**TERMS BY WHICH THE CITY OF BURBANK WILL ISSUE PERMITS FOR THE UNDISPUTED FEATURES OF THE NOHO TO PASADENA BUS RAPID TRANSIT PROJECT IN THE CITY OF BURBANK**

The City of Burbank (the "City") opposes dedicated bus lanes on the North Hollywood to Pasadena Bus Rapid Transit Project (Project) within the City but does not oppose the rest of the Project. Los Angeles County Metropolitan Transportation Authority ("Metro") wishes to move forward with the undisputed aspects of the Project. as planned pursuant to its approved Final Environmental Impact Report ("FEIR"). Metro has filed a lawsuit against the City of Burbank (Case No. 26STCP01904 (the "Lawsuit"), which alleges among other claims that the City has delayed construction of the Project which will cause delay damages to Metro, and Metro seeks to recover those damages in the Lawsuit.

Metro and the City desire to drastically reduce or eliminate potential damages by allowing portions of the Project which are not in dispute to proceed to construction without waiving or reducing their individual positions related to the dedicated bus lanes.

The City and Metro agree to take the following steps and actions to allow construction to proceed for those portions of the Project which Burbank does not oppose. In agreeing to take these steps, Burbank does not waive its opposition to the Project's dedicated bus lanes, and Metro does not waive its claims as set forth in the Petition and Complaint regarding the City's lack of authority to condition approval of Project on Metro either conducting additional environmental review due to SB 79 or modifying the Project to remove dedicated bus lanes. The City and Metro agree that these terms are not an amendment to the Cooperative Agreement, and they have no effect on that agreement. The parties each agree to take those steps below which require their individual or joint action:

1. City will issue approvals with notes and corrections for all bus station improvements, roadway and sidewalk improvements, ADA-related pedestrian improvements, utility relocations, street lighting, traffic signal upgrades, and landscaping as set forth in the 275-sheet plan set and the 98-sheet Traffic Control Plans submitted to the City on July 17, 2026, on or before September 1.

2. The City's approvals will not include any signing and striping plans that implement dedicated bus lanes, or any specific traffic signal plans or signal timing that implement dedicated bus lanes, as these elements remain under dispute in the ongoing litigation. The City's approval does not include approval of the following plan sheets, as these sheets contain designations of dedicated bus lanes: SS-101 to SS-109, SS-111, SS-114, SS-115, TS-101, TS-103 to TS-105, which will be marked as "Not Approved."

3. The City will issue permits related to the approved with notes and corrections construction elements pursuant to plan submittal AFC03 and the 98-sheet Traffic Control Plans submitted to the City on 7/17/26 and for which City notes and corrections were provided on 8/28/26 as reflected in Items 1, 2, & 4 within 10 business days of a permit application.

4. Notwithstanding item 2, above, City permits will include signing, striping, and signal plans to install median-running dedicated bus lanes on Glenoaks Boulevard between Providencia Avenue and the southern City limits/Glendale.

5. Metro will prepare and submit a plan, as needed, for temporarily restoring striping in the vicinity of new stations, to allow the safe operation of streets during the time period after any stations are built, but prior to the final permanent condition.

6. Metro states and represents that it will not allege or claim any damages arising from City's previous non-approvals of Metro's Project plans, for the time period up to and including the date of permit issuance for work approved in the 259 of 275 plan set pages, or the 98-page Traffic Control Plans conditional upon the City's compliance with 1, 3 and 4 above.

7. Provided that the City has issued the Project approvals as described above in items 1 and 2 by September 1, 2026, Metro will withdraw its Motion for Reconsideration set for hearing on September 3, 2026.

8. The City will continue the hearing on its demurrer, currently set for September 3, 2026, for 30 days to allow the parties to discuss a potential stipulated amendment to the Petition and Complaint.

9. The City and Metro will coordinate in good faith to issue either a joint press release or to jointly-release separate press releases regarding the parties' positions on the Project and the remaining issues subject to litigation.

Additional Statements By Each Party – These statements make clear each Party's position on this Agreement, but each Statement is by that party only. Generally, the Parties disagree about the dedicated bus lanes.

METRO STATEMENT: For absolute clarity, while it is understood that the City of Burbank is approving 259 of the 275 plan set pages, and disapproving 16 of 275 as identified above, Metro does not agree that the 16 pages identified should be disapproved, and Metro maintains its dispute and position that full approval of the submitted plans is required under the Cooperative Agreement. Metro is agreeing to these steps to mitigate damages related to delay of construction of undisputed portions of the Project without waiving important rights per *Seaboard Music Co. v. Germano* (1972) 24

Cal.App.3d 618, 623. To the extent that any court is required to analyze this Agreement, Metro is only agreeing to #5, 6, 7, & 9, conditionally upon the City of Burbank acting to complete #1, 3, 4, 8 & 9 as indicated. Metro maintains that the streets and sidewalks are dedicated to the public use.

CITY'S STATEMENT: The City's approval of plan pages pursuant to this agreement that may incidentally show 'bus only' lanes, or similar incidental reference to those dedicated lanes is not intended to reduce, release, or impair its claims that the City is opposed to such dedicated lanes. For absolute clarity the City is approving the median-running dedicated bus lanes on Glenoaks but not approving dedicated bus lanes in any other location in the City segment of the Project. The City maintains its position that Metro does not have the right to exclusive use and control of its right-of-way without consent and dedicated lanes were purposefully excluded from a project description in the Cooperative Agreement to contemplate future negotiation regarding the now disputed issue. By this interim agreement, the City does not waive any rights to its right-of-way.

**Dated August 31, 2026**

**Los Angeles County Metropolitan Transportation Authority**

By: Michael McKenna

**City of Burbank**

By: Justin Hess

Approved as to Form:

Los Angeles County Counsel

JOSHUA A. COHEN

By: Joshua Cohen

Burbank City Attorney

By: Joseph McDougall