

HB 3453 -2 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/11, 4/14

WHAT THE MEASURE DOES:

The measure establishes a Westside Express Service Authority and outlines its duties, responsibilities, and powers. The measure also establishes the Westside Express Service Authority Fund to support the operation of the Westside Express Service. Takes effect on 91st day following adjournment sine die.

NOTE - Measure has subsequent referral to Committee on Ways and Means.

ISSUES DISCUSSED:

- Public-private approach
- Role of commuter rail in combating congestion
- benefits of additional transportation options

EFFECT OF AMENDMENT:

-2 Replaces original measure. Establishes the Westside Express Service Authority as an independent public corporation with a statewide mission and without territorial boundaries, its mission to provide express commuter rail service from Beaverton to Wilsonville, with future service to Salem and Eugene. Directs the Authority to enhance frequency of service, to study and support extension of service south to Salem and eventually to Eugene and enter into agreements as necessary to establish ownership of the WES commuter line and to repair, maintain, upgrade and operate the service and associated property and facilities.

Exempts the Authority from being subject to a variety of ORS, including those governing state administrative agencies, the Administrative Procedures Act, PERS, state personnel relations, state real property, state lands generally, public facilities, public contracting, public printing, interagency services, state financial administration, salaries and expenses of state officers and employees, and administration of public funds, among others.

Specifies that the Authority consists of five members appointed by the Governor, serving four-year terms at the pleasure of the Governor, and selecting a chair and vice-chair from among its members. Specifies members are not eligible for compensation except for reimbursement for travel and other expenses. Establishes initial membership appointment processes. Requires Authority to appoint an executive director to serve at its discretion and authorizes executive director to employ subordinate employees. Stipulates that neither Authority members nor employees are eligible for participation in state health benefit plans, deferred compensation plans or PERS. Authorizes Authority to enter into agreements with state agencies for support services, to invest in the investment pool (ORS 294.805), and retain private legal counsel.

Outlines powers of the Westside Express Service Authority to include: adopting bylaws; entering into contracts; establishing technical and other advisory committees; property acquisition; exercising power of eminent domain; purchase insurance, establishing fees for use of the WES; contract for law enforcement; establishing days and times of WES service; establishing an operations training program, and any other acts necessary or expedient to accomplish the public mission of the Authority.

Directs Authority to submit funding request for biennium to the Department of Administrative Services by April 1 of each even-numbered year. Permits the Authority to conduct independent audits and file them with the

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Secretary of State, and requires that the Authority file an annual report with the Governor and Joint Committee on Transportation.

Establishes penalty for unauthorized use of the WES, punishable as a Class D traffic violation.

Directs TriMet to transfer all of its right, title and ownership of WES to the Westside Express Service Authority. Requires a series of reports to the Joint Committee on Transportation on progress of transferring jurisdiction from TriMet to the Authority (September 15, 2027); extension of line from Wilsonville to Salem (September 15, 2028), and extension of line to Eugene (September 15, 2029).

Appropriates an unspecified amount to DAS, for the biennium beginning July 1, 2025, for distribution to the Westside Express Service Authority to carry out provisions of the measure.

Takes effect on 91st day following adjournment sine die.

FISCAL: fiscal impact issued on measure with the -2 amendment

REVENUE: "revenue lite" issued on measure with the -2 amendment

BACKGROUND:

The Tri-County Metropolitan Transportation District, colloquially known as TriMet, is Oregon's largest provider of public transportation services. Its district boundaries cover most of the metropolitan areas of Washington, Multnomah, and Clackamas counties. The agency operates five light rail lines (with nearly 100 stations on those lines), 85 different bus lines, and a LIFT paratransit service that provides dial-a-ride service throughout its operating area. The agency is funded in part by fares and in part by a district-wide employer payroll tax, and is overseen by a seven-member board.

Beginning in February 2009, TriMet also began operation of the Westside Express Service (WES) commuter rail line, which provides morning and afternoon service between the Beaverton transit center and Wilsonville transit center, with stops in Tigard and Tualatin. The WES operates primarily on nearly 15 miles of track, part of which is owned by the Portland & Western Railroad and part of which was originally part of the Oregon Electric Railway, which was abandoned in the 1930s. Ridership on the WES peaked at 2,008 riders per weekday in 2014, but bottomed out during the COVID pandemic at 330 riders per day, before increasing back to 466 riders per day in 2023.

House Bill 3453 establishes a Westside Express Service Authority as an independent public corporation for the purpose of taking control and operation of the WES from TriMet. As part of its mission, the Authority is to enhance the frequency of service and to study the extension of service south from Wilsonville to Salem. and eventually to Eugene.