

COG RAPES TAXPAYERS - AND WE LET THEM.

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May 11, 2008

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Honorable Brad Pike, Chairman

San Benito County Council of Government

481 Fourth Street

Hollister, CA 95023

WORSE
TODAY

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<A&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,

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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

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Fw: Savage to build intermodal terminal at UP Idaho yard

From: Joseph P Thompson (translaw@pacbell.net)

To: echalhoub@weeklys.com; sbcsuper@supervisor.co.san-benito.ca.us; sbcsuper@cosb.us; sbcedc@hollinet.com; info@sanbenitocog.org; supervisordelacruz@cosb.us; supervisorhernandez@cosb.us; supervisormedina@cosb.us; supervisors@cosb.us; cityclerk@hollister.ca.gov; generalplan@hollister.ca.gov; president@gilroyedc.org; allcouncilmembers@ci.gilroy.ca.us; john.lang@morganhill.ca.gov; rich.constantine@morganhill.ca.gov; askmike@garlic.com

Date: Thursday, March 25, 2021, 10:03 AM PDT

GUEST EDITORIAL: HOLLISTER FREE LANCE; GILROY DISPATCH; AND MORGAN HILL TIMES

Dear Editor,

What if we could reduce highway congestion and accidents, reduce air pollution and road & bridge maintenance expenses, increase local economic development and job creation, without taxes, fees or earmarks from politicians? We already can. Good neighbor UPRR shows how, with the creation of the new intermodal facility in Idaho, described in today's edition of *Progressive Railroading* (attached).

But, as I've said for the past 21 years, the transport "authorities" at COG, VTA, TAMC, SCCRTC, etc., refuse to include private sector transport improvements in their plans. They won't even put it on their agenda for discussion. Consequently, the Region suffers the negative consequences of their myopia. The ignorance and arrogance of those "authorities" is only exceeded by their contempt for motorists and taxpayers. Imagine how much lower gas prices would be if our "authorities" included private sector solutions in the transport mix.

Twenty years ago, while serving on COG's Citizens Rail Advisory Committee, I made this recommendation and you can reprint it as my Guest Editorial, and join me in urging local elected officials to tell the unelected "Directors" at COG, VTA, etc., to open their minds to the concept of private sector transport solutions like restoring intermodal facilities for the Central California Coast Region.

If others can restore intermodal service for their economies, traffic and trade, then why can't we?

Or do the authorities and Directors of the public sector transit boondoggles have complete control over our transport, notwithstanding all the problems that nearsightedness brings with it?

Caveat viator.

Joseph P. Thompson
(408) 848-5506

Past-President 2x (1998-2001, 2006), Gilroy-Morgan Hill Bar Assn.

Past Chair, Legislation Committee, Transportation Lawyers Assn.

Charter Member, SBCCOG's Citizens Rail Advisory Committee

Member, Transportation Lawyers Assn.

E-Mail: TransLaw@PacBell.Net

CC: PUBLIC COMMENT, NEXT MEETING: REAL OR VIRTUAL; REGULAR OR SPECIAL; PUBLIC WORKSHOP OR PRIVATE RETREAT; AND ESPECIALLY THE NON-BROWN ACT COMPLIANT MEETINGS OF THE SO-CALLED "MOBILITY PARTNERSHIP," UNCONSTITUTIONAL GOVERNANCE CRAMMING SOCIALIST SOLUTIONS DOWN TAXPAYERS THROATS WITHOUT THE CONSENT OF THE GOVERNED

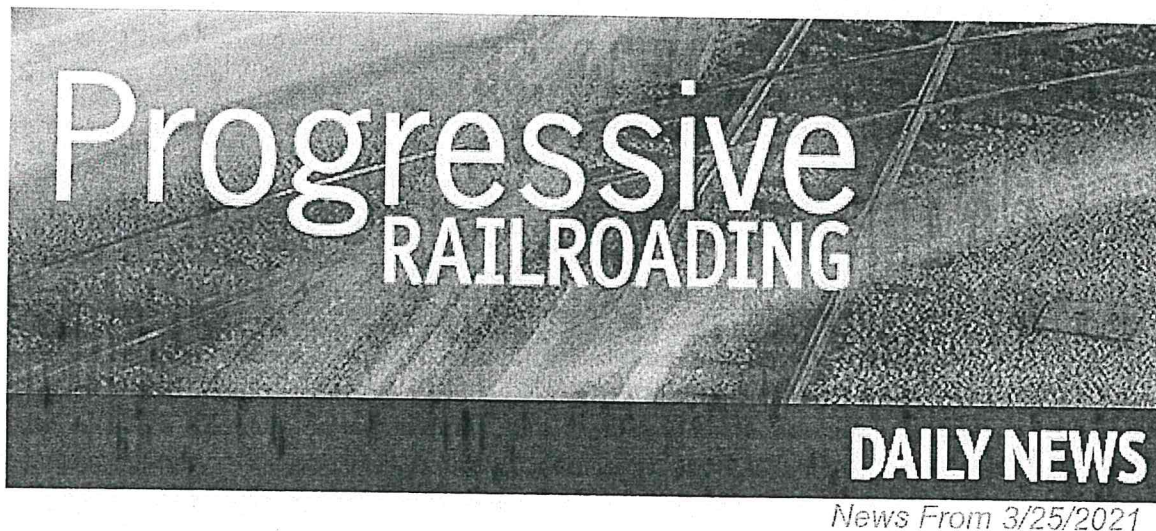
----- Forwarded Message -----

From: Progressive Railroading <dailynews@news.progressiverailroading.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Thursday, March 25, 2021, 08:50:35 AM PDT

Subject: Savage to build intermodal terminal at UP Idaho yard



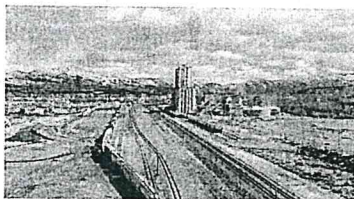
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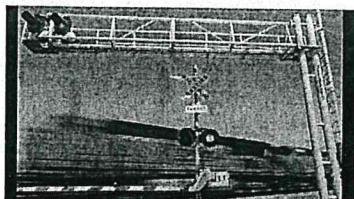


Savage to build, run intermodal terminal at UP yard in Idaho »

KEYWORDS: Savage, Union Pacific Railroad, rail intermodal terminal, Pocatello, Idaho

[Read This Article »](#)

Rail Industry Trends



AAR: Rail traffic report reflects 2020 shutdowns »

KEYWORDS: Association of American Railroads, AAR, U.S. rail traffic, week 11,

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Lesson #16

Q: Could the SBC industrial and commercial employment base be increased, serving agribusiness and others, if COG would use our federal stimulus money to build an intermodal facility on the Hollister Branch Line?

A: Yes. If we build one like Imperial County recently did for their agribusiness, as recommended by the Governor's Goods Movement Plan. Economical, truck competitive service, and friendly to the environment, COG's Directors must re-think their priorities. Harnessing the superior capabilities of the private-sector over the public-sector, we can capture enough revenue to accomplish the badly-needed transportation improvements that cry-out for an affordable solution. An intermodal facility, where trailers and containers are loaded onto and off of railroad flat cars, is the best way that to have real Smart Growth transport for the future of SBC:

1. Facilitate High-Paying Industrial Jobs, Greater Commerce and Trade
2. Improve Transportation (Passenger and Freight)
3. Stimulate Local Economy, Stop Job Flight
4. Create Local Jobs, Increase Industrial & Commercial Tax Base
5. Increase Local Capital Spending and Investment
6. Reduce Highway Maintenance Expenses, Gets Tonnage Off Local Roads
7. Reduce Air Pollution and Improve Air Quality
8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
9. Improve Highway Safety and Reduce Accidents
10. Increase Local Government Tax Base By Growing Private Sector
11. Create Transport Options for Growers, Packers & Shippers & Receivers
12. Improve Product Profitability During Truck Shortages
13. Reduce Border Crossing Delays for NAFTA Products Trade
14. Retain Affordable Housing by Reducing Traffic Impact Fees
15. Maintain Character and Environment of County
16. Preserve Agricultural Land and Small Farms
17. Reduce Fuel Consumption, Improve Air Quality
18. Reduce Driver Fatigue-Related Accidents
19. More Responsive Management to Competitive Marketplace
20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

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ERIK

WHY DON'T YOU MAKE THIS A PUBLIC RECORDS ACT REQUEST TO THE UNCONSTITUTIONAL GOVERNMENT AT COG?

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August 23, 2003

18 yr

FAX (831) 636-4160

Hon. George Rowe, Chairman

San Benito County Council of Government

P.O. BOX 1420

San Juan Bautista, CA 95045

FAX (831) 637-9015

Executive Director

San Benito County Council of Government

481 Fourth Street

Hollister, CA 95023

Re: *COG Meeting Sept. 18, 2003-Recommended Agenda Items*

Dear Mr. Rowe and COG Executive Director,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's Agenda for September and the ad that COG ran on 8-21-03 about new commuter coaches, I ask that the following be included for thorough consideration.

Identity of Author. I am a member of COG's Rail Advisory Committee, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a post-doctoral student of transportation law and policy.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to my past letters to you regarding COG's Directors' decision to privatize the County's public-sector bus system.

Agenda Topics:

(1) Who's Cost-Effectiveness Are You Talking About? Paying for the County's transit

**Cast Off Dysfunctional Transport Policy and
Return to America's Free-Enterprise Roots**

services is extremely cost ineffective because of the massive waste in the system. I find it very insulting to the taxpayers, i.e., homeowners, small business owners, especially the very small business owners facing insolvency and bankruptcy in record numbers, for our government to attempt to deceive the County's residents by referring to County Transit as "Cost-Effective." Where is the truth in transportation, the truth in government, the duty to disclose the true adverse consequences of the County's wasteful public-sector transport?

I hereby request that the COG's Directors correct the misrepresentations that County Transit is "Cost-Effective."

I believe that COG's Directors have a fiduciary duty to the voting public to tell the truth about the amount of money that is wasted on public transit in SBC. For example, what percentage of buses move 100% empty? What percentage of seats are moved empty every day, every week, every month, every year? What percentage of the approx. \$9 million of tax subsidies that taxpayers in SBC send to Sacramento so that COG can pay approx. \$1 million annually to M.V. Transportation, Inc., is for empty bus seat transport? How many tons of toxic pollutants are spewed into the air annually in SBC by County Transit empty buses? The negative "externalities" (consequences) of SBC County Transit must be disclosed, not concealed. Thank you and *caveat viator!*

Respectfully yours,

cc: COG Directors
cc: SBC County Supervisors
cc: Hollister City Council members
Encl.

JOSEPH P. THOMPSON

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EMPTY TRANSIT BUSESCommunity Project Funding: 117th Congress Revives and Recalibrates the
Earmark Process

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Highlights

EARMARKS = WASTE

- In the 117th Congress, lawmakers will reinstate the process of earmarking for local governments and nonprofits after a decade-long ban, ushering in the return of congressionally directed spending through a reformed process dubbed "Community Project Funding" (CPF) with added oversight mechanisms.
- Since CPF funding is specified to a recipient, it is by nature not subject to competitive award processes. Potentially eligible projects range from infrastructure, community programs, university research, hospitals and other local initiatives.
- This Holland & Knight alert provides an overview of House lawmakers' decision to return to funding earmarks through the CPF process, as well as key takeaways and considerations for stakeholders.

In the 117th Congress, lawmakers will reinstate the process of earmarking for local governments and nonprofits after a decade-long ban, ushering in the return of congressionally directed spending through a reformed process dubbed "Community Project Funding" (CPF) with added oversight mechanisms.

On Feb. 26, 2021, House Appropriations Chair Rosa DeLauro (D-Conn.) officially announced guidance to solicit lawmakers' requests for CPF. Following weeks of internal debate on the other side of the aisle, House Republicans voted on March 17 to allow members to request dedicated spending projects.

Formerly and colloquially referred to as earmarks, "Community Project Funding" is defined as any congressionally directed spending, tax benefit or tariff benefit that would benefit an entity or a specific state, locality or congressional district.¹ Since the funding is specified to a recipient, it is by nature not subject to competitive award processes. Potentially eligible projects range from infrastructure, community programs, university research, hospitals and other local initiatives.

BUSINESS NOT INFRASTRUCTURE

Members will be allowed to request funding to support specific community projects as part of the annual appropriations process to fund the federal government. Most often invoked in regard to the annual federal appropriations process, earmarks can also be used for authorizing measures, such as infrastructure legislation. House lawmakers have broadly outlined plans to use earmarks in the upcoming surface transportation reauthorization bill.²

TRANSIT
BOONDOGGLES

Congress has prohibited the practice of earmarking since 2011 in the 112th Congress, due to questionable abuses including wasteful spending and corruption scandals regarding how legislators directed funds. The earmark moratorium did not exist in chamber rules nor was it enforced by points of order. Rather, it was

WHAT HAS CHANGED? THINK AMTRAK; BULLET TRAIN,

BRIDGES TO NOWHERE; EMPTY BUSES

established by party rules and committee protocols and had been extended by every Congress since through party rules and protocol. Since the ban, earmarks have carried a negative connotation, necessitating meaningful reform to address accountability and transparency in the case of a return.

In recent years, members on both sides of the aisle expressed interest in lifting the earmark moratorium to return power to Congress to direct funding for local needs rather than leaving the distribution to the executive branch, and have distinguished that members know the needs and priorities of their districts. Many have argued that earmarks serve as catalysts for bipartisanship and efficiency on Capitol Hill.

The reformed process announced by the Appropriations Committee for the upcoming fiscal year is intended to account for transparency and accountability in community funding through a number of robust guardrails. Further, this process will be limited in certain ways that did not apply 10 years ago.

CPF Guidance

The House and Senate have agreed to limit total earmarks to \$15 billion, or \$7.5 billion for each chamber. It remains unclear how the bicameral process will shape up; Senate Democrats have not yet issued guidance for their process, and Senate Republicans have not decided on whether to participate in earmarking.

The House Appropriations Committee published guidance regarding accounts and programs eligible for CPF requests, as well as the criteria necessary for consideration in those areas. The new guidelines are in addition to rules that already exist, including that requests must be made in writing and be disclosed before floor consideration. Individual legislators have unique forms with different questions and requirements in order to be considered.

Key takeaways from CPF guidance include:

- **Funding Cap.** Funding is limited to no more than 1 percent of discretionary spending. Each project must be for Fiscal Year (FY) 2022 only and cannot include multiyear funding. Since appropriations are annual bills, the funding will need to be spent one to two years from the enactment of the bill, so any project needs to be shovel-ready; planning projects may be requested.
- **Limit on Number of Requests.** House members will be limited to 10 requests across the spending bills open to CPF. Roughly 20 accounts are open for such requests.
- **For-Profit Recipient Bans.** Members can request funding only for nonprofits or a specific state, locality or congressional district. If the entity is a nonprofit, it must provide evidence that it is a nonprofit as described under Section 501(c)(3) of the Internal Revenue Code.
- **Project Description.** Funding request must include a project description (limit 1,000 characters), as well as a budget breakout specifically describing how funds will be used by the grantee. The explanation of the request must include why it is a good use of taxpayer funds.
- **No Financial Interest.** Members must certify that they, their spouse and their immediate family do not have financial interest in their requested projects to the House Appropriations Committee.
- **Transparency Metrics.** Member requests for CPF will be submitted online and searchable. The recipients of CPF will be released by the House Appropriations Committee before the full committee votes on legislation, as well as the project description.

- **Community Support Requirements.** Members must provide evidence of community support for the projects, as well as compelling evidence that demonstrates a true need. This includes endorsement by elected officials and other organizations. Examples include: press and support from newspaper editorial boards, listings on state intended use plans, community development plans, or other publicly available planning documents or resolutions passed by city councils or boards. In some cases where funding needs to flow through the state administering authority, state support letters will be required.
- **CPF Audits:** The Government Accountability Office (GAO) will conduct a mandatory audit of a sample of projects and report its findings to Congress.

Holland & Knight Insights

- With its revival, CPF is an opportunity in the federal appropriations process to shape meaningful policy outcomes. As lawmakers see the direct impacts of the coronavirus pandemic on their districts, CPF presents a unique opportunity to bolster post-pandemic recovery. CPF empowers members to direct aid to specific projects in their districts and ensures that they are responsive to local needs. That said, members of Congress will weigh heavily how they are helping their constituents in their CPF decision-making. Consideration needs to be given as to how a community project request would mesh with member priorities.

- CPF presents an opportunity for eligible entities to avoid the complexities of federal grant programs. However, entities interested in earmarks will need to be quick to develop CPF requests. The timeline is tight, especially this year as House Committee leadership did not publish initial guidance until late February and full guidance until March 10. This leaves less time for stakeholders to develop and submit a request. With a limit of 10 requests across 20 accounts, this will be a very competitive process at least in the House. The Senate is not expected to have the same limit of 10 requests. Nevertheless, this will become an annual process (unless discontinued in the future), so next year will present a new opportunity.

- The "Community Support" emphasis in CPF guidance cannot be ignored. A project that genuinely addresses a community need and could be supported by elected officials or community organizations and nonprofits will stand a better chance. Generating this type of support will require effort against short timelines. Members are very unlikely to support a request that is not physically located (or being carried out) in their district, and a senator will be unable to support a project not located in his or her state.

- The return of earmarks reasserts Congress' role in making specific decisions about spending taxpayer money. Congress has the constitutional authority to direct how money is expended – what is known as the "power of the purse." During the earmark moratorium, there were bipartisan complaints that the ban this transferred the legislative branch's constitutionally delegated authority to the executive branch.

- Earmarks have the capacity to incentivize and foster bipartisanship. When community projects are at stake in the passage of a bill, lawmakers are generally more inclined to support the measure. Projects with mutual aid across district lines can bring members together who do not usually work together.

Eligible Accounts and Programs

Of the 12 annual appropriations bills, 10 will be open for CPF. The two bills that will not be earmarked are the Legislative Branch and State/Foreign Operations Appropriations bills. Of the 10 bills open to requests, each have only a handful of accounts available for requests.

Members will have their own internal deadlines for constituent entities to submit requests for their consideration. These internal deadlines are typically one to two weeks before the member needs to meet the set subcommittee deadlines. The internal deadlines allow the member to thoroughly review requests and determine how they will prioritize requests. House subcommittee deadlines are between April 14-16.

Subcommittee

Programs

Commerce, Justice, Science

Deadline: April 15

- Byrne Justice Assistance Grants
- COPS Technology and Equipment
- National Oceanic and Atmospheric Administration – Operations, Research and Facilities
- National Aeronautics and Space Administration – Safety, Security and Mission Services

Transportation, Housing and Urban Development

Deadline: April 16

- Department of Transportation – Local Transportation Priorities
- Department of Transportation – Airport Improvement Program (AIP)
- Department of Housing and Urban Development – Economic Development Initiative (EDI)

Interior, Environment, and Related Agencies Subcommittee

Deadline: April 16

- Federal land acquisitions through Land and Water Conservation Fund
- Environmental Protection Agency State and Tribal Assistance Grants, for certain water infrastructure grants

Labor, Health and Human Services, Education and Related Agencies

Deadline: April 14

- Department of Labor, Employment and Training Administration – Training and Employment Services
- Department of Health and Human Services, Health Resources and Services Administration – Program Management
 - Health Facilities Construction and Equipment
 - Health Professions Education and Workforce Development
 - Rural Health Outreach
 - Rural Health Research
 - Telehealth and Health IT
- Department of Health and Human Services, Substance Abuse and Mental Health Services Administration – Health Surveillance and Program Support
 - Mental health, substance abuse treatment, substance abuse prevention programs
- Department of Education – Innovation and Improvement
 - Instructional services, afterschool centers, curricular development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools and early childhood education.
- Department of Education – Higher Education
 - Improving access to, or the quality of, postsecondary education (but not construction)
 - Hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricular, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers

Deadline: April 14

- U.S. Army Corps of Engineers
 - Investigations
 - Construction
 - Mississippi River and Tributaries
 - Operation and Maintenance
- Bureau of Reclamation

Deadline: April 16

- Small Business Administration, Small Business Initiatives

Deadline: April 16

- Pre-Disaster Mitigation Grants
- Nonprofit Security Grants
- Emergency Operation Center Grants

Deadline: April 15

- Research, Development, Test and Evaluation (RDTE)

Deadline: April 15

- Agricultural Research Service, Buildings and Facilities
- Rural Development, Rural Community Facility Grants
- Rural Utilities Service, ReConnect Grants

Deadline: April 14

Military construction accounts under the Department of Defense

Holland & Knight LLP - Hannah M. Coulter, Robert H. Bradner, Rich Gold and Lisa Ann Barkovic

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COG RAPE TAXPAYERS - AND WE LET THEM.

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May 11, 2008

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Honorable Brad Pike, Chairman

San Benito County Council of Government

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WORSE
TODAY

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<A&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!

ABOLISH COG - SAVE SMALL BUSINESS

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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

Response to Public Hearing Notice SBCCOG 1/15/09–COG Policy Failures Marching-On!2

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

**COG POLICY = ROAD
MAP TO SERFDOM**

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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

**WORSE
TODAY**

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 does 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 ~~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?

Performance Measure No.	Performance Measure Criteria	Measurement
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

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**WORSE
TODAY**

March 16, 2011

FAX (831) 636-4160

Honorable Chairperson

San Benito County Council of Government
Hollister, CA 95023

FAX (831) 636-4310

Executive Director

San Benito County Council of Government
Hollister, CA 95023

Re: Public Comment March 16, 2011—COG Meeting Agenda 3/17/11 - Happy Saint Patrick's Day to the Lovers of our Constitution (Doesn't Include Any COG Directors Who've Made SBC a Living Hell Hole)

Dear Sir/Madam,

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 earned the condemnation of the taxpayers, again.

Please add this to supplement my previously submitted public comment.

1. Author: See attached letter 1/17/02.

2. Background Materials Supplementing These Remarks: See my hundreds of letters, faxes, legal memoranda and three lawsuits I filed on behalf of the taxpayers of our County, all given probono 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 that paper, too, to the formal record of these proceedings.

3. Major Flaws Deja Vu All Over Again, Yogi! here repeat all the damning evidence that I've stood before you and given to you and your predecessors since 1999 and all the regular, special, study session and policy workshop meetings. You've scoffed, heaped scorn, derision and laughter on me. And you thus revealed your betrayal of the citizens and taxpayers of our County. May God have mercy on your immortal souls for the damage and injuries that you've caused with your radical-socialist, spendaholic, tax them into oblivion, bankruptcy and chase taxpayers and small business owners out of here, making this County unlivable through Leninism, Marxism, Stalinism (communism). You have earned the reward a just God has in store for you.

Very truly yours,
JOSEPH P. THOMPSON

cc: COG Board of Directors
Encl.

JOSEPH P. THOMPSON

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January 17, 2002

**WORSE
TODAY**

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 of 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

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January 24, 2003

FAX (831) 636-4160
Hon. Pauline Valdivia, Chairwoman
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FAX (831) 636-4310
Mr. George Lewis, Interim Executive Director
San Benito County Council of Government
375 Fifth Street
Hollister, CA 95023

Re: ***COG Meeting Agenda, Feb. 20, 2003—Transportation Infrastructure Improvements;
Rail Economic Development***

Dear Mrs. Valdivia and Mr. Lewis,

Confirming my previous conversations with your staff, and further regarding my letter to you dated Nov. 10, 2002 (copy enclosed), will you please add the following to your meeting agenda for Feb. 20, 2003:

1. Transportation Infrastructure Improvements: After more than 20 years of campaigning for transportation infrastructure improvement for the Central California Coast Region by restoration of intermodal facilities, it appears that people are beginning to see the merit in my idea. At meetings this week of the Gilroy Economic Development Corporation in Gilroy, and the Economic Development Corporation of San Benito County in Hollister, the concept of the private-public partnership appears to have finally gained acceptance. However, my impression based on the views that I heard expressed by Caltrans officials leads me to conclude that they favor Gilroy over Hollister as the proposed site. Therefore, I believe that unless COG's Directors take immediate action to compete for this badly-needed transportation infrastructure improvement, SBC will lose the jobs, commerce, trade, tax revenues, etc., to Santa Clara County. No.

2. Rail Economic Development. Union Pacific's Industrial Development Department has made overtures to SBC for increased economic development on the Hollister Branch Line. Their regional manager for industrial development has offered the railroad's assistance in this endeavor. Caltrans officials support diverting tonnage off our highways and onto the railroads. Mr. Dave Murray, Caltrans Branch Chief of Planning for this District, has agreed to assist me in the presentation to our COG Board at their February meeting. Will you please let me know if you will add these subjects to your agenda? Thank you and *caveat viator!*

Respectfully yours,
JOSEPH P. THOMPSON

cc: COG Directors
cc: Mr. Dave Murray, Caltrans, SLO
cc: Mr. Tom Messer, Chief Freight Planning, Sacto

**COG Meeting 2-20-03: SBC Transportation Infrastructure
Improvements; Rail Economic Development**