

CONCURRENCE IN SENATE AMENDMENTS

AB 830 (Rogers)

As Amended August 29, 2025

Majority vote

SUMMARY

Requires the Department of Transportation (Caltrans) to pay for relocating or removing the encroachment of a public utility district (PUD) with a ratepayer base of 5,000 households or fewer in the County of Mendocino in the event of a future improvement to the highway, and to notify the PUD at each stage of a project.

Senate Amendments

1) Sunset the provisions of the bill on January 1, 2031.

COMMENTS

An encroachment is a temporary use of state right-of-way for purposes other than transportation. An encroachment permit is required for any activity on the state right-of-way. Some examples of work requiring an encroachment permit are utilities, excavations, encroachment renewals, advertisements, vegetation planting or trimming, surveys, mailboxes, driveways, installation or removal of tire chains for compensation, special events, and commercial filming activities.

A utility is any privately, publicly or cooperatively owned line, facility or system for producing, transmitting or distributing electricity, gas, water, communications, waste or other similar commodity which serves the public.

To obtain an encroachment permit, applicants must complete an application and attach supporting documentation such as: plans, location map, environmental documentation, letter of authorization, surety bonds, liability insurance, any applicable fees, and submit them to the Caltrans' district encroachment permit office that has jurisdiction over the proposed encroachment site.

Caltrans must approve or deny an encroachment permit application within 60 calendar days, upon determination that the submittal is complete. The actual time needed to review and approve an application depends on the completeness of the submittal, scope, and complexity of the proposed work.

Broadband and complete streets projects on state right-of-way have a slightly different process than other infrastructure under existing law. Broadband encroachment requires coordinated communication and an expedited review process for broadband infrastructure. Caltrans is required to develop and adopt a process for encroachment permit review for complete streets facilities, including pedestrian, bicycle, and transit priority facilities.

If an encroachment needs to be relocated as a result of improvements on the state highway system, it is the responsibility of the encroachment permit holder (permittee) to pay for the relocation of the infrastructure encroaching on Caltrans right-of-way.

Hopland 101 Project. Caltrans proposes to construct improvements on U.S. Highway 101 (US 101) in downtown Hopland in Mendocino County (post miles 10.7 and 11.2) for compliance

with the Americans for Disabilities Act (ADA). Work would include improving curb ramps, sidewalks, and driveways, reconstructing the roadway, rehabilitating pavement, and signage.

Caltrans has identified access barriers within the project location. These barriers include pedestrian facilities that are non-compliant with current accessibility standards such as missing curb ramps, sidewalks, and driveways that prevent persons with mobility challenges from accessing public facilities, local stores, and restaurants. Caltrans completed a feasibility study in September 2015 with the objectives to optimize the Hopland "main street" corridor on US 101 and provide complete streets that consider all road users, including pedestrians, cyclists, trucks, transit vehicles, and motorists. Other deficiencies within the project limits include roadway pavement in fair condition, aging or degraded signage, insufficient Transportation Management Systems (TMS) assets, and drainage facilities in poor condition. TMS assets are technology-based communication infrastructure on the highway system dedicated to improving the safety, operational efficiency, and sustainability of the transportation network by reducing traffic congestion, such as changeable message signs, traffic lights, and traffic census stations.

The purpose of this project is to upgrade existing ADA pedestrian facilities to comply with current standards and to upgrade roadway pavement, signage, TMS assets, and drainage to good condition. Construction is scheduled to begin spring 2026, and end December 2027.

The Hopland Public Utility District (HPUD) provides water and sewer service to the Hopland community. There is currently HPUD infrastructure encroaching on US 101 Caltrans right-of-way. Existing law requires HPUD to bear the sole cost of moving the utility infrastructure for the Hopland 101 Project. There are approximately 326 water connections and 274 sewer connections within HPUD's jurisdiction, and approximately 340 ratepayers.

Hopland is considered a disadvantaged unincorporated community (DUC), according to the Local Agency Formation Commission. A DUC is defined as any area with 12 or more registered voters where the median household income is less than 80% of the statewide median household income. Within a DUC, three basic services are evaluated: water, sewage, and fire protection. The HPUD provides water and wastewater, and is responsible for assuring that these services are adequately provided to the community. In 2023, Hopland's average per capita income is \$48,466, and Hopland's median household income was \$80,298.

The expected cost to HPUD as a result of the Hopland 101 Project is \$3 million to move or relocate existing water and sewer infrastructure within Caltrans' right-of-way. HPUD does not have the funding to pay for the needed utility relocation. As a result, Caltrans has proposed the Hopland 101 project be completed within two phases; phase two of the project is contingent on HPUD acquiring the necessary funding to relocate utilities in the project area.

This bill requires Caltrans to pay for the relocation of public utilities infrastructure if the PUD has 5,000 ratepayers or less. This bill also requires Caltrans to inform the public utility district at each stage of the project. This bill attempts to resolve the disparity between what is expected of disadvantaged PUDs and what the state requires. The author may wish to further clarify this only applies to DUC.

According to the Author

"Caltrans discovered during the planning phase for a pedestrian safety project in the Hopland community in Mendocino County that in order to make these pedestrian improvements along Highway 101, water and sewer lines maintained and owned by the Hopland Public Utilities

District would need to be relocated. However, the rural PUD does not have the funding to move these utility lines. This then places the burden on a rural PUD to come up the funding to support the transportation infrastructure project."

Arguments in Support

Rural County Representatives of California writes, "This measure seeks to tackle a unique yet persistent challenge amongst smaller PUDs across the state regarding fiscal obligations for operational changes outside of their local control. Generally, this challenge is not due to any lack of coordination or cooperation between a given PUD and the Caltrans, but instead arises from legal constraints in the state framework that currently prohibit Caltrans from utilizing their funds to move utilities under encroachment permits when necessary for construction on state highways."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Committee on Appropriations:

"Caltrans indicates that costs for removing or relocating a single encroachment can be in the range of \$2-3 million, depending on the scope and scale of the necessary relocation or removal. While there is one known qualifying PUD with an encroachment in Caltrans right-of-way that requires relocation in the near term, it is unclear at this time how many qualifying PUDs in Mendocino County have encroachments that may require relocation or removal as a result of future highway improvements. (State Highway Account)"

VOTES:

ASM TRANSPORTATION: 15-0-1

YES: Wilson, Davies, Aguiar-Curry, Ahrens, Carrillo, Harabedian, Hart, Hoover, Jackson, Lackey, Lowenthal, Macedo, Ransom, Rogers, Ward

ABS, ABST OR NV: Papan

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

UPDATED

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