

House Bill 3453

Sponsored by Representative MANNIX

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates the WESA. (Flesch Readability Score: 71.7).

Creates the Westside Express Service Authority. Prescribes duties of the authority.

Directs TriMet to transfer operation of the Westside Express Service commuter rail line to the authority.

Establishes the Westside Express Service Authority Fund. Directs the authority to use moneys in the fund to support the operation of the Westside Express Service.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to commuter rail; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Definitions. As used in sections 1 to 10 of this 2025 Act:**

5 (1) **"TriMet" means the Tri-County Metropolitan Transportation District of Oregon, a**
6 **mass transit district created under ORS chapter 267.**

7 (2) **"Westside Express Service" means a commuter rail line that travels north to south**
8 **along a route near State Highway 217 and begins in the City of Beaverton.**

9 **SECTION 2. Westside Express Service as public corporation; establishment; mission. (1)**

10 **The Westside Express Service Authority is established as a public corporation and shall ex-**
11 **ercise and carry out all powers, rights and privileges that are expressly conferred upon the**
12 **authority, are implied by law or are incident to such powers. The authority is an independent**
13 **public corporation with a statewide mission and purposes and without territorial boundaries.**
14 **The authority is a governmental entity performing governmental functions and exercising**
15 **governmental powers but, except as otherwise provided by law, is not a unit of local or mu-**
16 **nicipal government or a state agency for purposes of state statutes or constitutional pro-**
17 **visions.**

18 (2) **The mission of the Westside Express Service Authority is to provide express**
19 **commuter rail service from the City of Beaverton to the City of Wilsonville and in the future**
20 **extend the service to the cities of Salem and Eugene. To accomplish its mission, the**
21 **Westside Express Service Authority shall:**

22 (a) **Operate the Westside Express Service;**

23 (b) **Enhance the frequency of the service;**

24 (c) **Study and support extending the service from the City of Wilsonville to the City of**
25 **Salem; and**

26 (d) **After the commuter line is extended to the City of Salem, extend the commuter ser-**
27 **vice to the City of Eugene.**

28 (3) **Unless otherwise provided by law, the authority is not subject to ORS chapters 182,**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 183, 238, 238A, 240, 270, 273, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 and ORS 35.550
 2 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to
 3 190.490, 192.105, 200.035, 236.605 to 236.640, 243.105 to 243.585, 243.696, 278.011 to 278.120, 279.835
 4 to 279.855, 283.085 to 283.092, 291.050 to 291.060, 357.805 to 357.895 and 656.017 (2).

5 (4) The authority shall carry out the purposes described in this section and the duties
 6 of the authority under sections 1 to 10 of this 2025 Act in the manner that, in the determi-
 7 nation of the authority, best promotes and implements the mission of the authority. Subject
 8 to any limitations established under sections 1 to 10 of this 2025 Act, the authority may take
 9 any necessary or expedient actions to:

10 (a) Enter into any agreements as necessary or expedient to perform any authorized
 11 function of the authority, including but not limited to any agreements with TriMet or other
 12 public or private entities to:

13 (A) Establish ownership by the authority of the Westside Express Service commuter rail
 14 line;

15 (B) Repair, maintain, upgrade and operate the Westside Express Service and associated
 16 property and facilities; and

17 (C) Provide for the training of personnel in operation of the rail line;

18 (b) Ensure the financial viability of the authority;

19 (c) Promote the Westside Express Service to individuals interested in using the service;
 20 and

21 (d) Undertake improvements and maintenance activities, including extending the opera-
 22 tion of the rail line.

23 **SECTION 3. Authority members; meetings; removal of members.** (1) The Westside Ex-
 24 press Service Authority shall consist of five members, who shall be appointed by the Gover-
 25 nor and who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and
 26 171.565.

27 (2) A member of the authority may not be an employee of the authority. In appointing
 28 members to the authority, the Governor shall endeavor to appoint members with experience
 29 or expertise in a variety of subjects related to the mission and purposes of the authority or
 30 with other experience or expertise that the Governor determines are important to the suc-
 31 cess of the authority including persons with experience in transportation and commuter rail.

32 (3) The term of office of each member appointed by the Governor is four years but may
 33 be removed at any time at the pleasure of the Governor. Members are eligible for reap-
 34 pointment. Before the expiration of the term of a member, the Governor shall appoint a
 35 successor. If a member position becomes vacant for any reason, the Governor shall appoint
 36 a successor to fill the unexpired term.

37 (4) The authority shall elect one member as chairperson and one member as vice chair-
 38 person, with terms, duties and powers as determined by the authority. The authority shall
 39 adopt bylaws establishing the required frequency of meetings and quorum requirements.

40 (5) A member of the authority is not entitled to compensation, but may be reimbursed
 41 as provided by the policies and procedures of the authority for any actual and necessary
 42 travel and other expenses incurred by the member in the performance of the member's of-
 43 ficial duties.

44 **SECTION 4. Initial membership.** (1) The Governor shall appoint the initial members of
 45 the Westside Express Service Authority no later than 180 days after the effective date of this

1 2025 Act.

2 (2) Notwithstanding the term of office specified in section 3 of this 2025 Act, of the
3 members first appointed by the Governor to the authority:

- 4 (a) One shall serve for a term ending one year after the date of appointment;
- 5 (b) One shall serve for a term ending two years after the date of appointment; and
- 6 (c) One shall serve for a term ending three years after the date of appointment.

7 **SECTION 5. Authority director; status of director and employees.** (1) The Westside Ex-
8 press Service Authority shall appoint an executive director. The executive director is the
9 executive officer of the authority responsible for day-to-day operations. Subject to the
10 supervision of the authority, the executive director is authorized to direct the affairs of the
11 authority. The executive director serves at the discretion of the authority and shall perform
12 such duties as the authority prescribes.

13 (2) The executive director may employ subordinate employees as the executive director
14 deems reasonable for carrying out business operations and the operation and maintenance
15 of the Westside Express Service and related facilities of the authority. The executive di-
16 rector may delegate any duty, function or power of the executive director to a subordinate
17 employee except as otherwise prescribed by the authority.

18 (3) The members of the authority, the executive director and the employees of the au-
19 thority are not state employees and are not eligible for participation in state employee health
20 benefit plans, state employee deferred compensation plans or the Public Employees Retire-
21 ment System. The authority shall determine the compensation and benefit package for the
22 executive director and other employees of the authority. For purposes of any laws applicable
23 to the authority as a public corporation, including but not limited to ORS 30.260 to 30.300,
24 the members of the authority, the executive director and the employees of the authority are
25 officers and employees of a public body.

26 (4) The authority and a state agency may enter into agreements for the state agency to
27 provide support services to the authority. If a state agency provides support services to the
28 authority, the state agency must provide the support services at the rate that the state
29 agency would charge to other state agencies for the services.

30 (5) The authority may invest in the investment pool described in ORS 294.805. For pur-
31 poses of ORS 294.805 to 294.895, the executive director is a local government official.

32 (6) The authority may retain private legal counsel or, notwithstanding ORS 180.060, may
33 contract for representation by the Attorney General. If the authority contracts for repre-
34 sentation by the Attorney General, the Attorney General shall charge the authority for ser-
35 vices at the rate charged to state agencies for similar services.

36 **SECTION 6. Powers and duties of authority.** Except as may otherwise be provided by law,
37 the Westside Express Service Authority may, within or outside the state:

38 (1) Adopt, alter, amend or repeal policies, procedures or bylaws for the organization, ad-
39 ministration, development and management of the authority.

40 (2) Enter into contracts and agreements involving property, goods or services with any
41 public or private entity as the authority deems reasonable to carry out the mission and
42 purposes of the authority or to execute any duties, functions or powers of the authority,
43 including but not limited to:

- 44 (a) Contracts and agreements related to the operation of the Westside Express Service
45 and associated facilities;

1 (b) The carrying out of the business operations of the authority; and

2 (c) The construction, repair, maintenance, upgrade or insurance of the Westside Express
3 Service and facilities.

4 (3) Establish advisory or technical committees and otherwise consult, cooperate or co-
5 ordinate with any public or private entity as the authority deems necessary or expedient to
6 broaden opportunities for public input on or to carry out the mission and purposes or duties
7 of the authority.

8 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license,
9 lend, invest, improve, develop, use, dispose of and hold title in the name of the authority to
10 real or personal property of any nature.

11 (5) Obtain any permits, approvals or permissions needed in connection with the activities
12 of the authority.

13 (6) Exercise the power of eminent domain under ORS chapter 35 to acquire any right or
14 interest in real property as necessary or expedient to ensure the repair, upgrade, operation,
15 maintenance or extension of the Westside Express Service.

16 (7) Sue and be sued in its own name.

17 (8) Encourage and accept grants, gifts and donations for the benefit of the authority, and
18 subject to the terms of the gift, retain, invest and use such gifts as deemed appropriate by
19 the authority.

20 (9) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and
21 invest funds, appropriations, grants, gifts, bequests, stock and revenue from any source.

22 (10) Borrow money for the needs of the authority, in such amounts and for such time
23 and upon such terms as may be determined by the authority.

24 (11) Purchase any and all insurance, operate a self-insurance program or otherwise ar-
25 range for the equivalent of insurance coverage of any nature and for the indemnity and de-
26 fense of the members of the authority or any officers, agents, employees or other persons
27 designated by the authority to carry out or to further the mission and purposes of the au-
28 thority.

29 (12) Establish charges and fees, including but not limited to charges and fees for services
30 by the authority and for the use of the Westside Express Service.

31 (13) Contract for law enforcement or security services for authority properties and fa-
32 cilities.

33 (14) Establish and exercise broad operational authority over the Westside Express Ser-
34 vice and associated properties and facilities, including but not limited to establishing days
35 and times of service.

36 (15) Establish an operations training program that provides education for all operators
37 of the Westside Express Service, including but not limited to employees of the authority to
38 operate the locks in conformance with all safety and operational requirements.

39 (16) Perform any other acts that in the judgment of the authority are necessary or ex-
40 pedient in accomplishing the public mission and purposes described in section 2 of this 2025
41 Act or carrying out the powers granted by sections 1 to 10 of this 2025 Act.

42 **SECTION 7. Audits; report to Legislative Assembly.** (1) By April 1 of each even-numbered
43 year the Westside Express Service Authority shall submit to the Oregon Department of Ad-
44 ministrative Services a funding request applicable to the biennium beginning on July 1 of the
45 following year. The department shall include and submit the authority's request to the Leg-

1 islative Assembly as part of the Governor’s biennial budget. Any such request approved by
 2 the Legislative Assembly shall be appropriated to the department for direct grant to the
 3 authority. The legislatively appropriated funds are subject to any restrictions or conditions
 4 imposed by the Legislative Assembly, but such conditions and restrictions do not apply to
 5 other funds in the authority’s budget and operations.

6 (2) The authority budget shall be prepared in accordance with generally accepted ac-
 7 counting principles and adopted by the board of directors of the authority in accordance with
 8 ORS 192.610 to 192.705.

9 (3) The Westside Express Service Authority may conduct independent audits if consid-
 10 ered advisable by the authority. The authority shall file any completed audits with the Divi-
 11 sion of Audits of the Secretary of State.

12 (4) The authority shall, not later than April 15 of each year, file an annual report with
 13 the Governor and the Joint Committee on Transportation. The report shall describe the ac-
 14 tivities and operations of the authority during the preceding calendar year.

15 **SECTION 8. Westside Express Service Authority Fund.** (1) The Westside Express Service
 16 Authority Fund is established in the State Treasury separate and distinct from the General
 17 Fund. Interest earned by the Westside Express Service Authority Fund shall be credited to
 18 the fund. The moneys in the Westside Express Service Authority Fund are continuously ap-
 19 propriated to the Westside Express Service Authority for the purposes of carrying out the
 20 provisions of sections 1 to 10 of this 2025 Act.

21 (2) The authority may accept contributions of funds and assistance from the United
 22 States Government or its agencies or from any other source, public or private, and agree to
 23 conditions not inconsistent with the purposes of the authority. All funds shall be deposited
 24 in the Westside Express Service Authority Fund. The authority may apply for grants and
 25 foundation support and may compete for contracts consistent with the mission and goals of
 26 the authority.

27 **SECTION 9. Unauthorized use of facilities; penalty.** A person who gains or attempts to
 28 gain unauthorized access to or use of the Westside Express Service in violation of any use
 29 restriction or condition imposed by the authority, including assessment of any fees, commits
 30 a Class D violation. In addition to any enforcement officers specifically identified in ORS
 31 153.005, the executive director of the Westside Express Service Authority and other employ-
 32 ees of the authority may issue citations for violations of this section.

33 **SECTION 10. Transfer from TriMet to Westside Express Service Authority.** TriMet shall
 34 transfer all of its right, title and ownership of the Westside Express Service and related ve-
 35 hicles and facilities to the Westside Express Service Authority, and shall execute all neces-
 36 sary legal documents to carry out such transfer, effective upon the effective date of this 2025
 37 Act. The Oregon Department of Administrative Services shall assist in carrying out and
 38 documenting the transfer. The authority shall pay all costs of carrying and documenting the
 39 transfer.

40 **SECTION 11. Reports.** The Westside Express Service Authority shall report:

41 (1) No later than September 15, 2027, to the Joint Committee on Transportation on the
 42 implementation of the Westside Express Service Authority and the progress made with re-
 43 gards to transferring jurisdiction from TriMet to the authority;

44 (2) No later than September 15, 2028, to the Joint Committee on Transportation on the
 45 feasibility of extending the commuter line from the City of Wilsonville to the City of Salem;

1 **and**

2 **(3) No later than September 15, 2029, to the Joint Committee on Transportation on the**
3 **feasibility of extending the commuter line from the City of Salem to the City of Eugene.**

4 **SECTION 12. Section 11 of this 2025 Act is repealed January 2, 2030.**

5 **SECTION 13. There is appropriated to the Westside Express Service Authority, for the**
6 **biennium beginning July 1, 2025, out of the General Fund, the amount of \$_____ for the**
7 **purpose of carrying out the provisions of sections 1 to 10 of this 2025 Act.**

8 **SECTION 14. The section captions used in this 2025 Act are provided only for the con-**
9 **venience of the reader and do not become part of the statutory law of this state or express**
10 **any legislative intent in the enactment of this 2025 Act.**

11 **SECTION 15. This 2025 Act takes effect on the 91st day after the date on which the 2025**
12 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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