

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

SB 1425 (Cortese)
Version: March 25, 2026
Hearing Date: April 21, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

High-Speed Rail Authority: property: right-of-way

DIGEST

This bill establishes a permit program, administered by the California High-Speed Rail Authority (Authority), for encroachments on the Authority's rights-of-way.

EXECUTIVE SUMMARY

This bill establishes a permit program, administered by the California High-Speed Rail Authority, for encroachments on the Authority's rights-of-way. The statutory scheme implemented in this bill is similar to that of CalTrans and the State Water Project. The bill creates a right for the Authority to resolve specified disputes in court and also to seek attorney fees. The sponsor of the bill, U.S. High Speed Rail, asserts that it is vital that the Authority be able to protect the infrastructure from encroachments that may interfere with, or delay the construction, operation or maintenance of the High-Speed Rail project. Sponsors contend that without statutory authority, the project will continue to experience unauthorized encroachments and barriers to land development.

The bill is supported by the Associated General Contractors of California, the California State Council of Laborers, Climate Action California, and Streets for All. The bill is opposed by the City of Burbank. The bill passed out of the Senate Transportation Committee with a vote of 10-2.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Created the High-Speed Rail Authority (Authority) to develop and implement a high-speed rail system in the state, with specified powers and duties, including the

power to acquire rights-of-way through purchase or eminent domain, as specified. (Pub. Util. Code §§ 185000 et seq.)

- 2) Establishes a process for encroachment permitting and to prevent unauthorized encroachments for the State Water Project. (Water Code §§ 12899 et seq.)
- 3) Establishes a process for encroachment permitting and to prevent unauthorized encroachments for CalTrans. (Streets and Highways Code §§ 660 et seq.)

This bill:

- 1) Establishes a permit program, administered by the Authority, for encroachments on the Authority's rights-of-way.
- 2) Makes any person who installs or performs an encroachment within the Authority's right-of-way, without a permit, guilty of a misdemeanor.
- 3) Provides that 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.
- 4) Provides for civil penalties for specified categories of encroachment and, unless authorized by law or an encroachment permit, makes it unlawful to manage water flows in certain ways that impact the high-speed train system or the Authority's right-of-way, as specified.
- 5) Requires all moneys, including moneys from permit fees and civil penalties collected pursuant to its provisions, to be deposited into the High-Speed Rail Property Fund.
- 6) Upon appropriation by the Legislature, makes the penalty moneys available to the Authority for use in the development, improvement, and maintenance of the high-speed rail system, and the other moneys available for administering these provisions.

COMMENTS

1. Stated need for the bill

According to the author:

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.

2. Permits the Authority to seek specified civil penalties and attorney fees

This bill addresses the issue of unauthorized encroachments with regard to the High-Speed Rail Authority. The bill follows the process laid out in statute for encroachment permitting and to prevent unauthorized encroachments for the State Water Project at Water Code §§ 12899 et seq. and CalTrans at Streets and Highways Code §§ 660 et seq. The provisions of the bill that are within the jurisdiction of the Senate Judiciary Committee are the civil penalties provisions and the opportunity for parties to access the courts in order to resolve disputes. The Senate Transportation Committee's analysis for this bill contains a detailed review of the legislative and initiative path to high-speed rail in California.

According to the Senate Transportation Committee analysis:

California High-Speed Rail. Development of high-speed rail in California began nearly 30 years ago. SB 1420 (Kopp, Chapter 796, Statutes of 1996), created the Authority to direct development and implementation of intercity high-speed rail service that would be fully coordinated with other public transportation services. The Authority is part of the California State Transportation Agency (CalSTA) and is governed by an eleven-member Board of Directors. The Governor appoints five members of the board, the Senate Rules Committee appoints two, and the Assembly Speaker appoints two. Additionally, the board includes two ex-officio, non-voting members, one member of the Assembly and one member of the Senate.

U.S. High Speed Rail is the sponsor of this bill to provide the Authority with the right to issue encroachment permits that allow third-parties to access the authority's rights-of-way. The Authority would get the type of authority that CalTrans and the State Water Project possess with regard to encroachment permits and third-party access to Authority rights-of-way. Projects were prevented because the Authority lacks a formal encroachment permitting process. This bill would provide the Authority with a statutory right to create a formal encroachment permitting process.

With regard to this Committee's jurisdiction, 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 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.

Additionally, 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 Authority may commence, in any court of competent jurisdiction, an action to abate the encroachment as a public nuisance. If judgment is recovered by the Authority, it may, in addition to having the encroachment adjudged a nuisance and abated, recover \$5,000 for each day the encroachment remains after the expiration of the applicable response period, and may also recover the expense of that removal, and costs and expenses of the suit, including attorney fees.

The bill would also allow civil penalties for specified categories of encroachment and, unless authorized by law or an encroachment permit, would make it unlawful to manage water flows in certain ways that impact the high-speed train system or the Authority's right-of-way, as specified. When required notice is given by the Authority, the person shall immediately cease and discontinue the diversion of waters or shall discontinue and prevent the drainage, seepage, or overflow and shall repair, or 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 as specified, or in a court of competent jurisdiction, the propriety of the determination by the Authority.

If any person is notified, as required, and fails, neglects, or refuses to cease and discontinue the diversion, drainage, seepage, or overflow of the waters or to make or 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. The Authority may recover in an action at law, in any court of competent jurisdiction, the amount expended for those repairs and work, and in addition, the sum of \$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 fees, incurred in the action.

Additionally, the bill provides that 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 may recover in an action at law the amount expended for the repairs, together with the costs and expenses, including attorney fees, incurred in that action.

3. Support

U.S. High Speed Rail is a coalition of over 50 unions, public agencies, and companies. They are the sponsors of this bill and write the following in support:

[. . .] 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, signage, fencing, 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, operation 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.

SB 1425 will facilitate the timely construction of this transformational project by removing unnecessary barriers to its completion. A clear permitting process will help ensure that the Authority can protect the project's land, facilities, and rights-of-way and work more effectively with local property owners and businesses.

3. Opposition

The City of Burbank writes the following in opposition to the bill:

SB 1425 creates a structural imbalance in how utility relocation costs are determined by allowing the project sponsor to narrowly define what constitutes a “necessary” relocation, while treating essential system modifications as discretionary upgrades.

This approach reflects a fundamental misunderstanding of how utility systems operate. Specifically for the City of Burbank, the proposed legislation could impose design changes that would impact safety, reliability, and regulatory compliance. By constraining cost responsibility in this way, the bill shifts financial risk onto local utilities and their ratepayers, limits the ability of utilities to ensure infrastructure is rebuilt to appropriate standards, and introduces uncertainty into critical infrastructure planning and operations.

The City also maintains multiple utility easements crossing existing railroad rights-of-way. If those rights-of-way are acquired for high-speed rail, these crossings may no longer be viable due to stricter requirements. Under current practice, necessary relocations are treated as project impacts and funded by the project sponsor; however, the proposed language creates uncertainty as to whether those responsibilities would continue to apply.

HSR has previously committed to fully replacing impacted utility infrastructure. SB 1425 appears to walk back that commitment, potentially shifting costs onto Burbank ratepayers to subsidize the project. The City of Burbank does not oppose HSR; however, the project should not disproportionately burden the communities that host and are directly impacted by it.

SUPPORT

U.S. High Speed Rail (sponsor)
Associated General Contractors of California
California State Council of Laborers
Climate Action California
Streets For All

OPPOSITION

City of Burbank

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES:

Senate Transportation Committee (Ayes 10, Noes 2)
