

A-Engrossed House Bill 3453

Ordered by the House April 17
Including House Amendments dated April 17

Sponsored by Representatives MANNIX, NERON; Representatives ANDERSEN, EVANS, GAMBA

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. 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 the authority to collaborate with TriMet on the transfer to the authority and directs TriMet to transfer **the** 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.]

Appropriates moneys to the Oregon Department of Administrative Services for distribution to the authority to support the operation of the Westside Express Service.

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

A BILL FOR AN ACT

Relating to commuter rail; and prescribing an effective date.

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

SECTION 1. Definitions. As used in sections 1 to 9 of this 2025 Act:

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

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

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

The Westside Express Service Authority is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the authority, are implied by law or are incident to such powers. The authority is an independent public corporation with a statewide mission and purposes and without territorial boundaries. The authority is a governmental entity performing governmental functions and exercising governmental powers but, except as otherwise provided by law, is not a unit of local or municipal government or a state agency for purposes of state statutes or constitutional provisions.

(2) The mission of the authority is to provide express commuter rail service from the City of Beaverton to the City of Wilsonville and in the future extend the service to the cities of Salem and Eugene. To accomplish its mission, the authority shall:

(a) Operate the Westside Express Service;

(b) Enhance the frequency of the service;

(c) Study and support extending the service from the City of Wilsonville to the City of

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 Salem; and

2 (d) After the service is extended to the City of Salem, extend the service to the City of
3 Eugene.

4 (3) Unless otherwise provided by law, the authority is not subject to ORS chapters 182,
5 183, 238, 238A, 240, 270, 273, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 and ORS 35.550
6 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to
7 190.490, 192.105, 200.035, 236.605 to 236.640, 243.105 to 243.585, 243.696, 278.011 to 278.120, 279.835
8 to 279.855, 283.085 to 283.092, 291.050 to 291.060, 357.805 to 357.895 and 656.017 (2).

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

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

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

19 (B) Repair, maintain, upgrade and operate the service and associated property and facil-
20 ities; and

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

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

23 (c) Promote the service to individuals interested in using the service; and

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

26 **SECTION 3. Authority members; meetings; removal of members.** (1) The Westside Ex-
27 press Service Authority shall consist of five members, who shall be appointed by the Gover-
28 nor and who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and
29 171.565.

30 (2) A member of the authority may not be an employee of the authority. In appointing
31 members to the authority, the Governor shall endeavor to appoint members with experience
32 or expertise in a variety of subjects related to the mission and purposes of the authority or
33 with other experience or expertise that the Governor determines is important to the success
34 of the authority including persons with experience in transportation and commuter rail.

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

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

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

1 ficial duties.

2 **SECTION 4. Initial membership.** (1) The Governor shall appoint the initial members of
3 the Westside Express Service Authority no later than 180 days after the effective date of this
4 2025 Act.

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

7 (a) One shall serve for a term ending one year after the date of appointment.

8 (b) One shall serve for a term ending two years after the date of appointment.

9 (c) One shall serve for a term ending three years after the date of appointment.

10 (d) Two shall serve for a term ending four years after the date of appointment.

11 **SECTION 4a.** Section 4 of this 2025 Act is repealed on January 2, 2031.

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

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

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

31 (4) The authority and a state agency may enter into agreements for the state agency to
32 provide support services to the authority. If a state agency provides support services to the
33 authority, the state agency must provide the support services at the rate that the state
34 agency would charge to other state agencies for the services.

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

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

41 **SECTION 6. Powers and duties of authority.** (1) Except as may otherwise be provided by
42 law, the Westside Express Service Authority may, within or outside the state:

43 (a) Adopt, alter, amend or repeal policies, procedures or bylaws for the organization,
44 administration, development and management of the authority.

45 (b) Enter into contracts and agreements involving property, goods or services with any

1 public or private entity as the authority deems reasonable to carry out the mission and
2 purposes of the authority or to execute any duties, functions or powers of the authority,
3 including but not limited to:

4 (A) Contracts and agreements related to the operation of the Westside Express Service
5 and associated facilities;

6 (B) The carrying out of the business operations of the authority; and

7 (C) The construction, repair, maintenance, upgrade or insurance of the Westside Express
8 Service and facilities.

9 (c) Establish advisory or technical committees and otherwise consult, cooperate or co-
10 ordinate with any public or private entity as the authority deems necessary or expedient to
11 broaden opportunities for public input on or to carry out the mission and purposes or duties
12 of the authority.

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

16 (e) Obtain any permits, approvals or permissions needed in connection with the activities
17 of the authority.

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

21 (g) Sue and be sued in its own name.

22 (h) Encourage and accept grants, gifts and donations for the benefit of the authority, and
23 subject to the terms of the gift, retain, invest and use such gifts as deemed appropriate by
24 the authority.

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

27 (j) Borrow money for the needs of the authority, in such amounts and for such time and
28 upon such terms as may be determined by the authority.

29 (k) Purchase any and all insurance, operate a self-insurance program or otherwise ar-
30 range for the equivalent of insurance coverage of any nature and for the indemnity and de-
31 fense of any contractual counterparts and the members of the authority or any officers,
32 agents, employees or other persons designated by the authority to carry out or to further
33 the mission and purposes of the authority.

34 (L) Establish charges and fees, including but not limited to charges and fees for services
35 by the authority and for the use of the Westside Express Service.

36 (m) Contract for law enforcement or security services for authority properties and fa-
37 cilities.

38 (n) Establish and exercise broad operational authority over the Westside Express Service
39 and associated properties and facilities, including but not limited to establishing days and
40 times of service.

41 (o) Establish an operations training program that provides education for personnel of the
42 Westside Express Service.

43 (p) Perform any other acts that in the judgment of the authority are necessary or expe-
44 dient in accomplishing the public mission and purposes described in section 2 of this 2025
45 Act or carrying out the powers granted by sections 1 to 9 of this 2025 Act.

(2) The Westside Express Service Authority shall coordinate with the freight railroad operator and owner on which the service does or would operate in regard to scheduling of the rail service along the line.

SECTION 7. Audits; report to Legislative Assembly. (1) Not later than April 1 of each even-numbered year, the Westside Express Service Authority shall submit to the Oregon Department of Administrative Services a funding request applicable to the biennium beginning on July 1 of the following year. The department shall include and submit the authority's request to the Legislative Assembly as part of the Governor's biennial budget. Any such request approved by the Legislative Assembly shall be appropriated to the department for direct grant to the authority. The legislatively appropriated funds are subject to any restrictions or conditions imposed by the Legislative Assembly, but such conditions and restrictions do not apply to other funds in the authority's budget and operations.

(2) The authority's budget shall be prepared in accordance with generally accepted accounting principles and adopted by the authority in accordance with ORS 192.610 to 192.705.

(3) The authority may conduct independent audits if considered advisable by the authority. The authority shall file any completed audits with the Division of Audits of the Secretary of State.

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

SECTION 8. Unauthorized use of facilities; penalty. A person who gains or attempts to gain unauthorized access to or use of the Westside Express Service in violation of any use restriction or condition imposed by the Westside Express Service Authority, including assessment of any fees, commits a Class D violation. In addition to any enforcement officers specifically identified in ORS 153.005, the executive director of the Westside Express Service Authority and other employees under the authority may issue citations for violations under this section.

SECTION 9. Transfer from TriMet to Westside Express Service Authority. (1) After the Westside Express Service Authority is created, the authority shall notify TriMet.

(2) The authority shall collaborate with TriMet on the transfer of the Westside Express Service to the authority, including all required agreements with third parties. After all necessary agreements are reached, TriMet shall transfer all of its right, title and ownership of the Westside Express Service and related vehicles and facilities to the Westside Express Service Authority, and shall execute all necessary legal documents to carry out such transfer.

(3) The Oregon Department of Administrative Services shall assist in carrying out and documenting the transfer.

(4) As part of the agreement entered into under this section with TriMet, the authority shall pay all costs associated with the transfer and all costs of carrying out and documenting the transfer, including all of TriMet's costs associated with the transfer and carrying out and documenting the transfer.

SECTION 10. Reports. The Westside Express Service Authority shall report:

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

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

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

6 SECTION 11. Section 10 of this 2025 Act is repealed January 2, 2030.

7 SECTION 12. There is appropriated to the Oregon Department of Administrative Ser-
8 vices, for the biennium beginning July 1, 2025, out of the General Fund, the amount of
9 \$_____ for distribution to the Westside Express Service Authority to carry out the pro-
10 visions of sections 1 to 9 of this 2025 Act.

11 SECTION 13. The section captions used in this 2025 Act are provided only for the con-
12 venience of the reader and do not become part of the statutory law of this state or express
13 any legislative intent in the enactment of this 2025 Act.

14 SECTION 14. This 2025 Act takes effect on the 91st day after the date on which the 2025
15 regular session of the Eighty-third Legislative Assembly adjourns sine die.
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