

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1608 (Wilson)
Version: March 10, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Office of the Inspector General, High-Speed Rail

DIGEST

This bill makes various changes to the Office of the Inspector General for High-Speed Rail to strengthen the office and enhance its oversight of the High-Speed Rail Authority.

EXECUTIVE SUMMARY

In 2008, voters approved Proposition 1A authorizing the state to sell bonds to finance a high-speed rail project; however, the progress of California's high-speed rail line has been plagued with delays and cost overruns. The Legislature enacted SB 1980 (Budget and Fiscal Review, Ch. 71, Stats. 2022) to establish an Inspector General (IG) to serve as a watchdog to monitor the high-speed rail project. This bill seeks to update the statutes governing the IG to, among other things, strengthen the independence of the office and establish guidelines relating to the publishing of reports by the office and what information is confidential versus public.

The bill is author sponsored and supported by the First Amendment Coalition. No timely opposition was received by the Committee. The bill passed out of the Senate Transportation Committee on a vote of 9 to 4.

PROPOSED CHANGES TO THE LAW

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. (Pub. Util. Code §§ 185000 et seq.)

- 2) Establishes the High-Speed Rail Authority Office of the Inspector General. (Pub. Util. Code § 187020.)
- 3) 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. (Pub. Util. Code § 187030(b).)
- 4) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

- 5) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 792.000 et seq.)
 - a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)
- 6) Provides that all 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, unless the record is exempt from public disclosure. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525.)
 - a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)
 - b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.).

This bill:

- 1) Renames the High-Speed Rail Authority Office of the Inspector General (OIG) as the Office of the Inspector General, High-Speed Rail and the High-Speed Rail Authority Inspector General as the Inspector General of the High-Speed Rail, and makes various changes to the act to enhance the IG's oversight.
- 2) Specifies that providing confidential information to OIG does not constitute a waiver of that confidentiality.
- 3) Declares that all books, papers, records and correspondence of the IG pertaining to their work are public records subject to the CPRA, except as specified.

- 4) Authorizes the IG to hold a report, or a portion thereof, confidential if the IG determines it would reveal weaknesses in 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. After the IG makes this determination, the IG must:
 - a) Make publicly available any reasonably segregable portion of the report that does not pose the substantial and articulable risk identified;
 - b) Publicly disclose that a report, or a portion of the report, has been held confidential and provide the rationale for doing so;
 - c) Deliver a copy of the 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; and,
 - d) Reassess, within 120 days and at least every 120 days thereafter, whether continued confidentiality is warranted, and if not, publicly release the report

COMMENTS

1. Stated need for the bill

The author writes:

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 OIG 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.

2. Public records and confidentiality

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),¹ which 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

¹ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004))

(b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)² to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act³, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Code § 7922.252.) 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. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

The bill seeks to provide a balance between public transparency and proper oversight with the understanding that some information the IG possesses is confidential and of a sensitive nature. The bill provides that personal papers and correspondence of any person assisting the IG, such as a whistleblower, may be kept confidential if the person making the complaint requests confidentiality. Additionally, the bill authorizes the IG to keep aspects of some reports confidential if public disclosure could identify weaknesses in the project, including 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. The bill requires the IG to revisit information kept confidential to determine if secrecy remains necessary.

The bill provides that keeping certain records and reports of the OIG confidential is necessary to enable the IG to fully conduct audits and investigations to ensure the security of the high-speed rail project. Under these circumstances, keeping these records and reports confidential outweighs the interest in public disclosure of the information contained in these records and reports.

² Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013))

³ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

3. Stakeholder statements

The First Amendment Coalition writes in support stating:

[...] 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.

SUPPORT

First Amendment Coalition

OPPOSITION

None received

PRIOR VOTES

Senate Transportation Committee (Ayes 9, Noes 4)
Assembly Floor (Ayes 52, Noes 20)
Assembly Appropriations Committee (Ayes 9, Noes 4)
Assembly Judiciary Committee (Ayes 9, Noes 3)
Assembly Transportation Committee (Ayes 12, Noes 4)
