

ASSEMBLY BILL

No. 1138

**Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Travis Allen, Grove, and Olsen)**

February 27, 2015

An act to add Section 185036.2 to the Public Utilities Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as introduced, Patterson. High-speed rail: eminent domain.

Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed train system. Existing law authorizes the authority to acquire rights-of-way through purchase or eminent domain. Existing law sets forth the process for acquisition of property by eminent domain, including a requirement for adoption of a resolution of necessity.

Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes. Existing law, for purposes of the bond act, defines “usable segment” as a portion of a corridor, as defined, that includes at least 2 stations.

This bill would prohibit the authority, or the State Public Works Board acting on behalf of the authority, from adopting a resolution of necessity to commence an eminent domain proceeding to acquire a parcel of real property along a corridor, or usable segment thereof, for the high-speed train system unless the resolution identifies the sources of all funds to be invested in the corridor or usable segment and the anticipated time

of receipt of those funds, and certifies that the authority has completed all necessary project level environmental clearances necessary to proceed to construction. The bill, for these purposes, would instead define “usable segment” as a portion of a corridor, as defined, that includes at least 2 stations and shall be used to operate high-speed train service, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 185036.2 is added to the Public Utilities
2 Code, to read:

3 185036.2. (a) The authority, or the State Public Works Board
4 acting on behalf of the authority, may not adopt a resolution of
5 necessity to commence an eminent domain proceeding under
6 Article 2 (commencing with Section 1245.210) of Chapter 4 of
7 Title 7 of Part 3 of the Code of Civil Procedure to acquire a parcel
8 of real property on a corridor, or a usable segment thereof, for the
9 high-speed train system unless the resolution includes both of the
10 following:

11 (1) Identification of the sources of all funds to be invested in
12 that corridor, or usable segment thereof, and the anticipated time
13 of receipt of those funds based on expected commitments,
14 authorizations, agreements, allocations, or other means.

15 (2) Certification that the authority has completed all necessary
16 project level environmental clearances necessary to proceed to
17 construction of the corridor, or usable segment thereof.

18 (b) A resolution of necessity that fails to comply with the
19 requirements in subdivision (a) is invalid.

20 (c) For purposes of this section, the following terms shall have
21 the following meanings:

22 (1) “Corridor” means a portion of the high-speed train system
23 as described in Section 2704.04 of the Streets and Highways Code.

24 (2) “Usable segment” means a portion of a corridor that includes
25 at least two stations and, upon completion, shall be used to operate
26 high-speed train service between those stations.

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