

Date: June 25, 2008  
Referred by: PAC  
Revised: 09/24/08-C

ABSTRACT

Resolution No. 3849, Revised

This resolution approves the allocation of fiscal year 2008-09 AB 1107 half-cent sales tax funds to AC Transit.

This resolution was revised on September 24, 2008 to allocate fiscal year 2008-09 AB 1107 half-cent sales tax funds to SFMTA.

Discussion of the allocations made under this resolution are contained in the Summary Sheets and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 11, 2008 and September 10, 2008.

Date: June 25, 2008  
Referred by: PAC

Re: Allocation of Fiscal Year 2008-09 "AB 1107" Half-Cent Sales Tax Funds

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3849

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, Public Utilities Code Section 29142.2(b) provides that, after deductions for certain administrative expenses, twenty-five percent (25%) of the proceeds from the one-half cent transactions and use tax collected within the San Francisco Bay Area Rapid Transit District (hereinafter referred as "AB 1107" funds), shall, on the basis of regional priorities established by MTC, be allocated by MTC to the City and County of San Francisco for the Municipal Railway ("Muni") and to the Alameda-Contra Costa Transit District ("AC Transit"), for transit services; and

WHEREAS, Muni and/or AC Transit has submitted a request for the allocation of fiscal year 2008-09 AB 1107 funds for transit service projects and purposes in accordance with the regional priorities established by MTC; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2008-09 allocations requested by Muni and/or AC Transit, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists findings pertaining to the allocations made under this resolution to Muni and/or AC Transit, as the case may be; and

WHEREAS, Muni and/or AC Transit has certified that its projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC finds that the projects and purposes as listed and recorded in Attachment A are in conformance with MTC's Regional Transportation Plan; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2008-09 funds under this resolution to Muni and/or AC Transit, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

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Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 25, 2008.

Date: June 25, 2008  
Referred by: PAC  
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Attachment A  
MTC Resolution No. 3849  
Page 1 of 1

ALLOCATION OF AB 1107 FUNDS  
DURING FISCAL YEAR 2008-09

<b>Claimant</b>	<b>Project Description</b>	<b>Fare Ratio Percentage</b>		<b>Allocation Amount</b>	<b>Alloc. Code</b>	<b>Approval Date</b>
		<b>FY 07-08</b>	<b>FY 08-09</b>			
AC Transit	Transit Operations	47.6%	43.5%	50% of deposits to MTC's AB 1107 account.	01	06/25/08
SFMTA	Transit Operations	63.5%	62.5%	50% of deposits to MTC's AB 1107 account.	02	09/24/08

Date: June 25, 2008  
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Attachment B  
Resolution No. 3849  
Page 1 of 1

ALLOCATION OF FISCAL YEAR 2008-09  
AB 1107 FUNDS

**FINDINGS**

The following findings pertain to the allocation of funds under this resolution to the San Francisco Municipal Transportation Agency (SFMTA) and AC Transit, as the case may be.

	<i>AC Transit</i>
1. In accordance with Public Utilities Code §29142.4(a), the operator is a participating member of the Bay Area Partnership, Partnership Transit Coordinating Committee, established by MTC and which serves the function of a regional transit coordinating council.	YES
2. In accordance with Public Utilities Code §29142(c), the operator has complied with the transit system standards established by MTC pursuant to Government Code §66517.5.	YES
3. In accordance with Public Utilities Code § 29142.5, MTC may consider local support revenues in excess of the operator's base amount as fare revenues, as long as by doing so it will enable the operator to maintain or improve vital transit service within a coordinated fare structure. The audited financials submitted by the claimant for FY 2006-07 and included in the proposed FY 2008-09 budget demonstrate a fare ratio of greater than 33 percent when considering other local excess revenue.	YES

Date: June 25, 2008  
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09/24/08-C

## ABSTRACT

### Resolution No. 3850, Revised

This resolution approves the allocation of fiscal year 2008-09 Transportation Development Act Article 4, Article 4.5 and Article 8 funds to claimants in the MTC region.

This resolution was revised on July 23, 2008 to allocate funds to various claimants in the region.

This resolution was revised on September 24, 2008 to allocate funds to various claimants in the region.

Discussion of the allocations made under this resolution are contained in the Summary Sheets and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 11, 2008, July 9, 2008 and September 10, 2008.

Date: June 25, 2008  
Referred by: PAC

Re: Allocation of Fiscal Year 2008-09 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3850

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., makes certain retail sales tax revenues available to eligible claimants for public transportation projects and purposes; and

WHEREAS, MTC is responsible for the allocation of TDA funds to eligible claimants within the MTC region; and

WHEREAS, claimants in the MTC region have submitted claims for the allocation of fiscal year 2008-09 TDA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2008-09 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2008-09 TDA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that pursuant to 21 California Code of Regulations Sections 6621 and 6659, a certified copy of this resolution, along with written allocation instructions for the disbursement of TDA funds as allocated herein, shall be forwarded to the county auditor of the county in which each claimant is located.

METROPOLITAN TRANSPORTATION COMMISSION

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Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 25, 2008.

Date: June 25, 2008  
 Referred by: PAC  
 Revised: 07/23/08-C  
 09/24/08-C

Attachment A  
 MTC Resolution No. 3850  
 Page 1 of 1

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS  
 DURING FISCAL YEAR 2008-09

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area/Footnotes
<b>5801 - 99233.7, 99275 Comm Transit Serv- Operations</b>					
AC Transit	Community Transit	2,732,104	01	06/25/08	Alameda County
	<b>Subtotal</b>	<b>2,732,104</b>			
<b>5802 - 99260A Transit - Operations</b>					
AC Transit	Transit Operating	34,853,722	02	06/25/08	AC Transit Ala.Co. D1
AC Transit	Transit Operating	8,926,152	03	06/25/08	AC Transit Ala.Co. D2
AC Transit	Transit Operating	5,179,461	04	06/25/08	AC Transit C.C.Co. D1
CCCTA	Transit Operating	15,296,624	05	06/25/08	CCCTA
CCCTA	Transit Operating	1,020,805	06	06/25/08	CCCTA
Sonoma County Transit	Transit Operating	7,215,051	07	06/25/08	Sonoma County
WCCTA	Transit Operating	2,494,685	08	06/25/08	WCCTA
Vallejo	Transit Operating	3,293,262	10	07/23/08	Vallejo
LAVTA	Transit Operating	7,404,087	11	07/23/08	LAVTA
Tri Delta Transit	Transit Operating	10,995,256	12	07/23/08	ECCTA
NCTPA	Transit Operating	3,443,299	13	07/23/08	NCTPA
Fairfield	Transit Operating	1,894,367	16	09/24/08	Fairfield
Golden Gate	Transit Operating	4,821,600	17	09/24/08	Golden Gate - Sonoma
Golden Gate	Transit Operating	10,447,584	18	09/24/08	Golden Gate - Marin
SFMTA	Transit Operating	35,152,800	19	09/24/08	SFMTA
SFMTA	Transit Operating	1,846,034	19	09/24/08	SFMTA (Note 1)
Union City	Transit Operating	1,559,557	20	09/24/08	Union City
VTA	Transit Operating	77,169,863	21	09/24/08	VTA
VTA	Transit Operating	4,529,346	21	09/24/08	VTA (Note 1)
	<b>Subtotal</b>	<b>237,543,555</b>			
<b>5807 - 99400C General Public - Operating</b>					
Petaluma	Transit Operating	1,107,600	09	06/25/08	Petaluma
NCTPA	Transit Operating	1,838,497	14	07/23/08	NCTPA
	<b>Subtotal</b>	<b>2,946,097</b>			
<b>5813 - 99400E Contractual - Capital</b>					
Vacaville	Vacaville Intermodal Station	1,706,094	15	07/23/08	Vacaville
	<b>Subtotal</b>	<b>1,706,094</b>			
<b>5809 - 99400C Elderly &amp; Handicapped - Operating</b>					
Fairfield	Transit Operating	1,207,952	22	09/24/08	Fairfield
	<b>Subtotal</b>	<b>1,207,952</b>			
<b>TOTAL</b>		<b>246,135,802</b>			

**Note:**

(1) MTC finds that these Article 4.5 funds can be used to better advantage for Article 4 purposes.

Date: June 25, 2008  
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Attachment B  
Resolution No. 3850  
Page 1 of 4

ALLOCATION OF FISCAL YEAR 2008-09  
TRANSPORTATION DEVELOPMENT ACT  
ARTICLE 4, ARTICLE 4.5 AND ARTICLE 8  
FUNDS TO CLAIMANTS IN THE MTC REGION

**FINDINGS**

The following findings pertain, as the case may be, to claimants to which Transportation Development Act funds are allocated under this resolution.

**Transportation Development Act Article 4 Funds**

Public Utilities Code § 99268 et seq.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of Public Utilities Code § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (Public Utilities Code §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6633.1, or § 6634; and

5. That pursuant to Public Utilities Code § 99233.7 funds available for purposes stated in TDA Article 4.5 can be used to better advantage by a claimant for purposes stated in Article 4 in the development of a balanced transportation system.

### **Transportation Development Act Article 4.5 Funds**

#### Public Utilities Code § 99275

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and

2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and

3. That in accordance with Public Utilities Code § 99275.5(c), MTC finds that the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC, responds to a transportation need not otherwise met in the community of the claimant; that the services of the claimant are integrated with existing transit services, as warranted; that the claimant has prepared and submitted to MTC an estimate of revenues, operating costs and patronage for the fiscal year in which TDA Article 4.5 funds are allocated; and that the claimant has submitted a budget indicating compliance with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code § 99268.5 or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and

4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634; and

5. That each claimant is in compliance with Public Utilities Code §§ 99155 and 99155.5, regarding user identification cards.

**Transportation Development Act Article 8 Transit Funds**

Public Utilities Code §§ 99400(c), 99400(d) and 99400(e)

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 8 funds a budget indicating compliance the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634.
5. That for purposes of reviewing each claim for TDA Article 8 streets and roads purposes, MTC has, pursuant to Public Utilities Code § 99401.5(c), adopted a definition of "unmet transit needs" and "unmet transit needs that are reasonable to meet" and procedures and criteria for making findings of unmet transit needs that are reasonable to meet (MTC Resolution No. 2380, Revised); and
6. That the County of Solano, through the countywide coordination activities of the Solano Transportation address those needs, and has made available to MTC, Solano County's long-term transportation plan and other documentation to provide a basis for revising appropriate portions of MTC's Regional Transportation Plan.

7. That in accordance with Public Utilities Code § 99401.5(d), MTC has determined that there are no unmet transit needs which are reasonable to meet within the jurisdiction of the County of Solano.

Date: June 25, 2008  
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Revised: 07/23/08-C  
09/24/08-C

## ABSTRACT

### Resolution No. 3851, Revised

This resolution approves the allocation of fiscal year 2008-09 State Transit Assistance funds to AC Transit for transit operations.

This resolution was revised on July 23, 2008 to allocate funds to various claimants in the region.

This resolution was revised on September 24, 2008 to allocate funds to various claimants in the region.

Discussion of the allocations made under this resolution are contained in the MTC Operator Summaries and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 11, 2008, July 9, 2008, and September 10, 2008.

Date: June 25, 2008  
Referred by: PAC

Re: Allocation of Fiscal Year 2008-09 State Transit Assistance to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3851

WHEREAS, pursuant to Government Code § 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area ; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., provides that the State Controller shall, pursuant to Public Utilities Code Section 99310, allocate funds in the Public Transportation Account (“PTA”) to the MTC region to be subsequently allocated by MTC to eligible claimants in the region; and

WHEREAS, pursuant to Public Utilities Code Section 99313.6, MTC has created a State Transit Assistance (“STA”) fund which resides with the Alameda County Auditor for the deposit of PTA funds allocated to the MTC region; and

WHEREAS, pursuant to Public Utilities Code Sections 99314.5(a) and 99314.5(b), claimants eligible for Transportation Development Act Article 4 and Article 8 funds are eligible claimants for State Transit Assistance funds; and

WHEREAS, eligible claimants have submitted applications to MTC for the allocation of fiscal year 2008-09 STA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2008-09 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, pursuant to 21 California Code of Regulations Section 6754, and MTC Resolution No. 2310, Revised, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2008-09 STA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that, pursuant to 21 Cal. Code of Regs. §§ 6621 and 6753, a certified copy of this resolution, along with written allocation instructions for the disbursement of STA funds as allocated herein, shall be forwarded to the Alameda County Auditor.

METROPOLITAN TRANSPORTATION COMMISSION

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Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 25, 2008.

Date: June 25, 2008  
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Attachment A  
 MTC Resolution No. 3851  
 Page 1 of 1

ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS  
 DURING FISCAL YEAR 2008-09

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area
<b>5820 - 6730A Operating Costs - Revenue-based</b>					
AC Transit	Transit Operating	4,300,592	02	06/25/08	AC Transit
Golden Gate	Transit Operating	1,013,370	05	09/24/08	Golden Gate
	<b>Subtotal</b>	<b>5,313,962</b>			
<b>5820 - 6730A Operating Costs - Population-based Small Operator/Northern Counties</b>					
LAVTA	Transit Operating	1,121,346	01	07/23/08	LAVTA
Tri Delta Transit	Transit Operating	1,178,876	03	07/23/08	ECCTA
	<b>Subtotal</b>	<b>2,300,222</b>			
<b>5820 - 6730A Operating Costs - Population-based MTC Discretionary</b>					
MTC	TransLink	7,800,000	04	07/23/08	Regional Coordination
	<b>Subtotal</b>	<b>7,800,000</b>			
	<b>TOTAL</b>	<b>15,414,184</b>			

ALLOCATION OF FISCAL YEAR 2008-09 STATE TRANSIT ASSISTANCE FUNDS  
TO CLAIMANTS IN THE MTC REGION

**FINDINGS**

The following findings pertain, as the case may be, to claimants to which State Transit Assistance funds are allocated under this resolution.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 *et seq.*), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of PUC § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (PUC §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), or with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in PUC §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That each claimant is making full use of federal funds available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act for the 21<sup>st</sup> Century (SAFETEA), as amended; and
5. That the sum of each claimant's allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6633.1 or § 6634; and

6. That MTC has given priority consideration to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or areawide public transportation needs; and
7. That each claimant has made a reasonable effort to implement the productivity improvements recommended pursuant to PUC § 99244; and
8. That each claimant has submitted to MTC a copy of a certification from the California Highway Patrol verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code (“Pull Notice Program”), as required by PUC § 99251; and
9. That each claimant is in compliance with the eligibility requirements of PUC §§ 99314.6 or 99314.7; and
10. That each claimant has certified that it has entered into a joint fare revenue sharing agreement with every connecting transit operator, and that it is in compliance with MTC’s Transit Coordination Implementation Plan, pursuant to Government Code §§ 66516 and 66516.5, PUC §§ 99314.5(c) and §99314.7, and MTC Resolution No. 3055, Revised.