

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1425 (Cortese) – As Amended May 14, 2026

As Proposed to be Amended

SENATE VOTE: 28-8

SUBJECT: HIGH-SPEED RAIL AUTHORITY: PROPERTY: RIGHT-OF-WAY

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. Nonetheless, if the state can successfully develop this critical infrastructure project, the trains operating on the line will be capable of reaching speeds in excess of 200 miles per hour along some portions of the system. Accordingly, protecting the safety of the tracks and related infrastructure is paramount. One critical aspect of maintaining safety is to ensure that the right-of-way maintaining the high-speed rail tracks are protected.

This bill would enact a permit process whereby the California High-Speed Rail Authority can issue right-of-way encroachment permits for parties, namely utilities, needing permits to encroach on the Authority's right-of-way. This bill is largely modeled after similar grants of authority to the Department of Transportation and the Department of Water Resources. In keeping with those statutes this bill would grant new civil enforcement authority to the High-Speed Rail Authority to enforce its right-of-way using civil penalties and to seek reimbursement for the cost of any damages inflicted on the system by an unlawful encroachment to its right-of-way. Given that the other agencies' statutes are decades old, proposed amendments will modernize the drafting of the civil enforcement provisions to improve clarity and better align them with modern drafting conventions for civil penalty statutes.

This bill is co-sponsored by the California State Council of Laborers, the Conference of Operating Engineers, and US High Speed Rail, and enjoys support from several other labor organizations and clean transportation advocates. The proponents of the bill contend that permitting the High-Speed Rail Authority to protect its right-of-way is critical to the safety of the project. The bill is opposed by several local governments and utility companies that utilize encroachments to the High-Speed Rail Authority's right-of-way. The utility companies argue this bill undermines existing master agreements and will hamper utility service near the rail lines. The opposition's issues are largely in the jurisdiction of the Committee on Utilities and Energy who will hear the bill if approved by this Committee. If heard by this Committee this bill will have been heard and approved by the Committee on Transportation, who maintains primary oversight over the High-Speed Rail Authority.

SUMMARY: Authorizes the California High-Speed Rail Authority to issue permits for activities that encroach on the Authority's right-of-way and authorizes specified civil penalties for violations of those permits. Specifically, **this bill:**

- 1) Prohibits a person from installing or performing any encroachment within the California High Speed Rail Authority's right-of-way without first obtaining an encroachment permit from the Authority.
- 2) Provides that no person has any franchise rights within the High-Speed Rail Authority's right-of-way.
- 3) Authorizes the High-Speed Rail Authority to issue an encroachment permit, in accordance with this bill, that authorizes a permittee to install or perform any kind of encroachment that is not inconsistent with the function, operation, maintenance, enlargement, rehabilitation, safety, or security of the high-speed train system or the Authority's right-of-way, as specified.
- 4) Provides that by issuing a permit in accordance with 3) the High-Speed Rail Authority is not responsible for the competence or reliability of the permittee or the encroachment.
- 5) Requires a person seeking a permit in accordance with 3) to provide the High-Speed Rail Authority all reports, studies, plans, analyses, and other supporting documents as required by the Authority.
- 6) Requires the High-Speed Rail Authority to approve or deny an application for an encroachment permit no later than 60 days from the date of receipt of the complete application, as specified.
- 7) Provides that, except as provided in writing between the permittee and the High-Speed Rail Authority, an encroachment permit is to be revocable and nontransferable and may only be modified or transferred with written approval of the Authority.
- 8) Requires an encroachment to be removed if a permit is revoked.
- 9) Authorizes, before issuing or executing an encroachment permit, the High-Speed Rail Authority to require any applicant to provide proof of insurance naming the authority, its directors, and its employees as additional insureds in an amount reasonably necessary to protect the state's interest.
- 10) Authorizes the High-Speed Rail Authority to adopt a fee schedule for encroachment permits, as specified.
- 11) Requires notice to be given to the owner, occupant, or person in possession of the encroachment, or to any other person causing or permitting the encroachment to exist, by serving a notice that includes a demand for the immediate removal of the encroachment from the High-Speed Rail Authority's right-of-way, as specified.
- 12) Authorizes the High-Speed Rail Authority to remove any encroachment that meets both of the following criteria:
 - a) Not later than 60 days from the date on which a notice was given, the owner, occupant, or person in possession of the encroachment has not asserted a right to be in possession, and has not removed, or commenced to remove the encroachment; and

- b) The encroachment obstructs, threatens, or prevents the proper operation, maintenance, or rehabilitation of the high-speed train system, or threatens the safety or health of the passengers or workers of the high-speed rail.
- 13) Authorizes the High-Speed Rail Authority to immediately remove any encroachment that meets both of the following criteria:
- a) Not later than three days from the date on which a notice is served, the owner, occupant, or person in possession of the encroachment has not asserted a right to be in possession, and has not removed, or commenced removing in a diligent manner, the encroachment; and
 - b) The encroachment poses an imminent threat to the integrity of one or more features of the high-speed train system, or to the safety and health of the passengers and workers of the high-speed rail.
- 14) Authorizes the High-Speed Rail Authority, in the case of an emergency, to take any action necessary to avert, alleviate, repair, or mitigate any threat to the high-speed train system, including the passengers or workers of the high-speed rail.
- 15) Provides that if the High-Speed Rail authority removes any encroachment upon the failure of the owner, occupant, or person in possession of the encroachment to comply with the notice given pursuant 11) through 13), the Authority or the Attorney General may bring a civil action seeking the recovery the expense of the removal and related costs.
- 16) Provides that in addition to the recovery specified in 15), the High-Speed Rail Authority or the Attorney General may seek the recovery of civil penalties of the sum of five thousand dollars (\$5,000) for each day the encroachment remains after the expiration of the applicable response period described in 11) through 13), and recover attorney's fees and costs.
- 17) Provides that if the owner, occupant, or person in possession of the encroachment, or person causing or suffering the encroachment to exist, or the agent of any of these parties, disputes or denies the existence of the encroachment or asserts a right to be in possession of the encroachment pursuant to a valid permit, the High Speed Rail Authority or the Attorney General may commence an action to abate the encroachment as a public nuisance.
- 18) Provides that if the High-Speed Rail Authority or the Attorney General prevail in an action pursuant to 17) the prevailing plaintiff may seek recovery of a civil penalty five thousand dollars (\$5,000) for each day the encroachment remains after the expiration of the applicable response period in 11) through 13), and recover attorney's fees and costs.
- 19) Prohibits a person, unless permitted by existing law or subject to an encroachment permit, from draining water from or onto the right-of-way of the High-Speed Rail Authority, as specified.
- 20) Provides that if a person who violates the prohibition of 19) is notified of the violation and fails, neglects, or refuses to cease and discontinue the diversion, drainage, seepage, or overflow of the waters or to pay for the repairs, the High Speed Rail Authority may make repairs and perform work as it determines necessary to prevent the further drainage, diversion, overflow, or seepage of the waters.

- 21) Authorizes, if the High-Speed Rail Authority undertakes repairs pursuant to 20) the Authority or the Attorney General to file a civil action seeking the amount expended for those repairs and work, and a civil penalty of five thousand dollars (\$5,000) for each day the drainage, diversion, overflow, or seepage of the waters is permitted to continue, after the service of the notice specified in 11) through 13).
- 22) Provides that any person who injures or damages any feature of the high-speed train system or the authority's right-of-way is liable for necessary repairs, and the High-Speed Rail Authority or the Attorney General may file a civil action seeking the amount expended for the repairs, and attorney's fees and costs for a prevailing plaintiff.
- 23) Prohibits any person, without a permit from the High-Speed Rail Authority, from digging up, cutting down, pruning, trimming, or otherwise injuring any tree or shrub within the Authority's right-of-way.
- 24) Provides that a person who violates 23) is liable for a civil penalty in the sum of five thousand dollars (\$5,000) for each shrub or tree so damaged in an action brought by the High-Speed Rail Authority or the Attorney General.
- 25) Requires that all moneys recovered in action brought in accordance with 15) through 24), except the award of any reasonable attorney's fees and costs which must be provided to the recovering agency to recoup the cost of litigation, is to be deposited into the High-Speed Rail Property Fund.
- 26) Creates the High-Speed Rail Property Fund.
- 27) Authorizes the High-Speed Rail Authority to adopt regulations to implement this bill.
- 28) Adopts numerous definitions.

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) Authorizes the High-Speed Rail Authority to acquire rights-of-way through purchase or eminent domain. (Public Utilities Code Section 185036 (b).)
- 3) Authorizes the California High Speed Rail Authority to sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for the sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs that would otherwise be the obligation of the state. (Public Utilities Code Section 185040.)
- 4) Requires, when the California High-Speed Rail Authority, needs any utility to remove any utility facility lawfully maintained in the right-of-way of any high-speed rail property to a location entirely outside the high-speed rail property right-of-way, the Authority to pay the

reasonable and necessary cost of the removal and relocation, as specified. (Public Utilities Code Section 185501 (A).)

- 5) Establishes a process for encroachment permitting and to prevent unauthorized encroachments for the State Water Project operated by the Department of Water Resources. (Water Code Section 12899 *et seq.*)
- 6) Establishes a process for encroachment permitting and to prevent unauthorized encroachments for the Department of Transportation. (Streets and Highways Code Section 660 *et seq.*)

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

COMMENTS: When, and if, California's high-speed rail system becomes operational, portions of the line are expected to see trains traveling at speeds in excess of 200 miles per hour. In order to protect the safety of the riders, it is imperative that the tracks remain clear and that the integrity of all structures associated with the system remain in good working order. Accordingly, this bill would require any party seeking to encroach on the right-of-way utilized by the system to obtain a permit from the High-Speed Rail Authority. The bill would authorize the imposition of civil penalties for various violations of the permit process. In support of the bill, the author states:

California is building the nation's first 220 mph, fully electrified, high-speed rail system, and there will be massive development potential along the 500-mile corridor. It is vital that the HSR Authority be able to protect these rights-of-way from encroachments that may interfere with or delay this transformational project. SB 1425 will facilitate timely construction by establishing a permitting program for encroachments that are consistent with the functions and operations of the project's right-of-way. A clear encroachment permitting process will help ensure that the Authority can protect the project's land and work more effectively with local property owners, businesses and public entities to bolster the surrounding communities.

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. As a result of the funding inconsistencies and gaps, various aspects of the project have been reformed since the passage of Proposition 1A. Nonetheless, at least for the portions of the

project planned to operate through the Central Valley, project planners still anticipate trains running in excess of 200 miles per hour. Given safety concerns stemming from the very small margin for error regarding trains traveling at that speed, protecting the integrity of the tracks and the rail system's right-of-way are imperative to protect the safety of riders.

The Department of Transportation and the Department of Water Resources maintain right-of-way permitting processes to protect the critical infrastructure overseen by the Departments.

The High-Speed Rail Authority is not the first state agency to grapple with how to safely manage large-scale, state-owned infrastructure. Indeed, both the Department of Water Resources and the Department of Transportation manage massive rights-of-way on behalf of the people of this state. Dating back to at least 1935, what is now the Department of Transportation has maintained the right to require permits to encroach on the right-of-way held for the state highway system. (SB 147 (Edwards) Chap. 29, Stats. 1935.) Eighty years later, similar permit rights were given to the Department of Water Resources to ensure that encroachments upon the right-of-way of the State Water Project could be managed safely. (SB 543 (Margett) Chap. 263, Stats. 2005.)

The right-of-way management powers conferred to both agencies essentially require a party to seek a permit from the agency to encroach on the right-of-way, prohibit unlawful encroachments, authorize actions to recover the cost of repairing damage to the infrastructure from an encroachment, and adopt appropriate provisions related to land ownership and the transfer of encroachment permits.

This bill would authorize the High-Speed Rail Authority to develop an encroachment permit and management process. Given that, once constructed, the state's high speed rail network will need the same critical protections as the state's highways and water distribution system, this bill adopts an encroachment permit process largely modeled after those managed by the Department of Water Resources and the Department of Transportation.

Much of the actual permit and right-of-way issues are in the jurisdiction of the Committees on Transportation and Utilities and Energy, who will also consider this bill. As it relates to the jurisdiction of this Committee, the bill provides that if the Authority removes any encroachment upon the failure of the owner, occupant, or person in possession of the encroachment to comply with the notice required, the Authority or the Attorney General may recover the expense of the removal, costs and expenses of suit, including attorney's fees, and, in addition, \$5,000 for each day the encroachment remains after the expiration of the applicable response period, as specified. The bill also provides that if the owner, occupant, or person in possession of the encroachment, or person causing or suffering the encroachment to exist, or the agent of any of these parties, disputes or denies the existence of the encroachment or asserts a right to be in possession, as specified, the High Speed Rail Authority or the Attorney General may commence an action to abate the encroachment as a public nuisance. The bill would provide that if the plaintiffs are able to deem an encroachment a nuisance, they may then seek \$5,000 civil penalties. Finally, the bill adopts similar civil penalties for persons who impermissibly alter a water course within the High-Speed Rail Authority's right-of-way or impermissibly remove shrubs and trees from the right of way.

Proposed amendments revise and recast several enforcement provisions to promote clarity. As noted, the bill in print largely utilizes the framework for enforcing right-of-way violations held by both Department of Water Resources and the Department of Transportation. As also noted, that framework is, in part, nearly 100 years old. As a result, the enforcement provisions of the

bill in print are somewhat confusing, lack clarity around when a violation may specifically trigger a penalty, and do not confer simultaneous enforcement authority to the Attorney General as most modern statutes vesting state civil enforcement powers do. Accordingly, the author is proposing amendments to modernize the enforcement provisions of this bill, including vesting powers with the Attorney General. While extensive, these amendments reorganize the existing provisions of the bill and are thus largely technical. The proposed Public Utilities Code Sections 185530, 185532, 185533, 185534, and 185536 will be amended as follows while the proposed Section 185531 will be entirely deleted. The relevant portions of the bill will now read:

185530. (a) Except as authorized by the authority and agreed to in writing between the authority and a person, as provided by Section 185524, the authority may require the removal of an encroachment in the manner provided in this section if the encroachment exists within the authority's right-of-way.

(b) (1) Except as provided in subdivision (e), notice shall be given to the owner, occupant, or person in possession of the encroachment, or to any other person causing or permitting the encroachment to exist, by serving a notice that includes a demand for the immediate removal of the encroachment from the authority's right-of-way. The notice shall describe the encroachment with reasonable certainty as to its character and location.

(2) In lieu of service upon the person, service of the notice may also be made by registered mail, express mail, overnight delivery, or facsimile transmission. Electronic service, by either electronic transmission or electronic notification, of the notice may be made if service of the notice is also made by mail and posting for a period of five days followed by notification by express mail, overnight delivery, or facsimile transmission. Electronic service of any notice made pursuant to this chapter is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(3) If an owner, occupant, or person in possession of an encroachment is not present in the county in which the encroachment is located, the notice may be given to an agent of the owner, occupant, or possessor of the encroachment.

(c) The authority may remove from the authority's right-of way any encroachment that meets both of the following criteria:

(1) Not later than 60 days from the date on which a notice was given pursuant to subdivision (b), the owner, occupant, or person in possession of the encroachment has not asserted a right to be in possession consistent with Section 185528, and has not removed, or commenced to remove in a diligent manner, the encroachment.

(2) The encroachment obstructs, threatens, or prevents the proper operation, maintenance, or rehabilitation of the high-speed train system, or threatens the safety or health of the passengers or workers of the high-speed rail.

(d) The authority may immediately remove from the authority's right-of-way any encroachment that meets both of the following criteria:

(1) Not later than three days from the date on which a notice is served pursuant to subdivision (b), the owner, occupant, or person in possession of the encroachment has not asserted a right to be in possession consistent with Section 185528, and has not removed, or commenced removing in a diligent manner, the encroachment.

(2) The encroachment poses an imminent threat to the integrity of one or more features of the high-speed train system, or to the safety and health of the passengers and workers of the high-speed rail.

(e) In the case of an emergency, the authority may take any action necessary to avert, alleviate, repair, or mitigate any threat to the high-speed train system, including the passengers or workers of the high-speed rail.

(f) *(1)* If the authority removes any encroachment upon the failure of the owner, occupant, or person in possession of the encroachment to comply with the notice given pursuant to this section, the authority *or the attorney general* may *bring a civil action seeking the recovery of recover* the expense of the removal and *related* costs ~~and expenses of suit, including attorney's fees, and, in addition, .~~

(2) *In addition to the recovery provided in paragraph (1), the authority or the attorney general may seek the recovery of civil penalties of the sum of five thousand dollars (\$5,000) for each day the encroachment remains after the expiration of the applicable response period described in subdivision (c) or (d).*

(3) *A prevailing plaintiff in an action brought pursuant to this subdivision shall be entitled to reasonable attorney's fees and costs.*

(g) *(1)* If the owner, occupant, or person in possession of the encroachment, or person causing or suffering the encroachment to exist, or the agent of any of these parties, disputes or denies the existence of the encroachment or asserts a right to be in possession consistent with Section 185528, the authority *or the attorney general* may commence, ~~in any court of competent jurisdiction,~~ an action to abate the encroachment as a public nuisance.

(2) If judgment is recovered by the authority *or the attorney general, the prevailing plaintiff it* may, in addition to having the encroachment adjudged a nuisance and abated, *seek the recovery of a civil penalty of recover* five thousand dollars (\$5,000) for each day the encroachment remains after the expiration of the applicable response period described in subdivision (c) or (d).

(3) *A prevailing plaintiff in an action brought pursuant to this subdivision shall be entitled to reasonable attorney's fees and costs. and may also recover the expense of that removal, and costs and expenses of the suit, including attorney's fees.*

...

185532. (a) Unless a person is otherwise authorized, by law or by an encroachment permit obtained by the person pursuant to Section 185524, it is unlawful for any person to do any of the following acts:

(1) Drain water, or permit water to be drained, from the person's lands onto the authority's right-of-way by any means, which results in damage to the high-speed train system or the authority's right-of-way, except where the water naturally drains onto the authority's right-of-way.

(2) Obstruct any natural watercourse in a manner that does any of the following:

(A) Prevents, impedes, or restricts the natural flow of waters from any portion of the authority's right-of-way into or through the watercourse or high-speed train system's cross drainage structures.

(B) Causes waters to be impounded within the authority's right-of-way that damages the high-speed train system or the authority's right-of-way, except where the water naturally drains onto the authority's right-of-way.

(C) Causes interference with, or damages or makes hazardous the operation, maintenance, and rehabilitation of, the high-speed train system, or threatens the health or safety of the passengers or workers of the high-speed rail.

(3) Store or distribute water for any purpose to permit the water to overflow onto, or saturate by seepage, causing damage to, or to obstruct or damage any feature of the high-speed train system or any portion of the authority's right-of-way.

(b) When notice is given by the authority, in the manner provided in Section 185530, to any person permitting a condition to exist, as described in subdivision (a), the person shall immediately cease and discontinue the diversion of waters or shall discontinue and prevent the drainage, seepage, or overflow and shall pay for the repair of any damage to the high-speed train system or the authority's right-of-way. The person to whom the notice is provided may challenge, administratively in accordance with regulations adopted pursuant to Section 185526, or in a court of competent jurisdiction, the propriety of the determination by the authority.

(c) (1) If any person is notified pursuant to subdivision (b) and fails, neglects, or refuses to cease and discontinue the diversion, drainage, seepage, or overflow of the waters or to pay for the repairs, the authority may make repairs and perform work as it determines necessary to prevent the further drainage, diversion, overflow, or seepage of the waters.

(2) *If the authority is required to conduct repairs pursuant to paragraph (1) the authority or the attorney general may file a civil action seeking ~~The authority may recover in an action at law, in any court of competent jurisdiction,~~ the amount expended for those repairs and work, and a civil penalty in addition, the sum* of five thousand dollars (\$5,000) for each day the drainage, diversion, overflow, or seepage of the waters is permitted to continue, after the service of the notice in the manner specified in this chapter, ~~together with the costs and expenses, including attorney's fees, incurred in the action.~~

(3) *A prevailing plaintiff in an action brought pursuant to this subdivision shall be entitled to reasonable attorney's fees and costs.*

185533. (a) (1) Any person who by any means injures or damages any feature of the high-speed train system or the authority's right-of-way is liable for necessary repairs, and the authority *or the attorney general may file a civil action seeking recover in an action at law* the amount expended for the repairs, ~~together with the costs and expenses, including attorney's fees, incurred in that action.~~

(2) *A prevailing plaintiff in an action brought pursuant to paragraph (1) shall be entitled to reasonable attorney's fees and costs.*

(3)(2) Any repairs required pursuant to paragraph (1) shall be performed exclusively by the authority or its authorized contractors.

(b) Any person who willfully damages any feature of the high-speed train system or any portion of the authority's right-of-way is guilty of a misdemeanor.

185534. (a) (1) ~~Any~~ *No* person ~~who~~ by any means, *shall* without a permit issued by the authority, digs up, cut down, destroy, prune, trim, or otherwise injure any shrub *or tree* within the authority's right-of-way.

(2) *A person who violates the provisions of paragraph (1) shall be liable for a civil penalty in the sum of five thousand dollars (\$5,000) for each shrub or tree so damaged in an action brought by the authority or the attorney general. The authority, in the name of the people of the State of California, may recover the penalty in an action at law, in a court of competent jurisdiction, together with the costs and expenses, including attorney's and expert fees, incurred in the action and the*

(3) *In addition to the civil penalty provided in paragraph (2) the authority or the attorney general may file a civil action seeking the actual costs incurred because of the damage to any shrub or tree on the authority's right-of-way.*

(4) *A prevailing plaintiff in an action brought pursuant to paragraphs (2) or (3) shall be entitled to reasonable attorney's fees and costs.*

~~(b) The authority, in the name of the people of the State of California, may bring an action in a court of competent jurisdiction, and recover damages, pursuant to Section 3346 of the Civil Code and Section 733 of the Code of Civil Procedure for an injury to, or removal of, a tree on the authority's right-of-way. In an action brought pursuant to Section 3346 of the Civil Code or Section 733 of the Code of Civil Procedure, the authority may also recover costs and expenses, including attorney's and expert fees, incurred in the action.~~

...

185536. All moneys recovered under the provisions of this chapter, *except the award of any reasonable attorney's fees and costs which shall be provided to the recovering agency to recoup the cost of litigation*, shall be deposited into the High-Speed Rail Property Fund established pursuant to Section 185045.

Stakeholder discussions regarding utility encroachments. This bill is opposed by several local governments within the potential right-of-way of the future rail network as well as many of the state's largest utility companies. The opposition is primarily focused on how this bill will impact existing right-of-way master agreements with the High Speed Rail Authority and how emergency access to encroachments will be handled. None of the opposition has raised specific concerns regarding the enforcement provisions of the bill.

These issues are largely within the jurisdiction of the Committee on Utilities and Energy, who will hear the bill if it is approved by this Committee. Accordingly, no amendments are presently being proposed by this Committee on the opposition's concerns.

ARGUMENTS IN SUPPORT: This bill is co-sponsored by the California State Council of Laborers, the Conference of Operating Engineers, and US High Speed Rail. In support of the measure, US High Speed Rail writes:

A coalition of over 50 leading unions, public agencies, and companies, U.S. High Speed Rail (USHSR) is co-chaired by former U.S. Department of Transportation Secretaries Ray LaHood and Anthony Foxx (and formerly, Rod Diridon Sr.). USHSR works with its members and allied progressive and environmental groups to advocate for public support for world-class high-speed rail projects across the United States, including California High-Speed Rail, the High Desert Corridor, and Brightline West. By establishing a formal permit process and enforcement mechanisms, USHSR believes SB 1425 provides the Authority with the necessary tools to appropriately protect facilities and rights-of-way while continuing to expand along the corridor.

The Authority is tasked, among other things, with developing and implementing the high-speed rail system, including the power to acquire and maintain rights-of-way. While the Authority is charged with managing these lands, it lacks the legal authority to regulate encroachments that interfere with high-speed rail operations. Common encroachments include utility and broadband lines, water pipes, sewage drainage, vegetation management – all of which are critical in the region the project is developing.

It is vital that the Authority be able to protect the infrastructure from encroachments that may interfere with or delay the construction or maintenance of the High-Speed Rail project. Without statutory authority, the Project will continue to experience unauthorized

encroachments and barriers to land development. Simultaneously, residents, businesses, and corporations will continue to face artificial barriers because of legal ambiguity.

ARGUMENTS IN OPPOSITION: As noted the bill is opposed by several local governments and several large utilities. A coalition letter from the state's four largest investor-owned utilities states:

Southern California Gas Company (SoCalGas) San Diego Gas and Electric (SDG&E), Southern California Edison (SCE), and Pacific Gas & Electric (PG&E) (collectively, the Joint Utilities) respectfully oppose SB 1425 (Cortese) as currently amended (May 14, 2026). While we acknowledge the California High-Speed Rail Authority's (CHSRA) legitimate interest in managing its right-of-way and protecting the integrity of the high-speed rail system, the bill as drafted establishes an encroachment-permit regime that threatens the safety, reliability, and affordability of natural gas and electric service for millions of Californians and does so in ways that go well beyond what is necessary to achieve the bill's stated objectives.

The Joint Utilities operate extensive distribution and transmission systems that traverse or cross the planned high-speed rail alignment in numerous locations across Southern California. Our infrastructure and appurtenances are located within real property held under a range of legal interests, including owned (fee) property, easements, licenses, leases, and local franchise ordinances, many of which predate CHSRA's acquisition of its right-of-way by decades.

Since at least 2014, SoCalGas has engaged in good-faith negotiations with CHSRA, resulting in a statewide Master Agreement, project-specific Utility Agreements for individual construction packages, long-term and temporary encroachment permits, and templates for recorded documents such as Joint Use Agreements (JUAs) and Consent to Common Use Agreements (CCUAs). In 2015, SCE executed a statewide Master Agreement with the CHSRA, leading to a comprehensive contractual framework and implemented through numerous project-specific Utility Agreements, relocation addenda, and JUAs. Collectively, these agreements reflect years of careful collaboration and embody negotiated cost-sharing, scheduling, prior-rights classifications, and operational accommodations designed to protect the high-speed rail project and gas and electrical system safety.

SB 1425 puts this framework at risk. On its face, the bill establishes a comprehensive permit program covering any encroachment, activity, use, access, or intrusion placed in, on, under, or over any portion of CHSRA's right-of-way. The bill's definitions are extraordinarily broad and its protections for existing rights are incomplete and in many instances, non-existent.

The Joint Utilities do not oppose the concept of a reasonable encroachment-permit framework for the high-speed rail right-of-way. In fact, we have demonstrated our commitment to the safe and successful construction of the high-speed rail system through more than a decade of good-faith negotiation and collaboration with CHSRA, resulting in executed agreements that balance rail development with gas system safety and reliability.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of Laborers (co-sponsor)
International Union of Operating Engineers, California -Nevada Conference
US High Speed Rail Association (co-sponsor)
Climate Action California
State Building & Construction Trades Council of California
Streets for All

Opposition

City of Burbank/Burbank Redevelopment Agency
Los Angeles Department of Water and Power
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southern California Edison
Southern California Gas Company

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