


Carl Shore



To: The Hollister City Council,
Re: Annexation of 120 Ladd Lane and ranch

The property at 120 Ladd Lane has been in my family since the early 1900's. In 1928 they took down the house that was there and build the house my mother grew up in that is presently there. My Grandfather, Carl L. Ladd, farmed it until his death. After my Grandmother passed away in the 50's, my family, George & Caryl (Ladd) Shore and children, moved on to the ranch. At that time it was out in the country surrounded by farm land. Union road wasn't extended through the area and we could walk to the river to "hunt" rabbits (we didn't get many) and had a wonderful time exploring.

Over the years the city gradually move closer toward us. The school was built in 1998-2000 and was directly across the street from our home. Traffic became a minor problem during the day. Then Union road went in between us and the river. Before then ours was a quite private home. When I visit now the peacefulness is disturbed by the yearly increasing traffic. Next the Gibson property next to us was sold and houses were built up to our property line. I now see development being built on Southside road beyond our place so we are gradually being surrounded. Farming in that environment can be a problem for neighbors with the noise of tractors, the movement of people and trucks at harvest time and especially when the orchard needs to be sprayed. We used to aerially spray the orchard but can no longer do that.

I seems that the city is growing in spite of the desires of many to slow or even stop the growth. Our land will soon be surrounded by houses.

With all that, houses, school, Union Rd, and building beyond, it seems logical that our land will become apart of that growth. I strongly encourage you to consider annexing the ranch at 120 Ladd Lane into the city.

Sincerely,
Carl L Shore



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2021-CPA-0032

April 30, 2021

Hollister General Plan Advisory Committee
c/o City of Hollister Planning Department
Old City Hall
339 Fifth Street
Hollister, California 95023

Subject: Proposed Policies to Protect Designated Critical Habitat for Federally Listed Species, City of Hollister General Plan Update, San Benito County, California

Dear General Plan Advisory Committee Members:

We are submitting our comments regarding proposed policies to protect designated critical habitat for the federally threatened California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*) in the vicinity of the City of Hollister that were considered during the March 23, 2021 meeting of the Hollister General Plan Advisory Committee (GPAC). We have reviewed the proposed policy options and public input memoranda (Placeworks 2021a, 2021b) provided online at the City of Hollister General Plan Update 2040 website and respectfully submit the following for your consideration.

The U.S. Fish and Wildlife Service's (Service) mission is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may have an effect on those resources, particularly federally listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). The Act prohibits the unpermitted "take" of listed species [16 U.S.C. 1538(a)(1)(B)]. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

Critical Habitat in the Planning Area and its Role in Endangered Species Conservation

The Hollister General Plan Advisory Committee is considering the addition of “Sensitive Habitats” policy language under the General Plan Natural Resources and Conservation Element intended to bolster Federal, State, and local protections for the California red-legged frog and California tiger salamander in the Planning Area. The proposed language would require development projects within designated critical habitat for both species “to avoid and/or provide buffer zones between a proposed project and Critical Habitat” (Placeworks 2021a, p.7).

The Service designates critical habitat for federally listed species under the authorities described in section 4 of the Act. Critical habitat includes geographic areas that contain one or more of the physical or biological features (PBFs)¹ that are essential to the conservation of the species and that may need special management or protection. Critical habitat designations only affect actions conducted, funded, or permitted by Federal agencies, who are required to avoid the “destruction” or “adverse modification” of critical habitat (84 FR 44976). It is worth noting that more than one listed species may occur within a critical habitat unit, and that areas outside of critical habitat supporting the species may also provide important conservation value.

The Service first designated critical habitat for the California red-legged frog in 2001 and published a final rule revising the designation in 2010 (Service 2010). The final rule describes 48 separate units encompassing a total of approximately 1,636,609 acres in 27 California counties. The PBFs which comprise California red-legged frog critical habitat include aquatic breeding habitat, non-breeding aquatic and riparian habitat, upland habitat, and dispersal habitat. A portion of the 36,294-acre critical habitat Unit SNB-1 (Hollister Hills/San Benito River Unit) overlaps the southeastern extent of the Planning Area outside the city limit of Hollister. Unit SNB-1 contains occurrences of the species, contains all four of the PBFs, provides essential connectivity between sites on the coast plain and inner Coast Range, and is expected to prevent further fragmentation of habitat in this portion of the species’ range.

The Service designated critical habitat for the Central California Distinct Population Segment of the California tiger salamander in 2005 (Service 2005). The final rule describes 31 units encompassing approximately 199,109 acres in 19 California counties. The PBFs which comprise California tiger salamander critical habitat include standing bodies of fresh water for breeding; adjacent upland habitat containing small mammal burrows or other underground habitat for sheltering, predator avoidance, and breeding; and upland dispersal habitat allowing movement between aquatic and upland sites. Most of the 3,165-acre critical habitat Unit 15 (Ana Creek Unit, comprised of subunits 15A and 15B) is within the Planning Area, just outside the city limit of Hollister east of Fairview Road. Unit 15 contains occurrences of the species, contains all three of the PBFs, is needed to maintain the current geographic and ecological distribution of the species, and represents the southwestern portion of the species’ range within the Bay Area geographic region (Service 2005).

¹ Note: The synonymous term “primary constituent elements (PCEs)” is also used to refer to these essential components of designated critical habitat in some Service documents.

Current Status of Listed Species and Critical Habitat in the Planning Area and Ongoing Impacts from Development

The Service has not conducted a formal analysis of the current condition of critical habitat for the California red-legged frog or California tiger salamander in the Planning Area or conducted systematic surveys for these species to assess their current distribution or numbers. The California Natural Diversity Database (CNDDB) records multiple occurrences of both species within the critical habitat units and other locations in the Planning Area (CNDDB 2021). The current occupancy status of CNDDB sites is unknown, and additional occurrences may exist in areas that have not yet been surveyed. We assume both species are present.

When evaluating the potential impacts of individual projects and projected development patterns on federally listed species and their habitat, the Service considers the current condition of habitat, historical observations, results of species-specific surveys conducted by a qualified biologist, and other information. This applies to areas both within and outside of designated critical habitat. In areas where the species has been previously observed and suitable habitat exists, we generally assume the species to be present, unless in our judgement site-specific data indicate absence. Areas of suitable habitat where the species is not currently found may still have conservation value as they may be colonized by the species in the future.

We have not formally assessed the cumulative effects of development on the California red-legged frog or California tiger salamander and their critical habitat units across the Planning Area. However, we have evaluated the impacts of individual projects through our authorities under the Act and through the California Environmental Quality Act process. These projects have been primarily located in unincorporated San Benito County near or adjacent to the Hollister city limits, e.g. along Fairview Road. It is our understanding that a number of these projects are on parcels expected to be annexed to the incorporated City of Hollister.

Based on our project evaluations, significant areas of habitat for the California red-legged frog and California tiger salamander have been removed or fragmented by development in the Planning Area, though substantial areas of habitat remain. Habitat loss in California tiger salamander critical habitat Unit 15A and other areas on the east side of Hollister has been considerable. The long-term consequences of these impacts for the California red-legged frog and California tiger salamander are uncertain and may depend in part on the extent of future development, but some occurrences of the species have likely been lost. Cumulative loss of critical habitat is of special concern given its role in the recovery of the California red-legged frog and California tiger salamander. Fortunately, many of the losses have been compensated by offsite protection and restoration of habitat occupied by these species at the Sparling Ranch Conservation Bank and other locations.

Policies under Consideration

Policy options related to development within critical habitat that were considered at the March 23, 2021 General Plan Advisory Committee meeting are presented in the policy options memorandum (Placeworks 2021a) as follows:

Question 4.a What policies, if any, should the General Plan include to limit or avoid impacts on Critical Habitat for California tiger salamander and California red-legged frog? (Choose one from the list below).

- (1) Prohibit development within all designated Critical Habitat areas and within a buffer area around such areas.
- (2) Prohibit development within all designated Critical Habitat areas but without a buffer area around such areas.
- (3) Prohibit development within areas identified by a qualified biologist as actually harboring California tiger salamanders and/or California red-legged frogs.
- (4) No policy is necessary. This issue can be addressed through future environmental assessments of proposed development.

If any of these policies are adopted, they would be added to the Natural Resources and Conservation Element of the City of Hollister General Plan. We note that the areas of the Planning Area which encompass critical habitat for the California red-legged frog and California tiger salamander lie completely outside of the current city limits of Hollister. The policy options memorandum does not address how these policy options would be implemented in currently unincorporated areas of San Benito County.

Recommendations

The Service appreciates and supports the City of Hollister's willingness to consider policies to provide additional protection for the California red-legged frog and California tiger salamander and their critical habitat in the Planning Area. In general, the Service endorses an "avoid-minimize-mitigate" approach to limiting the impacts of development on listed species: avoid impacts through project siting and implementation whenever possible; minimize impacts that cannot be avoided through appropriate conservation measures; and compensate for losses of individuals and habitat by protecting or restoring habitat, or both, of equal or greater value. We strive to achieve species recovery goals by working collaboratively with project proponents, local jurisdictions, and others under our statutory prerogatives while respecting the property rights and land use entitlements of landowners.

We find that all four potential policies presented in the policy memorandum have positive aspects, however, we are not specifically recommending that the City adopt any of these options. Instead we offer the following guidance to help the City and General Plan Advisory Committee evaluate these options and others that may be developed to achieve the City's conservation goals:

- Sites proposed for development that may support federally listed species should be evaluated by a qualified biologist, including an assessment of historical occurrences in the vicinity and whether habitat for listed species exists. If suitable habitat is found in the development area, protocol surveys for the species are recommended, otherwise the species presence on the site should be assumed.
- Habitat quality for listed species at sites within as well as outside of critical habitat varies and should be evaluated during site assessments. Factors contributing to higher habitat quality include occupancy by the species, presence of breeding habitat, larger area of suitable habitat, and the absence of nearby development.
- Sites located within critical habitat for the California red-legged frog and California tiger salamander should generally be considered of high value to the species, but site-specific habitat value will depend on factors such as those specified in the previous bullet.
- Consider basing policy options on site assessments of habitat quality for the species. For example, the City could choose to direct development within project sites to areas with low quality habitat and avoid areas with high quality habitat.
- Limiting development to avoid areas of high quality habitat may be effective where there is little or no existing development nearby, but may be less effective if the preserved habitat is isolated from other habitat areas by existing development.
- Proposed policy options 1 through 3 would prohibit development to various degrees. As an alternative, the City could choose to not prohibit or limit the extent of development within project sites, but instead allow development and require a higher level of off-site mitigation for development in areas of higher habitat quality.
- Off-site mitigation at a conservation bank or other protected area can be preferable to limiting development or mitigating on-site, e.g. when the project site is located in a developed area where habitat for the species has become fragmented.
- We encourage the City of Hollister to coordinate work on its proposed California red-legged frog and California tiger salamander conservation policies with the County of San Benito. The land in these critical habitat units currently lies within unincorporated areas.
- We recommend that the City of Hollister coordinate with the California Department of Fish and Wildlife (CDFW) regarding policies that may affect the also State listed California tiger salamander, for which CDFW specifies its own mitigation requirements.

The Service appreciates the opportunity to provide our comments to the City of Hollister General Plan Advisory Committee in support of the City's general plan update, and we support your efforts to benefit federally listed species and their habitat. The Service is available to provide additional technical assistance to the City and GPAC regarding this matter as desired.

If you have any questions, please contact Mark Ogonowski of my staff by electronic mail at mark_ogonowski@fws.gov.

Sincerely,

Leilani Takano
Assistant Field Supervisor

Cc: Ambur Cameron, Associate Planner, City of Hollister Development Services Department
Taven Kinison Brown, Senior Planner, San Benito County Resource Management Agency
Craig Bailey, Senior Environmental Scientist, California Department of Fish and Wildlife

LITERATURE CITED

- [CNDDDB] California Natural Diversity Database. 2021. Records for California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*). California Department of Fish and Wildlife. Accessed April 22, 2021.
- Placeworks. 2021a. Memorandum: General plan update policy issues. Submitted to Hollister General Plan Advisory Committee. March 5, 2021.
- Placeworks. 2021b. Memorandum: Policy issues public input for March 23 GPAC meeting. Submitted to Hollister General Plan Advisory Committee. March 18, 2021.
- [Service] U.S. Fish and Wildlife Service. 2005. Endangered and threatened wildlife and plants; designation of critical habitat for the California tiger salamander, Central population: final rule. U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. 75pp.
- [Service] U.S. Fish and Wildlife Service. 2010. Endangered and threatened wildlife and plants; Revised designation of critical habitat for the California red-legged frog; Final rule. Federal Register 75:12816-12959.

From: [Planning Dept](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#)
Subject: FW: General Plan update
Date: Tuesday, April 27, 2021 2:19:54 PM

Good afternoon Carey and David,

Please see Mr. Wrobel's email, as mentioned in today's check-in call, below.

Thank you,

Ambur



Get Involved in Community Planning!

General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

From: JOHN WROBEL [REDACTED]
Sent: Wednesday, April 21, 2021 11:47 AM
To: Planning Dept <planning@hollister.ca.gov>
Subject: General Plan update

Is or will there be any opportunity for the City to assist organizations such as the Library and San Benito County Historical Society that maintains the museum at 5th and West streets to evacuate the many valuable objects to a safe place in the event of a disaster to protect these many important items, including historic city and county records, most copies of local newspapers ever printed (and in many cases, the only copy). The concern would be during a possible city wide conflagration such as we have seen in other communities we never thought would be affected by such things, and the next major seismic event that we know will occur.

John Wrobel
[REDACTED]
[REDACTED]

From: [Planning Dept](#)
Cc: [Carey Stone](#); [David Huboi \(huboi@sbcglobal.net\)](#); [Areli Perez](#); [Ambur Cameron](#); [Eva Kelly](#); [Abraham Prado](#)
Subject: FW: GPAC SOI Expansion Option 4
Date: Tuesday, April 13, 2021 6:08:56 PM

Good evening,

Please see Mr. Brian Zirbel's email below regarding the City of Hollister's General Plan Update, supporting the SOI Expansion Option #4 as outlined in the Policy Appendix Option A.

Respectfully,



Get Involved In Community Planning!

General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

-----Original Message-----

From: Brian Zirbel [REDACTED]
Sent: Tuesday, April 13, 2021 10:45 AM
To: Abraham Prado <abraham.prado@hollister.ca.gov>
Subject: GPAC SOI Expansion Option 4

Hello Abraham,

My name is Brian Zirbel, I'm the oldest grandchild of the Thomas Orchards family in Hollister and I spent every summer of my childhood in your hometown.

I'm quite proud to share that my 94-year-old grandmother still lives where we grew and dried apricots for over 100 years! My family is deeply invested emotionally in the future of Hollister and I've been excited to follow the General Plan update online as it appears our property is being considered as a site of further development. As such, I'd like to share that our family is supportive of SOI Expansion Option 4 as outlined in Policy Option Appendix A.

In addition, I hope our land's proximity to the city's main arteries and the fact that we are not under the Williamson Act make us an attractive option for expansion. I'd be grateful to speak with you further at your convenience and answer any questions you may have.

Thank you and stay well,

Brian Zirbel

Thomas Orchards





April 12, 2021

Planning Department
City of Hollister
City of Hollister, CA

Re: General Plan Update

Dear City of Hollister Planning Commission and Planning Staff:

We at CHISPA have observed that the City's property at the top of Hill Street (see attached map) would be an excellent site for senior housing.

It is close to amenities such as parks, grocery and pharmacy, the senior center, the library, health care, and transit.

The property is currently zoned Public, and it has been under-used since the City moved its offices off the site.

CHISPA would like to suggest that the new General Plan Designation for this parcel should change from "Public" to "High Density Residential" to make it possible to develop additional housing for the City on that location.

There is a wait list of people interested in living in CHISPA's most recent Hollister development, Sunrise Senior Apartments on Westside Boulevard.

A second affordable, senior building at the top of Hill Street would be an excellent addition to the City's affordable housing stock.

Sincerely,

Dana Cleary
Director of Real Estate Development



From: John Miguel
Sent: Tuesday, April 6, 2021 10:15 AM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: GPAC Meeting #6 Input

I have reviewed the Agenda for the meeting and have a few questions and concerns regarding the different Sphere of Influence Policy Options. My concerns address the Union Road Corridor Special Planning Area. Specifically 2 parcels of land APN 020280013 and 020280049 belonging to Anthony Lemos et al.

If the City's Sphere of Influence is expanded in the Union Road Corridor Special Planning Area, I believe these two contiguous parcels should be included in the SOI. They are too small to be farmed commercially, the parcels are bordered by Union Rd to the north, "Sunnyside Estates", a subdivision of 210 homes to the south and the San Benito River to the west where a Proposed Riverview Parkway is planned. These Parcels will eventually be an island of ag land too small to farm commercially surrounded by homes.

Please consider including them in the Sphere of influence.

Thanks for your time.

John Miguel

**COG RAPE TAXPAYERS -
AND WE LET THEM.**

JOSEPH P. THOMPSON

Attorney at Law

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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

**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

Fw: Savage to build intermodal terminal at UP Idaho yard

From: Joseph P Thompson [REDACTED]

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

Past-President 2x (1999-2001, 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

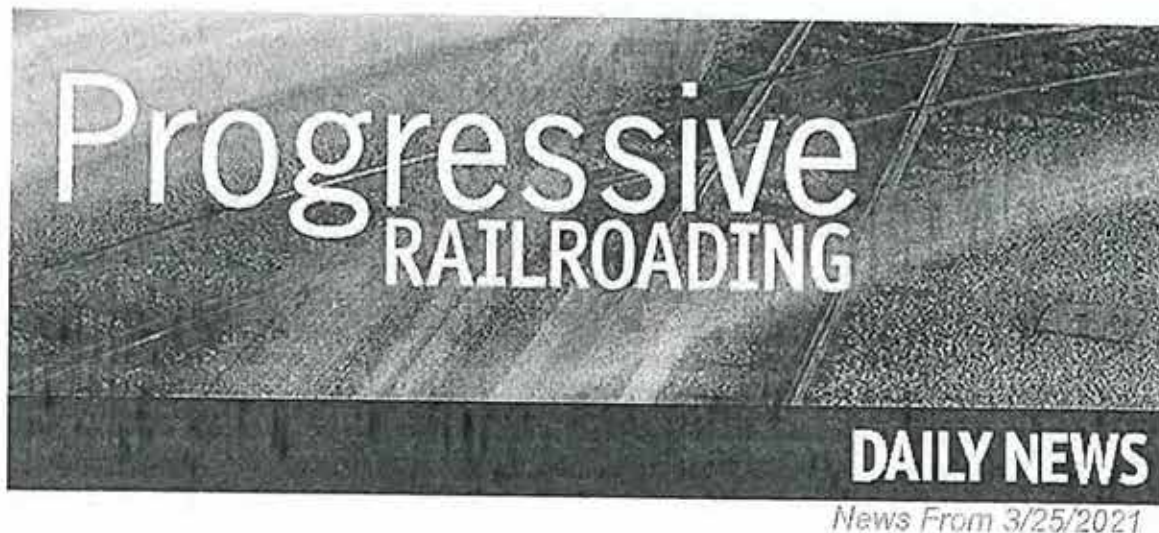
----- Forwarded Message -----

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

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Rail Industry Trends



AAR: Rail traffic report reflects 2020 shutdowns »

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

ABRAHAM LINCOLN LEARNING FORTRESS FOR RESPONSIBLE ENTERPRISE EDUCATION

Transportation Facts, Factoids & Septage

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?

JOSEPH P. THOMPSON

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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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Community Project Funding: 117th Congress Revives and Recalibrates the Earmark Process

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USA March 23 2021

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 BOND ISSUES

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

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,

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

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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

**COG POLICY = ROAD
MAP TO SLAVERY**

JOSEPH P. THOMPSON

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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 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 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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March 16, 2011

*Worse
Today*

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 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 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.

Supplemental Remarks 3/17/11

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

JOSEPH P. THOMPSON
Attorney at Law
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January 24, 2003

FAX (831) 636-4160
Hon. Pauline Valdivia, Chairwoman
San Benito County Council of Government
375 Fifth Street
Hollister, CA 95023

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**

From: Jason Retterer [REDACTED]
Sent: Monday, April 5, 2021 2:19 PM
To: GeneralPlan <generalplan@hollister.ca.gov>
Cc: Paul Rovella [REDACTED]
Subject: 4.6.21 GPAC Meeting #6 Comments

Dear General Plan Advisory Committee:

Our office represents the Gomez family, who owns a 14-acre property at 1660 Buena Vista Road. We previously submitted the attached letter to Mr. Swanson on October 6, 2020 requesting that the Gomes property be included in the SOI for all the reasons set forth in that letter. On April 14, 2019, the Gomes family also sent the attached letter to the former City Manager, Bill Avera, requesting that the City take certain planning steps to include this property in the SOI.

On April 6, 2021, your committee will be discussing growth management options for the City that includes growth options for Buena Vista Road. The Gomes family strongly supports a policy option that includes an expansion of the SOI to include the Gomes property. Currently, the only option that has been presented that includes the Gomes property is Option 4, which is depicted one of the figures that was included in Appendix A to the Policy Option memo prepared by Placeworks. Accordingly, the Gomes Family supports this Option, along with one of the Options (3, 4, or 5) for the Buena Vista Road/North Gateway Planning Area that includes an expansion of the SOI in this area.

We appreciate the Committee's consideration of these written comments.

Best regards,

Jason Retterer
Partner



JRG Attorneys at Law
Johnson, Rovella, Retterer, Rosenthal & Gilles, LLP



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immediately contact Jason Retterer at [REDACTED] and immediately delete the [electronic transmission](#).



April 4, 2019

Bill Avera
City Manager, City of Hollister
365 Fifth St
Hollister, CA 95023

Dear Mr. Avera,

I own the property at 1660 Buena Vista Rd, APN 019-110-032-0, and I would like this property to be included in the city Sphere of Influence. I understand you are in the process of reviewing your General Plan, and updating your Sphere. My property is contiguous to the current Sphere, and the Sphere and city limit line are the same in front of my property on Buena Vista. There have been recent annexations directly east of me and my property seems the next logical step. Please consider this in your current review of the Sphere of Influence as part of your General Plan update.

For my records, I would appreciate it if you could provide an acknowledgement of this request – email is fine. Please include me on any notifications for public meetings on the topic of the review of the Sphere of Influence.

Sincerely,



Lucy Gomes
Gomes Family Trust

Attch: Site Plan



318 Cayuga Street
Salinas, CA 93901
831.754.2444
JRGattorneys.com

October 6, 2020

Via E-Mail

Bryan.Swanson@hollister.ca.gov

Mr. Bryan Swanson
Director of Development Services
Old City Hall
339 Fifth Street
Hollister, CA 95023

PARTNERS

Aaron P. Johnson
Paul A. Rovella
Managing Partner
Jason S. Retterer
Robert E. Rosenthal
Jeff R. Gilles
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Stephan A. Barber
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Sergio H. Parra
Matthew R. Rankin
Nelson T. Rivera
Logan R. Walter

OF COUNSEL

Doug K. Dusenbury
Ronald A. Parravano

**Re: General Plan Update 2040 – Gomes Request for Inclusion in
Sphere of Influence**

Dear Bryan:

Our office represents Maria Gomes, who owns an approximately 14-acre parcel at 1660 Buena Vista Road (Assessor's Parcel Number 019-110-032) ("Gomes Property"). The Gomes Property is in unincorporated San Benito County, but within the City of Hollister's "Planning Area" that is currently defined in the 2005 General Plan. The City's General Plan designates the Gomes Property for low density residential (1 – 8 dwelling units/acre) development. The Gomes Property is next door to the Gonzalez property, which was within the City's Sphere of Influence until the San Benito LAFCO officially approved the property for annexation into the City on June 11, 2020. In fact, a portion of the Gomes Property use to be a part of the Gonzalez property until the County approved a lot line adjustment between the two properties in 1994. The Gomes Property is also located just north of the City's current City limits, which runs along the centerline of Buena Vista Road and extends west to around Beresini Lane.

On April 4, 2019, Ms. Gomes sent a letter to Bill Avera, the City Manager at the time, requesting that the City take the requisite planning steps to include her property within the City's Sphere of Influence. We understand that the City is currently embarking on an update to the City's General Plan, which provides an ideal opportunity for the City to evaluate the City's current Sphere of Influence and identify opportunities to expand the Sphere into existing unincorporated County areas where infrastructure and services are either readily available or easily expanded to accommodate potential development. As the City's explained in its "Plan for Providing Services" to the Gonzalez Property, which is next door to the Gomes Property, the City has adopted impact fees and connection fees to cover the costs of providing police, fire, general government, sewer, water, storm drain

Johnson, Rovella, Retterer, Rosenthal & Gilles, LLP

SALINAS MONTEREY HOLLISTER PASO ROBLES KING CITY WATSONVILLE

Mr. Bryan Swanson
October 6, 2020
Page 2

services, parks and recreation and other services and that new development won't lead to a demand for additional personnel. The Plan noted that the City's new wastewater treatment facility expands the City's ability to provide wastewater treatment service for the next 10 years with an additional five years of expansion possible with the expansion of the membrane biological reactor. Water service for the area is provided by an existing water main that is located in the right of way of Buena Vista Road, which runs along the southern boundary of the Gomes Property. Accordingly, there should be no issue establishing that the requisite public services are available to accommodate this relatively small expansion of the City's SOI along Buena Vista.

We appreciate the City's consideration of Ms. Gomes' request for her property to be included in the City's SOI as part of the City's update to its General Plan. This property is currently one of the several properties located along the north side of Buena Vista that is identified as a potential future growth area for the City on Map 6 of the Land Use and Community Development Element of the General Plan. As growth has already started to occur in the area immediately adjacent to the Gomes property, the Gomes property would be a logical extension of this growth.

Please confirm receipt of Ms. Gomes' request and include our office on the public distribution list for future notices relating to the Hollister General Plan Update 2040 process, including General Plan Advisory Committee meetings and any other public meetings. In addition, if there is some other mechanism for making formal requests for inclusion in the SOI in conjunction with the General Plan Update 2040, please let me know.

Best Regards,

JRG ATTORNEYS AT LAW



Jason S. Retterer

JSR/pr

cc: Mayor Ignacio Velazquez
Councilmember Rolan Resendiz
Planning Commissioner David Huboi
Brett Miller

From: Veronica Lezama [<mailto:veronica@sanbenitocog.org>]

Sent: Tuesday, March 30, 2021 8:34 PM

To: Abraham Prado <abraham.prado@hollister.ca.gov>

Cc: Mary Gilbert <mary@sanbenitocog.org>; Regina Valentine <regina@sanbenitocog.org>; Ambur Cameron <ambur.cameron@hollister.ca.gov>

Subject: General Plan meeting

Good evening Abraham,

Great job for a well-organized GP Committee meeting. I wanted follow-up on the transportation component, I have listed below some examples of how to build a more robust active transportation program.

1. Encourage use of the term Active Transportation when referring to walking and bicycling. The State Department of Transportation defines this term as any self-propelled human-powered mode of transportation.
2. Add bike and pedestrian safety campaigns (i.e. Walk to School Day, Bike to School Day, helmet fitting campaigns, etc.). San Benito COG currently partners with the City of Hollister's Recreation Department, San Benito County Public Health, local schools to organize and encourage safe walking and biking throughout the City.
3. Encourage bicycle parking in new development, when appropriate.
4. Encourage Rideshare services, in coordination with COG, such as carpooling, vanpooling, working from home, to help alleviate congestion within the local transportation system and highways.
5. Encourage electric vehicle infrastructure in new development. There is a lot of guidance here: <https://mbeva.org/>
6. Encourage Class IV bicycle lanes. This new class of bike lane encourage separation between the bike lane and vehicular traffic lane. See the CA MUTCD Part 9 for more information.
7. Consider factors that improve comfort and walking for pleasure by enhancing features of the walking environment, such as trees, curb extensions, and street furniture, which in turn slow traffic.

Please do not hesitate to reach out to me should you have any clarifying questions.

Best regards,



Veronica Lezama | Transportation Planner
Council of San Benito County Governments (COG)
Service Authority for Freeways & Expressways
Airport Land Use Commission
330 Tres Pinos Road, C7, Hollister, CA 95023
831.637.7665, Ext 206





March 30, 2021

Contra Costa Centre Transit Village
1350 Treat Blvd., Suite 140
Walnut Creek, CA 94597

Mayor Ignacio Velasquez, Chair
Hollister General Plan Advisory Committee
375 5th St., Hollister, CA 95023

RE: General Plan Update Meetings #4 & #5

Dear Mayor Velasquez & GPAC Committee Members,

The Building Industry Association of the Bay Area (BIA) is very pleased the City of Hollister is now engaged with a full complement of GPAC committee members working with the city's consultant, Workplace, to update the city's General Plan adopted in 2005. BIA welcomes the opportunity to provide feedback and suggestions to the full committee as it works through the schedule of meetings over the coming months.

BIA submits the following comments and recommendations regarding Inclusionary Housing (5th GPAC Meeting) and New School Funding (4th GPAC Meeting).

Inclusionary Housing (IZ)

Q. 19.a: Should *Land Use and Community Design Element* include an inclusionary housing (IZ) requirement?

BIA recommends that an Inclusionary Policy not be included in the Community Design Element of the General Plan.

An August 2019 Turner Center report entitled *Making it Pencil, The Math Behind Housing Development* multiple analyses showed that a 15% inclusionary requirement did not pencil in representative Bay Area jurisdictions during the strong housing market conditions that existed pre-COVID and must be coupled with significantly enhanced (non-discretionary and pre-defined) incentives such as tax abatements, reduction of other fees and exactions, alternative compliance options, relaxation of design and zoning requirements, required parking reductions, and greater density bonuses.

However, should the GPAC determine that an Inclusionary Policy be recommended for the Hollister General Plan, BIA submits the following comments and policy recommendations:

19.b: If an inclusionary program is to be created, what types of housing developments should it apply to?

BIA recommends a policy that incentivizes the development of affordable for-sale single family homes affordable to moderate income (80%-120% of median) households i.e., families like teachers, fire fighters, police and other public servants. Buyers for single family affordable units are very difficult to financially qualify due to extraneous costs i.e., down payments, HOA dues, insurance requirements, etc.

Inclusionary programs should target multi-family/rental housing to serve low, very low and extremely low-income families. Multi-family development can better serve low and very low-income families with necessary services.

19.c: If an IZ program is created, what should be the required percentage of low & very low-income units

BIA would recommend that required percentages of low and very low-income units not exceed that of contiguous/neighborhood jurisdictions.

19.d: If an inclusionary program is to be created, should it allow alternative compliance methods? If so, which ones?

BIA strongly recommends inclusion of a robust program of alternative compliance methods such as:

- In-lieu fee Option – Fees are necessary to provide local participation to help finance projects with nonprofit community housing partners, i.e., CHISPA.
- Calculate in-lieu fees on a “per habitable square foot basis” – Lump sum per unit fees incentivize larger units and lower density development. The city should be incentivizing higher density and small unit sizes to encourage affordability by design via square foot fee calculations
- Robust Density Bonus Program including reductions in parking, easing of development standards, fee deferral options (fees due at time of occupancy), and other fee reductions
- Flexible mix of compliance options including alternative means of compliance i.e., land dedication, off-site build/construction, partnering with a non-profit builder, split compliance (some units/some fees), clustering of affordable units, exempting or deeply discounting park fees for all affordable units
- Install financially attractive incentive provisions – Induce developers to voluntarily construct a percentage of required affordable units in projects vs. must-build requirements
- Acquisition and rehabilitation of existing market rate units converted into affordable units
- Credits and transfers from other developers

New School Funding

BIA submits the following regarding Strategies #1 and #3 presented at the March 23 GPAC Meeting.

Strategy #1: Support for a new school construction bond measure (similar to Measures G & U, which passed in 2014 and 2016, and Measure L, which failed in 2020)

BIA strongly encourages the GPAC strategy to fully support a future school construction bond measure and would look forward to working with the City of Hollister to encourage local voter support.

Strategy #3: *Requiring preparation of a Specific Plan that includes adequate voluntary developer funding as a pre-condition for development in new development areas. This would ensure that the City and other public agencies could collect needed funds even if it exceeds what is already exacted*

First it should be noted that school fees are a negotiation between the school district and the developer. Cities are typically not part of the negotiation except when school districts and developers cannot come to a mutually acceptable agreement

BIA is concerned that the proposed General Plan Strategy #3 describing so-called “adequate voluntary developer funding as a *pre-condition*” is problematic, because it could be interpreted as tacitly inviting Council and Staff to suggest or solicit a voluntary school contribution, thereby creating a de-facto expectation that conflicts with state law. Additionally, if the City were to show a pattern of favoring projects that provide voluntary school contributions over those that do not, that practice would face the same scrutiny as a formal

policy requiring “voluntary” school contributions, and it would be the City, not the school districts, that would bear the legal risk.

Under California statute 65995, City jurisdictions are prohibited to deny, withhold approval, or even to consider the adequacy of school facilities in exercising its local police powers related to planning, zoning, and development of housing projects, including General Plan amendments, Specific Plans, Rezoning, and Density Bonus projects so long as developers comply with whatever lawful school fee exists under Govt. Code.

Feel free to contact me with any questions at psausedo@biabayarea.org.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Patricia Sausedo", is positioned above the typed name.

Patricia Sausedo, Director South Bay
BIA Bay Area Government Affairs

cc: David Early, Placeworks
Abraham Prado, Interim Development Services Director/Manager

From: Joseph P Thompson

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

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

Member, Transportation Lawyers Assn.

(408) 848-5506

E-Mail: TransLaw@PacBell.Net

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***

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
page 2

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
MTE!
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

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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

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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<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 x \$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 allow⁴

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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

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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

JOSEPH P. THOMPSON
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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~~**A1.1** 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

JOSEPH P. THOMPSON

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October 5, 2011

FAX (831) 636-4160

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.¹

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

¹

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 16th President. It's your base hypocrisy that has brought us to the ruinous position, i.e., 5th 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 as 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.

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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 50th 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**

From: [Carol Lenoir](#)
To: [Carey Stone](#)
Subject: Workshop #4 School Funding
Date: Friday, March 26, 2021 10:20:32 AM

Hi Carey,

I was late tuning in the other night but I did catch the discussion of future school funding. I was actually listening on utube before I switched to zoom.

I was wondering how we can require developers to give more school impact fees than what is negotiated through SB50.

I remember the negotiations between the developers, state and schools after it was determined that Hollister should step aside as administrators of school impact fees.

Is our ability to ask for more somehow tied to the specific plan process?

Commissioner Stephens made a good comment about the raising of impact fees in that it trickles on down to the consumer.

Land costs have always been inflated here in Hollister; couple that with a multitude of impact fees and rising material cost for construction and I'm not sure we will ever get to an affordable level.

A good relationship with the right developer can bring much needed amenities but first we need to quit treating them like the enemy. Lol. I'm sure you know what I mean.

I was concerned about the level of participation from the public. I hope the next one will bring out more participation. It was a bit difficult for me as I can see some GPAC members are inexperienced with the planning process but I guess you gotta start somewhere. I just wish Mary Paxton was still here. I could rest easier knowing she was guiding the process but I know she's happier.

Kind Regards,

Carol Lenoir, Resident
Hollister CA

Sent from my iPhone



San Benito High School District

1220 Monterey Street

HOLLISTER, CALIFORNIA 95023-4708

PHONE (831) 637-5831 ext. 132 • FAX (831) 636-1187

www.sbhds.k12.ca.us

DR. SHAWN TENNENBAUM
SUPERINTENDENT

March 22, 2021



City of Hollister Planning Department
339 Fifth Street
Hollister, CA 95023
Email: generalplan@hollister.ca.gov

RE: Policy Issues Public Input for March 23 GPAC Meeting

Dear Members of the General Plan Advisory Committee,

On behalf of the San Benito High School District, I would like to thank you for the thoughtful and transparent approach in which you are seeking public input on the Policy Issues for our General Plan.

As stated in the PlaceWorks' Memorandum dated March 18, 2021 to the Hollister General Plan Advisory Committee, the District strongly supports the City's adoption of New School Funding strategies 1-4 listed on pp. 3-4. The District has been in regular communication with the City around issues of severe facility overcrowding, which are well documented in its Facility Master Plan, demographic and developer fee studies. School overcrowding and lack of sufficient funding to develop viable alternatives and additional sites will compromise the District's ability to provide space at San Benito High School to accommodate new students. For that reason, the District respectfully requests the deletion of strategy #5 ("No further policies or actions are needed regarding provision of school facilities").

In addition, we request that the City consider establishing an overall General Plan goal that is supportive of the District's needs that serves to frame the listed strategies in support of the goal. A goal statement that the District would support could be very straightforward, such as:

GOAL: "The City seeks to ensure that Hollister youth have access to a quality school system with adequate facilities and funding available. Mitigating development impacts on the school system through the provision of school sites, imposition of statutory development fees and negotiated development fees, as well as providing information to the School District, are the primary methods to sustain quality educational services."



Additional strategies that we request be added to this General Plan element include the following:

- "Provide information to the San Benito High School District when considering General Plan amendments, specific plans, zone changes, or other legislative land use policy decisions and ensure that information about school capacity contained in development and environmental analysis incorporates current information on school capacity and the cumulative impacts of individual projects on school capacity."
- "Promote and encourage development phasing and coordination of development with the County of San Benito so that the School District may plan, finance, and construct school facilities to serve new development."
- "Review proposed legislative land use decisions in the context of the adequacy of present and future school facilities and require all developers to confirm, prior to receiving any project entitlements from the City, that they have met with the San Benito High School District to discuss the impact of the project on school capacity and considered voluntary forms of mitigation, including placing the project into a community facilities district or similar forms of financing."

We believe that such strategies, when coupled with the listed strategies 1-4, are in our mutual best interest. The District already shoulders the cash flow burden of advancing developer fees and State funds needed to construct a new school. It is a widely accepted fact that developer fees are insufficient to mitigate the impact of new development. The existing community should not be asked to fund the unfunded shortfall caused by the influx of students from new development.

We understand more housing is needed to keep up with demand of new and affordable housing. The City may need to increase its housing density in order to accommodate housing needs for all residents. New residents will require access to school facilities, school programs and workforce opportunities. With our high school already operating at capacity, in order to meet anticipated growth, the District will need the City and development community to also support these policies.

Thank you for the opportunity to comment further.



Shawn Tennenbaum, Ed.D.
Superintendent

Cc: David Early, PlaceWorks
Carey Stone, PlaceWorks
Jeffrey Small, CapitolPFG

From: [Trevin Barber](#)
To: [Carey Stone](#)
Subject: Re: Hollister General Plan - March 10 Policy Options Workshop Small Group Discussions
Date: Wednesday, March 17, 2021 10:39:55 AM

AWesome thank you

On Tue, Mar 16, 2021 at 9:46 PM Carey Stone <cstone@placeworks.com> wrote:

Hi Trevin,

Thank you for this comment. We are creating a summary of the public input which will be forwarded to the GPAC, Planning Commission, and City Council.

Carey Stone

From: Trevin Barber [REDACTED]
Sent: Thursday, March 11, 2021 4:20 PM
To: Carey Stone <cstone@placeworks.com>
Subject: Re: Hollister General Plan - March 10 Policy Options Workshop Small Group Discussions

I found the survey questions very narrow and primed. I really just want to express that the City should ban euclidean residential zones, and have simply residential zones, where any density is allowed to be built in increments. So for example a neighborhood with single story homes, any house should be allowed to build a second story or add by right. and then any house with three stories, would be allowed to build a fourth. etc. We should strive to end the failed suburban experiment. I'd also like the city to strive to be a bikeable 15 min city.

On Thu, Mar 11, 2021 at 7:27 AM Carey Stone <cstone@placeworks.com> wrote:

Hi Trevin,

We are finished with the public workshops, but you can still provide input online:

https://www.surveymonkey.com/r/Hollister_PolicyOptions

There are also a series of five upcoming [General Plan Advisory Committee](#) meetings to review the policy options. There will be public comment opportunities at all the meetings (all meetings are from 6 to 8 pm):

- March 23, 2021
 - Community Services and Facilities Element
 - Open Space and Agriculture Element
 - Natural Resources and Conservation Element
- March 30, 2021

- Economic Development Element
 - Circulation Element
- April 6, 2021: Land Use Element
- April 13, 2021: Arts Element
- April 27, 2021
 - Local Hazard Mitigation Plan
 - Climate Action Plan

Thanks,

Carey

From: Trevin Barber [REDACTED]
Sent: Wednesday, March 10, 2021 10:34 PM
To: Carey Stone <cstone@placeworks.com>
Subject: Re: Hollister General Plan - March 10 Policy Options Workshop Small Group Discussions

Hi Carey,

Thank you. I missed the group tonight. Are there sessions in the future?

On Wed, Mar 10, 2021 at 8:53 AM Carey Stone <cstone@placeworks.com> wrote:

Hello,

We look forward to seeing you this evening (Wednesday, March 10) at 6:00 pm for the General Plan Policy Options Virtual Workshop. At the workshop, there will be three rounds of small group discussions. The table below identifies the topics you selected to discuss during the workshop. We were able to accommodate most people's top three choices. However, there were a few cases where there wasn't sufficient demand for a pre-selected topic. We are sorry we weren't able to create a small group for all the discussion topics. However, almost everyone was assigned to the topics they requested.

Please check the table below to confirm your small group discussion topics. If you have not been assigned a topic for all three discussion sessions, please email me (cstone@placeworks.com) with your preferred choice. You may select from the following options:

Round 1

- Housing
- Parks/New School Funding
- Special Planning Areas
- Retail Leakage/Job Creation/Tourism

Round 2

- Growth Management
- Arts and Culture
- Farmland Mitigation/Sensitive Habitats/Heritage Trees
- Circulation (Complete Streets/Safe Routes to School/Level of Service/Roundabouts)

Round 3

- Environmental Justice/Climate Change
- Parks/New School Funding
- Retail Leakage/Job Creation/Tourism
- Industrial Uses/Airport/Cannabis

Last Name	Round 1 Small Group Topic	Round 2 Small Group Topic	Round 3 Small Group Topic
Abonce	Retail Leakage/Job Creation/Tourism		Environmental Justice/ Climate Change
Barajas	Parks/New School Funding	Arts and Culture	Industrial Uses/Airport/Cannabis
Barber	Retail Leakage/Job Creation/Tourism	Growth Management	Environmental Justice/ Climate Change
Casey	Housing	Growth Management	Retail Leakage/Job Creation/Tourism
Chavez Wyatt	Parks/New School Funding	Growth Management	Industrial Uses/Airport/Cannabis
Cursi	Parks/New School Funding	Circulation	Retail Leakage/Job Creation/Tourism
Fahmy	Housing	Growth Management	Industrial Uses/Airport/Cannabis
Grist	Housing	Circulation	Parks/New School Funding
Lenoir	Special Planning Areas	Growth Management	
Logue	Parks/New School Funding	Farmland/ Habitats/Trees	Retail Leakage/Job Creation/Tourism
Pearson, K	Retail Leakage/Job Creation/Tourism	Circulation	Industrial Uses/Airport/Cannabis
Pearson, R	Parks/New School Funding	Arts and Culture	Retail Leakage/Job Creation/Tourism
Pollard	Parks/New School Funding	Farmland/ Habitats/Trees	Environmental Justice/ Climate Change
Rodriguez	Retail Leakage/Job Creation/Tourism	Arts and Culture	Parks/New School Funding
Romero	Retail Leakage/Job Creation/Tourism	Farmland/ Habitats/Trees	Parks/New School Funding
Shahinian	Housing	Arts and Culture	Retail Leakage/Job Creation/Tourism
Soza, A	Housing	Arts and Culture	Retail Leakage/Job Creation/Tourism
Soza, K	Special Planning Areas	Arts and Culture	Environmental Justice/ Climate Change
Steiner	Special Planning Areas	Farmland/ Habitats/Trees	Environmental Justice/ Climate Change
Stotler	Retail Leakage/Job Creation/Tourism	Circulation	Environmental Justice/ Climate Change
Wells	Housing	Growth Management	Retail Leakage/Job Creation/Tourism

CAREY STONE

Senior Associate



1625 Shattuck Avenue, Suite 300 | Berkeley, California 94709

 | cstone@placeworks.com | placeworks.com



February 28, 2021

Dear Members of the City of Hollister 2040 General Plan Update Planning Committee,

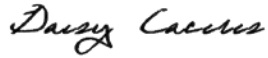
On behalf of the City of Hollister Public Art Review Committee (PARC), we would like to commend City Council and the GPAC for their efforts to include an “arts element” in the General Plan Update. Since 2016, PARC has worked diligently to promote, commission and embed public art within the City’s infrastructure and planning. The General Plan Update provides a unique and historic opportunity to further this work, increasing arts accessibility, participation and engagement for all Hollister residents.

In support of and in response to these important next steps for arts and culture, PARC has developed a series of thoughtful and relevant arts and culture policy recommendations, which we would like to see included in the General Plan Update:

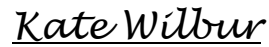
- Commission the development of a Creative Placemaking Master Plan, using interactive and collaborative stakeholder engagement to develop a planning document that leverages art and design to promote a rich and diverse urban/rural economy.
- Recognize the rich artistic, cultural and historic traditions in our City by providing adequate funding for public art, cultural festivals and arts-based community development that will benefit artists, creatives and local businesses.
- Create an Arts & Culture department within the City to promote arts, culture and recreation; serve as a liaison to the new Arts & Culture Commission; and administer funds that support the creative economy.
- Allocate resources to the management of the City’s existing public art collection such as resources to manage public art archives and inventory, to develop an interactive public art walking tour map and to maintain the quality and condition of existing artworks. Allocate resources to the development of the City’s public art collection, including tools for the development of artist contracts, an artist directory, signage and plaques and the costs of installation.
- Embed arts elements into all future planning and development, including both public and private. Identify ways to generate revenue to support the arts through a Percent for the Arts Ordinance.
- Conduct targeted outreach to Hollister’s arts and culture communities to ensure the representation and inclusion of diverse voices and perspectives in the development of the General Plan Update.
- Include a survey of spaces and neighborhoods currently not served by public art and identify ways to enrich these areas. Identify ideas for creative arts options for vacant buildings and sites and the formation of a downtown Cultural District.
- Explore ways to bring in or embrace the high-tech creative industries, such as the role of an economic development director along with creative, permissive uses in the industrial zoning.

We are excited to be a part of the planning of this important document, and thank you for the opportunity to provide input.

Sincerely,



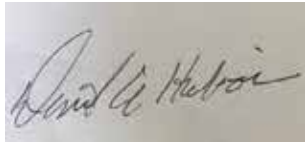
Daisy Caceres, PARC Chair
City of Hollister



Kate Wilbur, PARC Vice Chair
Youth Commissioner, City of Hollister



Jennifer Laine, PARC Secretary
San Benito County Arts Council



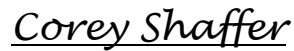
David Huboi, PARC Member/Past Chair
Huboi Architecture, Planning Commissioner



Sal Duran, PARC Member/ Past Chair
County of San Benito



Arturo Rosette, PARC Member/ Past Chair
Artist, Gavilan College



Corey Shaffer, PARC Member
Hollister Downtown Association



San Benito County

Chamber of Commerce & Visitors Center

243 SIXTH STREET, SUITE 100 – HOLLISTER, CALIFORNIA 95023 – 831-637-5315



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DIRECTOR

SYLV A JACQUEZ
AMER CA S JOB CEN ER
D REC OR

October 22, 2020

Dear members of the City of Hollister 2040 General Plan Update Planning Committee,

On behalf of the San Benito County Chamber of Commerce Green Committee, we are writing today to provide critical feedback and recommendations in response to the City of Hollister's General Plan Update.

We believe that the General Plan update should encompass a series of sustainability initiatives that protect human health and the environment, foster a green economy, and better conserve our precious resources in San Benito County.

The Chamber's Green Committee has identified several elements we would like to see included in the General Plan Update listed here:

1. include plans to meet all environmental state mandates in areas such as, but not limited to: water conservation and efficiency, green building codes, energy conservation and efficiency, electrification, pollution prevention, and source reduction and recycling.
2. Recognizing that local agriculture is central to the City's history, heritage, economy, and quality of life. include recommendation to prioritize infill development and multi family housing in order to preserve the irreplaceable croplands and rangelands at the City's boundaries. When development of agricultural lands cannot be avoided, require a minimum of 1:1 mitigation.
3. Participation in the creation of a Climate Action Plan, at the county or tri county regional level, that defines current GHG inventory and targets GHG reductions (so the General Plan is designed to meet GHG reduction targets)
4. Protection of our water, continued promotion of the sustainable use of this precious resource and good wastewater management practices.
 - a. Since the San Benito County Water District (SBCWD) is the Groundwater Sustainability Agency (GSA) for the county and imports water from the federal water system (Central Valley Project) they should be intimately involved with the process of the General Plan. The timing is good since the SBCWD is working on a Groundwater Sustainability Plan (GSP). This document is being assembled now with input from the public. The plan should be ready for adoption by June 2022. This plan should be a chapter or appendix within the GP. One of the primary challenges is the continued likelihood of some degree of growth, climate change and the historic inadequacy of water supply during periods of drought.
 - b. Programs that incorporate recycled water, increased stormwater capture, expanded water conservation programs, and use groundwater basins as local storage are what needs to be supported. The SBCWD recognizes these activities and are trying to implement them so we have a diversified portfolio of water supply. Fully succeeding in these efforts will require improved cooperation between private industry and government agencies to address institutional and regulatory challenges, manage contamination, and rethink water rights and adjudication processes.
5. Continued efforts to conserve resources and reduce waste.
6. There should be robust efforts in outreach to bring community together, of diverse background and varied perspectives through multiple workshops, forums, social outreach, etc.
7. In collaboration with key stakeholders, form an open space network (e.g., bordered by rivers, habitats, parks, etc.) that identifies habitat areas (conserved/obligated land, etc.) to define autonomous, compact, balanced, walkable mixed use neighborhoods (villages) of varied scales to create walkable communities that are both linked and surrounded by natural beauty.
8. Ensure a clean and sustainable environment, and high aesthetic standard without negatively impacting our most vulnerable.
9. Powering the city using renewable energy/microgrids (above/beyond Central Coast Community Energy), municipal efficiency work (e.g., LED for all streetlights, as one example), having electric municipal vehicles/EV chargers, green building codes, and moving new construction to all electric.

We are excited to participate in the planning of this document, as it will guide development and conservation in Hollister for the next 20 years.

Thank you for the opportunity to provide feedback,

The San Benito County Chamber of Commerce Green Committee