of the People* (1953), they had "freedom of speech" so long as nobody questioned communism. On the Citizens Rail Advisory Committee I was out-voted 8-1 on the RAC's final report to COG, but the COG Directors voted 5-0 against RAC's conclusion to extend Caltrain from Gilroy to Hollister. So, hypocrisy reared its ugly head in our County's government: RAC allowed dissent (which became the majority view), while TTF would not tolerate dissent, and we suffer the economic damage here ever since deriving from

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<sup>1</sup>

John Stuart Mill\*

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

\*Cited in appreciation to your former Chairwoman, Honorable Pat Loe, for defending SBC's residents' First Amendment rights at the COG Meeting when I was terminated from the Transit Task Force. Joseph P. Thompson, Esq., December 8, 2006

**Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF**

their unconstitutional conduct. I won't serve hypocrites in local government, so if you cannot abide this condition, then do not accept my application, and do not appoint me to hypocrisy-filled government. Worse than any other thing, Lincoln held "base hypocrisy" intolerable. I agree with that transportation attorney, our 16<sup>th</sup> President. Its your base hypocrisy that has brought us to the ruinous position, i.e., 5<sup>th</sup> worst County (economically) in the USA. Perhaps, if you had listened to me, rather than muzzle me, opened your ears when I brought you the UP's Industrial Development Department's "open check book" for local rail-oriented economic development on the Hollister Branch Line, our County's citizens and taxpayers would not be prostrate, broke, busted, and bankrupt today. But you'll never turn around our local economy if you cling to your Sovietization, VTA-poster child mentality of statist, socialist, communist, Marxist, Stalinist policy of screwing the taxpayers so you can reward your special interest monopolists and public-sector union employees. If you have the same closed-minded hypocrisy today as you did then, I won't waste my time and be subjected to more of your "base hypocrisy." So, if you're still hypocrites, please disregard my application. If you've got an open mind to alternative, pro-business, free enterprise, private-sector transport solutions, like you did when you adopted my dissent on your Caltrain extension vote ten years ago, then please consider my application. There's no middle ground: you either are hypocrites still, or you reject your "base hypocrisy."

**4. Abolish COG:** With motorists paying 102+% of their transport costs, including all highway and street construction and maintenance, and our elected leaders stealing from those gas tax revenues to give our money away to special interests at COG, VTA, TAMC, etc., to keep their bankrupt transit operations moving, the time is "high noon" to abolish COG. Gas taxes from motorists and truckers are used by COG to subsidize COG's unconstitutional, unsound and unsustainable transit boondoggles, yet COG's Directors refuse to protect the taxpayers from this disrespect, this abuse, and this unconstitutional violation of our rights. In COG's long history of abuse, the level of the damage being inflicted on local motorists and truckers has never been so high is it is now. Like the Bell, California City Council, we need to turn the COG rascals out of office ASAP. The longer we delay, the greater the harm that they will inflict on us, our economy, our lives, our families and our community. The only possible conclusion for the Policy Advisory Committee is to demand real social justice: immediately abolish COG. If appointed, I will work tirelessly, as God grants me the strength, to accomplish the goal of returning us to our American roots in transport policy, as I have tried, unsuccessfully, for ten years of COG, RAC, TAC, & TTF meetings, special meetings, workshops, etc., to convince the unconstitutional COG Directors, kingdom-makers, waste-rewarders, Marxist, Leninist, Stalinist betrayers in our local government. *Caveat viator.*

Very truly yours,  
JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: SBCBOS

**Policy Advisory Committee Application-On One Condition: That You Honor the First Amendment Right of Free Speech, and Not Punish Those Who Voice a Dissenting Point of View, That You Not Betray the Citizens of Our County by Chilling the Exercise of First Amendment Rights as You Did the Last Time I Volunteered to Serve Pro Bono on TTF** 3

# SAN BENITO COUNTY SMALL BUSINESS INCUBATOR

Abraham Lincoln Learning Fortress for Responsible Enterprise Education

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February 15, 2013

FAX (831) 636-4010

Honorable Anthony Botelho, Chairman  
San Benito County Board of Supervisors  
Hollister, CA 95023

FAX (831) 636-4310

Hon. Anthony Botelho, Chairman  
San Benito County Council of Government  
Hollister, CA 95023

FAX (831) 636-4310

Honorable Ignacio Velazquez, Mayor  
City of Hollister  
Hollister, CA 95023

**Re: Public Comment-COG, BOS:---Next Meetings: COG Continues to Violate Our Laws, Our Civil Rights, and our Constitutional Rights; *San Benito County Taxpayers v. County of San Benito Council of Governments, San Benito County Board of Supervisors, et al., San Benito County Superior Court, Unlimited Jurisdiction, Case No. CU-10-00019***

Dear Mr. Chairman and Mr. Mayor,

After the third lawsuit I filed for the taxpayers of San Benito County against COG and BOS, i.e., San Benito County Superior Court Case No. CU-10-00019, you had your Mobility Partnership VTA General Manager Michael Burns publish a letter in the *Hollister Free Lance* in which he promised that COG-VTA would obey the Brown Act.

Now, after I dismissed that case on the good faith assumption that COG-VTA would start obeying our law, e.g., Sunshine in Government Act, aka "Brown Act," COG started the 2013 year with its first meeting by immediately violating the Brown Act. COG's agenda published to the public stated it would discuss goals and plans, but made no mention that it would seek imposition of two new forms of taxation. No advance warning was given to the public that COG's Directors would vote to have COG impose a COG sales tax like the VTA does in SCC. No advance warning was given to the public that COG's Directors would vote to have COG impose a vehicle per miles traveled tax.

Thus, COG continues its former pattern of misconduct, flaunting the law its Directors were sworn to uphold, and violating the taxpayers' rights, civil rights, and constitutional rights as alleged in the Complaint the taxpayers filed three times in the past ten years, including the above-mentioned case.

**Government Code Request to Reverse Illegal  
COG Vote Taken in Violation of Brown Act's Requirements  
and Sunshine in Government Law**

This is another example of gross disrespect for the taxpayers of our County, and the failure to act transparently. Instead, COG acts surreptitiously, secretly, and behind the taxpayers' backs to figure new ways to stab us in the back.

So, on behalf of the taxpayers of this County, I respectfully request that the vote be retaken on the subject of imposition of the two new tax burdens that the COG's Directors voted unanimously to inflict on the broken, busted and bankrupt taxpayers, motorists and small business owners in our County.

I ask that the City Council and BOS undertake immediate corrective action to ensure future violations of taxpayers' rights under our law, under our Constitution, do not happen. The COG's Directors acted without authorization from either the City Council or from the BOS in voting to impose the two new taxes on us. In fact, since the COG's Directors are not elected, as alleged in the taxpayers' Complaints (all three of them during the past ten years), they act *ultra vires* (above the law) without the consent of the voters of either the City or the County. Thus, their actions are illegal and violate the constitutional rights of the citizens of our City and County, and ought to be stricken as null and void.

**Disclosure & Identity of Writer.** I write only for myself to once again express my opinion about the frauds you are, the corrupt government you cram down our throats, you violators of our constitutional rights, and to tell you that you, once again, ask the wrong question—your “poll” is a red herring meant to shift the responsibility for our current economic and social ruin from you heads.

As you well know, I told you over the ten years that I attended almost all your monthly regular meetings, and most of your special meetings, and your public workshops, that you are a gross failure, an engine of socialist ruin infecting our County like a malignant tumor. I served on your Citizens Rail Advisory Committee and attended each and every one of RAC's meetings. I served on your Citizens Transit Task Force and attended each and every one of TTF's meetings until you terminated me for “harassing” my fellow Task Force members. Which was a complete fabrication of the socialists at COG and on the TTF because the truth was that I was telling them “inconvenient truth” that they did not want to hear about the damaging effects of public-sector transit. Closed minded empire protectors that you are, you used the lies as an excuse to remove me, showing how you respect our Constitution's First Amendment and what lengths you go to suppress dissent and protect your turf.

I have more than 49 years in the transportation industry here on the Central California Coast, and have practiced transportation law for almost 33 years, and done doctoral and post-doctoral study of transportation law and policy for 38 years.

You have proven to be closed-minded radical socialists who don't give a damn about truth in transport, just like VTA is, another unconstitutional joint power authority malignant form of anti-American government where your chief concern is how to keep raping taxpayers so that your pensions and salaries are protected, at any cost, even by continually jeopardizing the lives of motorists on our highways.

**Government Code Request to Reverse Illegal  
COG Vote Taken in Violation of Brown Act's Requirements  
and Sunshine in Government Law**

You don't know the first damn thing about private-sector transport, and never consider them, and are so radical socialist that you refuse to place them on your agendas for consideration. You ought to be terminated ASAP, just as the Gilroy *Dispatch* said about the VTA.

I've represented the taxpayers in San Benito County Superior Court in three lawsuits against you for violations of our laws.

I've written extensively on the subject of transportation law and policy, locally, Statewide, and in the academic literature.

I'm a member of the Transportation Lawyers Association, and serve on its Legislation (past-Chair), Intermodal, Bankruptcy and Freight Claims Committees.

I'm a member of the Association for Transportation Law and Policy (formerly the Association for Transportation Law, Logistics & Policy, and before that it was the Interstate Commerce Commission Practitioners Association until the Congress terminated the ICC in 1995).

I'm a member of the Gilroy-Morgan Hill Bar Association, and a past-President (twice).

In 1996 I received the Best Research Paper Award in the Nation from the American Society of Transportation & Logistics, presented to me in Omaha at the AST&L's annual meeting, and afterward met with UP's top Intermodal chief at UP's headquarters to convey Gilroy Economic Development Corporation's Executive Director, the late Bill Lindsteadt, desire to restore intermodal service for the Central California Coast Region.

Ten years ago, at his request, I attended UPRR's Industrial Development Department's Forum on behalf of SBCEDC's Al Martinez at the Economic Development Forum that they presented in Pleasanton for Northern California local governments. Then I brought back the message from UPRR and presented it to you, BOS, EDC and other audiences. Predictably, but revealingly, you did nothing, and shockingly did not have the courtesy to respond to UP's offer to bring rail-oriented economic development to our bankrupt County. Just for that alone you ought to be abolished and your pensions eliminated, and be prosecuted like the Bell, California City Council defrauders.

Three years during his administration I attended Governor Wilson's Regulatory Reform Roundtable at the invitation of the Governor's OPR (Office of Policy Research) as a member of the Association for Transportation Law, Logistics & Policy, and have since circulated the conclusion of the Roundtable, the Governor's Executive Order to downsize government and abolish burdensome regulations, which our Legislature has totally ignored, while California plunged to 50<sup>th</sup> worst State in the Nation, and this County sunk to almost the worst County in the Nation.

I've submitted numerous letters, memoranda, position papers, three lawsuits, numerous emails and faxes, all of which you've totally ignored, scoffed at me from your podium, laughed when I've explained why your policy is killing us, and how your bias and prejudice damages us and our children, and clung to your radical socialist concepts for government, just like Marx, Lenin, Trotsky and Stalin did.

Until we terminate you and the other unaccountable, non-transparent, unelected, corrupt, special interest protectors promoting crony capitalism, i.e., radical socialist joint power authorities like you, we will continue to slide down the slippery slope route taken by the USSR.

**Background.** Please see the most recent taxpayers' Complaint (see copy attached), San

Benito County Superior Court Case, Unlimited Jurisdiction, No. CU-10-00019.

Very truly yours,

JOSEPH P. THOMPSON

cc: COG Board of Directors

cc: SBCBOS

cc: Hollister City Council

cc: Hon. Anthony Cannella FAX (831) 769-8086

cc: Editor *Hollister Free Lance* FAX (831) 637-4104

**Government Code Request to Reverse Illegal  
COG Vote Taken in Violation of Brown Act's Requirements  
and Sunshine in Government Law**