

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1608 (Wilson) – As Amended March 10, 2026

**SUBJECT:** OFFICE OF THE INSPECTOR GENERAL, HIGH-SPEED RAIL

**KEY ISSUE:** SHOULD REFORMS, INCLUDING ADOPTING SPECIALIZED PUBLIC RECORDS PROVISIONS, BE MADE TO THE OFFICE OF THE INSPECTOR GENERAL, HIGH-SPEED RAIL, TO MAKE THE OFFICE A MORE EFFECTIVE GOVERNMENT WATCHDOG?

**SYNOPSIS**

*California's High Speed Rail Authority has existed in state government for nearly thirty years; however, the agency was given a sweeping new mandate when voters approved Proposition 1A in 2008 to authorize the state to sell bonds to finance a high-speed rail project in the state. However, the development of California's high-speed rail line has been plagued with delays and cost overruns. Seeking to enhance oversight of the High Speed Rail Authority, in 2022, the Legislature enacted SB 198 (Committee on Budget and Fiscal Review) Chap. 71, Stats. 2022 to create an Inspector General to serve as a watchdog to monitor the high-speed rail project. However, the statutes authorizing the Inspector General have proved insufficient to permit the Inspector General to properly complete their work.*

*Seeking to enhance the authority of the Inspector General, this bill reforms the Office's authorizing statutes. The bill enhances the Inspector General's powers to properly staff the Office and provides for new contracting authority to the Inspector General to permit them to complete their work. Of most note to this Committee, this bill would provide some protections against public disclosure for information that is confidentially provided to the Inspector General. Although this bill importantly makes documents obtained and produced by the Inspector General public documents as the default, this bill does provide for limited circumstances in which records may be kept confidential to both protect informants and to ensure that information that may pose a safety or security risk to the high-speed rail project is not prematurely disclosed.*

*This bill is supported by the First Amendment Coalition who applauds the author's efforts to strike the proper balance between public access to governmental records and ensuring that the Inspector General can be an effective government watchdog. The bill has no recorded opposition and was previously heard and approved by the Committee on Transportation by a vote of twelve to four.*

**SUMMARY:** Reforms the Office of the Inspector General for High-Speed Rail to strengthen the office and boost its oversight of the High Speed Rail Authority. Specifically, **this bill:**

- 1) Renames the office as the Office of the Inspector General, High-Speed Rail and revises the title of the Inspector General as the Inspector General of the High-Speed Rail.
- 2) Authorizes the Inspector General to adopt and make use of the classifications, associated salary ranges, and other forms of compensation established or otherwise used by other state agencies identified by the Inspector General as performing comparable oversight work, so

long as the Inspector General determines that any individual to be hired meets or exceeds applicable eligibility requirements and minimum qualifications.

- 3) Exempts from all contract requirements of the Public Contract Code that require oversight, review, or approval by the Department of General Services or any other state agency any contract signed by the Inspector General up to one million dollars (\$1,000,000) in value.
- 4) Clarifies that providing confidential information to the Inspector General including, but not limited to, confidential information that is subject to a privilege, does not constitute a waiver of that confidentiality.
- 5) Prohibits the Inspector General from destroying any papers or memoranda used to support a completed audit or review sooner than three years after the corresponding report is published or delivered.
- 6) Clarifies that all books, papers, records, and correspondence of the office pertaining to its work are public records subject to the California Public Records Act, except that none of the following items or papers of which these items are a part of are to be released to the public by the Inspector General or the employees of the Inspector General:
  - a) Personal papers and correspondence of any person providing assistance to the Inspector General when that person has requested in writing that their papers and correspondence be kept private and confidential, as specified;
  - b) Papers, correspondence, memoranda, or any substantive information pertaining to any audit or review not completed;
  - c) Papers, correspondence, or memoranda pertaining to any audit or review that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit or review;
  - d) Any survey of public employees or contracted staff that the Inspector General determines should be kept confidential to deter retaliation if the employees or staff respond to the survey; and
  - e) Any record of an investigation, including, but not limited to, all investigative files and work product, except that the Inspector General, whenever the Inspector General determines it necessary to serve the interests of the state, may issue a public report of the results of an investigation that has substantiated a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.
- 7) Specifies that the provisions of 6) apply only to records in the possession or control of the Inspector General, and do not alter the responsibility of any other state or local agency to comply with all applicable laws regarding the disclosure of public records.
- 8) Requires, upon completion of an audit or review, the Inspector General; to do all of the following:
  - a) Publish a complete report on its internet website;

- b) Provide, in compliance with policies developed by the Inspector General, notification of the published report to the Governor and the High-Speed Rail Authority; and
  - c) Submit a copy of the published report to the Legislature.
- 9) Provides that, notwithstanding 8), the Inspector General may hold a report, or a portion of a report, confidential if the Inspector General determines that the report, or a portion of the report, would describe or otherwise reveal weaknesses, including those involving information security, physical security, fraud detection controls, or pending litigation, that would pose a substantial and articulable risk to the project or to state operations if publicly disclosed.
- 10) Requires, if the Inspector General holds a report confidential pursuant to 9), the Inspector General to do the following:
- a) Make publicly available any reasonably segregable portion of the report that does not pose the substantial and articulable risk identified in 9);
  - b) Publicly disclose that a report, or a portion of the report, has been held confidential and provide the rationale for the determination; and
  - c) Deliver a confidential report, or a confidential portion of the report, that describes and makes recommendations to resolve the identified weaknesses to state officials with oversight of the project, which may include the executive director and board chair of the High-Speed Rail Authority, the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation, or the Governor.
- 11) Requires the Inspector General, within 120 days after making a determination pursuant to 9), and at least every 120 days thereafter while a report, or a portion of a report, is held confidential, the Inspector General to reassess whether continued confidentiality is warranted.

**EXISTING LAW:**

- 1) Establishes the California High Speed Rail Authority as an eleven member body appointed to direct the development and implementation of intercity high-speed rail service that is fully integrated with the state's existing intercity rail and bus network, consisting of interlinked conventional and high-speed rail lines and associated feeder buses. (Public Utilities Code Section 185000 *et seq.*)
- 2) Requires the California High Speed Rail Authority to submit a business plan to the Legislature every other year detailing the following:
  - a) A description of the type of service the authority is developing and the proposed chronology for the construction of the statewide high-speed rail system, and the estimated capital costs for each segment or combination of segments;
  - b) A forecast of the expected patronage, service levels, and operating and maintenance costs for the Phase 1 corridor and by each segment or combination of segments for which a project level environmental analysis is being prepared for Phase 1, as specified;

- c) Alternative financial scenarios for different levels of service, based on the patronage forecast specified in b) and the operating break-even points for each alternative level of service;
  - d) The expected schedule for completing environmental review, and initiating and completing construction for each segment or combination of segments of Phase 1;
  - e) An estimate and description of the total anticipated federal, state, local, and other funds the authority intends to access to fund the construction and operation of the system, and the level of confidence for obtaining each type of funding;
  - f) Any written agreements with public or private entities to fund components of the high-speed rail system, including stations and terminals, and any impediments to the completion of the system;
  - g) Alternative public-private development strategies for the implementation of Phase 1; and
  - h) A discussion of all reasonably foreseeable risks the project may encounter, including, but not limited to, risks associated with the project's finances, patronage, right-of-way acquisition, environmental clearances, construction, equipment, and technology, and other risks associated with the project's development. (Public Utilities Code Section 185033.)
- 3) Establishes the High-Speed Rail Authority Office of the Inspector General. (Public Utilities Code Section 187020.)
- 4) Specifies that the duties and responsibilities of the Inspector General include, but are not limited to, all of the following:
- a) To conduct independent fiscal estimates and reviews of the High-Speed Rail Authority's plans and estimates for project advancement and make findings of the reasonableness of those plans and estimates;
  - b) To monitor progress toward meeting the milestones toward the implementation of the successful completion of the Merced to Bakersfield segment of the project;
  - c) To conduct audits and investigations relating to delivery of the project;
  - d) To identify best practices in the delivery of capital projects and recommend policies to enable the High-Speed Rail Authority to adopt these practices when practicable;
  - e) To recommend policies promoting efficiency in the administration of programs and operations as part of any audit finding;
  - f) To review the High-Speed Rail Authority process for considering proposed and executed change orders and to make any recommendations to ensure the process is appropriate for determining the merit and reasonableness of change orders;
  - g) To review the High-Speed Rail Authority's contracts and contracting practices to determine whether they are executed consistent with state and federal laws and policies

and are conducted in a fair and reasonable manner, providing the state with valued services at reasonable cost;

- h) To review proposed agreements to ensure that they are in the best interest of the state, the High-Speed Rail Authority's statutory mission, and state priorities; and
  - i) To review or investigate adherence to contract provisions, including, but not limited to, billing and invoicing requirements, of any public or private entity, including a High-Speed Rail Authority contractor, that receives project funds. (Public Utilities Code Section 187030 (b).)
- 5) Requires the Inspector General during regular business hours or at any other time determined necessary by the Inspector General to have access to and authority to examine and reproduce any and all books, accounts, reports, vouchers, correspondence, files, documents, and other records, and to examine the bank accounts, money, or other property of the High-Speed Rail Authority in connection with duties authorized by this law, as specified. (Public Utilities Code Section 187034.)
- 6) Establishes the California Public Records Act and finds and declares that, while mindful of the right of individuals to privacy, access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Government Code Section 7920.000 *et seq.*)
- 7) Provides that public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, except as otherwise provided in law. (Government Code Section 7922.525.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** In 2008 California voters approved Proposition 1A, which authorized the state to sell \$10 billion in general obligation bonds to fund a high-speed rail line between Los Angeles and San Francisco. Proposition 1A also required the project to meet certain travel time goals and prohibited the rail line from operating with a subsidy. In the nearly two decades since the passage of Proposition 1A, California's high-speed rail project has been plagued by delays and cost overruns. Seeking to boost accountability for the project, in 2022, the Legislature created an Inspector General to oversee and audit the project. (SB 198 (Committee on Budget and Fiscal Review) Chap. 71, Stats. 2022.) This bill would strengthen the oversight tools provided to the Inspector General and provide for reinforce confidentiality rules governing information provided to the Inspector General. In support of the bill the author states:

The Office of the Inspector General for High-Speed Rail serves as the public's eyes and ears on one of California's most consequential infrastructure projects. Californians depend on the IG to surface contracting failures, project delays, and cost overruns. This bill strengthens that oversight by ensuring the office can hire the qualified staff it needs and by requiring its reports to be made public.

At the same time, the bill responsibly protects truly sensitive information. Safeguards related to security, fraud detection, and pending litigation are not about secrecy. They prevent bad-faith actors from exploiting the system. Transparency and accountability are strengthened, while the integrity of the project is preserved.

***California’s High Speed Rail Project has struggled to meet its ambitious goals.*** In 1996, the Legislature created the High Speed Rail Authority to plan and construct a high-speed rail system that would link the state’s major population centers. (SB 1420 (Kopp) Chap. 796, Stats. 1996.) The push for high-speed rail in California received a major boost when voters approved Proposition 1A in 2008, to provide for \$10 billion in general obligation bonds to fund the project. Despite the \$10 billion bond authority and semi-regular infusions of money from the state’s Cap and Invest program, the High Speed Rail Authority has struggled to finance a high-speed rail project. Compounding these issues have been the Authority’s struggles to obtain right-of-way access for the tracks needed to complete the rail project and the near-complete lack of federal support for the project. (Assem. Com. on Transportation, *Background Report: Oversight Hearing on the California High-Speed Rail Project* (2025-26 Reg. Session) available at: <https://atrn.assembly.ca.gov/media/3510>.)

Seeking to make up for the inconsistent funding, the High Speed Rail Authority has consistently sought to find innovative funding sources, including pursuing public-private partnerships and other means to leverage private investment into the project. To date, it does not appear that sufficient private-sector investment has been generated to address the high-speed rail project’s needs. However, as with all private investments in government projects, the need to oversee fund management to ensure the prudent use of taxpayer dollars is imperative.

***The Office of the Inspector General was created to improve accountability of the California High Speed Rail Authority.*** Recognizing the need to oversee the High Speed Rail Authority’s spending and project goals, in 2022, the Legislature enacted the aforementioned SB 198 to create an Inspector General to oversee the high-speed rail project. The Office was tasked with receiving complaints about the High Speed Rail Authority and is required to produce regular reports to the Legislature regarding the High Speed Rail Authority’s progress in constructing the project.

However, the author of this bill notes that the Office of the Inspector General was not given proper resources to complete its mission. The author notes that the Office has struggled to hire and retain competent staff, has inadequate purchasing and contracting authority, and lacks clear legal parameters regarding the handling of sensitive information submitted to the Office. Although the Office has met its reporting obligations to the Legislature the author of this bill contends reforms are necessary to ensure that the Inspector General can properly oversee the High Speed Rail Authority.

***The California Public Records Act generally favors robust disclosure of public records.*** Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Government Code Section 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election), placed on the ballot by a unanimous vote of both houses of the Legislature. SCA 1 (Burton) Chap. 1, Stats. 2004 amended the California Constitution to specifically protect the right of the public to access and obtain government records: “The people have the right of access to information concerning the conduct of the people’s business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election), placed on the ballot by a unanimous vote of both houses of the Legislature, (SCA 3 (Leno) Chap. 123, Stats. 2013), to further increase public access to government records by requiring local agencies to comply with the California Public

Records Act and the Ralph M. Brown Act, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, Sec. 3 (b)(7).)

Under the California Public Records Act public records are open to inspection at all times during the office hours of a public agency for inspection by the public, unless exempted. (Section 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Section 7920.530.) The Public Records Act allows a public agency 10 days or, in specified "unusual circumstances," an additional 14 days after the 10-day period to respond to a request for the requested public record, and authorizes the agency to charge a fee for its "direct costs of duplication" of the record. (Sections 7922.530 (a), 7922.535.)

Despite the Public Records Act's general rule that public records are open to inspection and subject to disclosure, the Act provides exceptions for documents, or portions thereof, that are inappropriate for public disclosure. An exemption can be explicit in the Public Records Act itself, pursuant to another law, or justified by the agency's determination, based on the facts of the particular case. One aspect of public records that is explicitly exempted from disclosure involves information that is deemed personal or sensitive. For example, Government Code Section 7930.180 explicitly exempts more than a dozen records that contain highly sensitive personal information, including records containing information protected by doctor-patient privilege, documents containing personal financial records, and documents containing industry trade secrets.

***This bill balances the Inspector General's ability to gain access to sensitive information about the High Speed Rail Authority with the need for public access to important government documents.*** This bill aims to balance proper oversight of the High Speed Rail Authority, with the need for government transparency, and the recognition that some sensitive information provided to the Inspector General may not be suitable for immediate public disclosure. Accordingly, this bill provides that all records of the Inspector General are public records, thereby generally favoring disclosure under the California Public Records Act. However, the bill also recognizes that making complaints and other confidential reports to the Inspector General public may deter whistleblowers and others with sensitive information from sharing such information with the Inspector General. Accordingly, this bill provides that personal papers and correspondence of any person providing assistance to the Inspector General may be kept confidential if the person making the complaint requests such confidentiality. Additionally, the bill authorizes the Inspector General to keep aspects of some reports confidential should a public disclosure identify weaknesses in the project, including those involving information security, physical security, fraud detection controls, or pending litigation, that would pose a substantial and articulable risk to the project or to state operations if publicly disclosed.

Seeking to balance this confidentiality with the public's right to oversee government operations, the bill requires the Inspector General to regularly revisit information kept confidential to determine if secrecy remains necessary. For example, should an information security concern be resolved through software patches or other remedies, the bill would require the Inspector General to make the initial information public once the risk is no longer present. These provisions appear to strike an appropriate balance between necessary information privacy for sensitive issues and the public's right to know.

***This bill provides the Inspector General with the tools to build a robust governmental oversight agency.*** Although not within this Committee's jurisdiction, the bill also makes several statutory reforms to aspects of the Inspector General's Office unrelated to public records. The bill modifies the Inspector General's staffing requirements, permitting the Inspector General to post vacancies at the appropriate civil service classification needed to recruit qualified staff. The bill also revises contracting provisions in order to streamline procurement and other needs for the Inspector General's Office.

***ARGUMENTS IN SUPPORT:*** This bill was crafted with input from the Inspector General and is supported by the First Amendment Coalition. In support of the public records aspects of the bill, the First Amendment Coalition writes:

The First Amendment Coalition is a California advocacy organization that promotes and defends free speech, a free press and the people's right to know. Nonpartisan and nonprofit, FAC believes that the broadest range of engaged and informed communities is essential to the health of our democracy. We work with members of the public and press to exercise their rights of access, especially under the California Public Records Act. AB 16081 clarifies public reporting requirements of the inspector general. Specifically, the bill addresses an ambiguity in existing law that created the office, making clear the IG's office has a mandate to produce and publish reports of its reviews and investigations on its website, subject to limited withholding provisions. And with the recent amendments, the withholding provisions are narrowly tailored, require an explanation of the reason for any withholding or redaction, and, notably, are not indefinite. Amendments taken prior to hearing in the Assembly Transportation committee also ensure that routine records of the IG's office are not subject to a blanket exemption to the Public Records Act.

We appreciate the productive dialogue with the author and Transportation committee in developing language that appropriately balances legitimate confidentiality needs with the public's right to know. We hope it can serve as a model framework for similar watchdog agencies.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

First Amendment Coalition

##### **Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334