

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO
HOUSE BILL 3453**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete pages
2 2 through 6 and insert:

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

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

7 **“(2) ‘Westside Express Service’ means a commuter rail line that**
8 **travels north and south along a route near State Highway 217 and be-**
9 **gins in the City of Beaverton.**

10 **“SECTION 2. Westside Express Service as public corporation; es-**
11 **tablishment; mission. (1) The Westside Express Service Authority is**
12 **established as a public corporation and shall exercise and carry out**
13 **all powers, rights and privileges that are expressly conferred upon the**
14 **authority, are implied by law or are incident to such powers. The au-**
15 **thority is an independent public corporation with a statewide mission**
16 **and purposes and without territorial boundaries. The authority is a**
17 **governmental entity performing governmental functions and exercis-**
18 **ing governmental powers but, except as otherwise provided by law, is**
19 **not a unit of local or municipal government or a state agency for**
20 **purposes of state statutes or constitutional provisions.**

21 **“(2) The mission of the authority is to provide express commuter**

1 rail service from the City of Beaverton to the City of Wilsonville and
2 in the future extend the service to the cities of Salem and Eugene. To
3 accomplish its mission, the authority shall:

4 “(a) Operate the Westside Express Service;

5 “(b) Enhance the frequency of the service;

6 “(c) Study and support extending the service from the City of
7 Wilsonville to the City of Salem; and

8 “(d) After the service is extended to the City of Salem, extend the
9 service to the City of Eugene.

10 “(3) Unless otherwise provided by law, the authority is not subject
11 to ORS chapters 182, 183, 238, 238A, 240, 270, 273, 276, 279A, 279B, 279C,
12 282, 283, 291, 292 and 293 and ORS 35.550 to 35.575, 180.060, 180.210 to
13 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to 190.490,
14 192.105, 200.035, 236.605 to 236.640, 243.105 to 243.585, 243.696, 278.011 to
15 278.120, 279.835 to 279.855, 283.085 to 283.092, 291.050 to 291.060, 357.805 to
16 357.895 and 656.017 (2).

17 “(4) The authority shall carry out the purposes described in this
18 section and the duties of the authority under sections 1 to 9 of this
19 2025 Act in the manner that, in the determination of the authority,
20 best promotes and implements the mission of the authority. Subject
21 to any limitations established under sections 1 to 9 of this 2025 Act,
22 the authority may take any necessary or expedient actions to:

23 “(a) Enter into any agreements as necessary or expedient to per-
24 form any authorized function of the authority, including but not lim-
25 ited to any agreements with TriMet or other public or private entities
26 to:

27 “(A) Establish ownership by the authority of the Westside Express
28 Service commuter rail line;

29 “(B) Repair, maintain, upgrade and operate the service and associ-
30 ated property and facilities; and

1 **“(C) Provide for the training of personnel in operation of the rail**
2 **line;**

3 **“(b) Ensure the financial viability of the authority;**

4 **“(c) Promote the service to individuals interested in using the ser-**
5 **vice; and**

6 **“(d) Undertake improvements and maintenance activities, including**
7 **extending the operation of the rail line.**

8 **“SECTION 3. Authority members; meetings; removal of members.**

9 **(1) The Westside Express Service Authority shall consist of five mem-**
10 **bers, who shall be appointed by the Governor and who shall be con-**
11 **firmed by the Senate in the manner prescribed in ORS 171.562 and**
12 **171.565.**

13 **“(2) A member of the authority may not be an employee of the au-**
14 **thority. In appointing members to the authority, the Governor shall**
15 **endeavor to appoint members with experience or expertise in a variety**
16 **of subjects related to the mission and purposes of the authority or**
17 **with other experience or expertise that the Governor determines is**
18 **important to the success of the authority including persons with ex-**
19 **perience in transportation and commuter rail.**

20 **“(3) The term of office of each member appointed by the Governor**
21 **is four years but may be removed at any time at the pleasure of the**
22 **Governor. Members are eligible for reappointment. Before the expi-**
23 **ration of the term of a member, the Governor shall appoint a succes-**
24 **sor. If a member position becomes vacant for any reason, the**
25 **Governor shall appoint a successor to fill the unexpired term.**

26 **“(4) The authority shall elect one member as chairperson and one**
27 **member as vice chairperson, with terms, duties and powers as deter-**
28 **mined by the authority. The authority shall adopt bylaws establishing**
29 **the required frequency of meetings and quorum requirements.**

30 **“(5) A member of the authority is not entitled to compensation, but**

1 may be reimbursed as provided by the policies and procedures of the
2 authority for any actual and necessary travel and other expenses in-
3 curred by the member in the performance of the member's official
4 duties.

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

8 **“(2) Notwithstanding the term of office specified in section 3 of this**
9 **2025 Act, of the members first appointed by the Governor to the au-**
10 **thority:**

11 **“(a) One shall serve for a term ending one year after the date of**
12 **appointment.**

13 **“(b) One shall serve for a term ending two years after the date of**
14 **appointment.**

15 **“(c) One shall serve for a term ending three years after the date**
16 **of appointment.**

17 **“(d) Two shall serve for a term ending four years after the date of**
18 **appointment.**

19 **“SECTION 4a.** Section 4 of this 2025 Act is repealed on January 2,
20 2031.

21 **“SECTION 5. Authority director; status of director and employees.**

22 (1) The Westside Express Service Authority shall appoint an executive
23 director. The executive director is the executive officer of the author-
24 ity responsible for day-to-day operations. Subject to the supervision
25 of the authority, the executive director is authorized to direct the af-
26 fairs of the authority. The executive director serves at the discretion
27 of the authority and shall perform such duties as the authority pre-
28 scribes.

29 **“(2) The executive director may employ subordinate employees as**
30 **the executive director deems reasonable for carrying out business op-**

1 erations and the operation and maintenance of the Westside Express
2 Service and related facilities of the authority. The executive director
3 may delegate any duty, function or power of the executive director to
4 a subordinate employee except as otherwise prescribed by the author-
5 ity.

6 “(3) The members of the authority, the executive director and the
7 employees of the authority are not state employees and are not eligible
8 for participation in state employee health benefit plans, state employee
9 deferred compensation plans or the Public Employees Retirement
10 System. The authority shall determine the compensation and benefit
11 package for the executive director and other employees of the au-
12 thority. For purposes of any laws applicable to the authority as a
13 public corporation, including but not limited to ORS 30.260 to 30.300,
14 the members of the authority, the executive director and the employ-
15 ees of the authority are officers and employees of a public body.

16 “(4) The authority and a state agency may enter into agreements
17 for the state agency to provide support services to the authority. If a
18 state agency provides support services to the authority, the state
19 agency must provide the support services at the rate that the state
20 agency would charge to other state agencies for the services.

21 “(5) The authority may invest in the investment pool described in
22 ORS 294.805. For purposes of ORS 294.805 to 294.895, the executive di-
23 rector is a local government official.

24 “(6) The authority may retain private legal counsel or, notwith-
25 standing ORS 180.060, may contract for representation by the Attorney
26 General. If the authority contracts for representation by the Attorney
27 General, the Attorney General shall charge the authority for services
28 at the rate charged to state agencies for similar services.

29 **“SECTION 6. Powers and duties of authority.** Except as may oth-
30 erwise be provided by law, the Westside Express Service Authority

1 may, within or outside the state:

2 “(1) Adopt, alter, amend or repeal policies, procedures or bylaws for
3 the organization, administration, development and management of the
4 authority.

5 “(2) Enter into contracts and agreements involving property, goods
6 or services with any public or private entity as the authority deems
7 reasonable to carry out the mission and purposes of the authority or
8 to execute any duties, functions or powers of the authority, including
9 but not limited to:

10 “(a) Contracts and agreements related to the operation of the
11 Westside Express Service and associated facilities;

12 “(b) The carrying out of the business operations of the authority;
13 and

14 “(c) The construction, repair, maintenance, upgrade or insurance
15 of the Westside Express Service and facilities.

16 “(3) Establish advisory or technical committees and otherwise con-
17 sult, cooperate or coordinate with any public or private entity as the
18 authority deems necessary or expedient to broaden opportunities for
19 public input on or to carry out the mission and purposes or duties of
20 the authority.

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

25 “(5) Obtain any permits, approvals or permissions needed in con-
26 nection with the activities of the authority.

27 “(6) Exercise the power of eminent domain under ORS chapter 35
28 to acquire any right or interest in real property as necessary or expe-
29 dient to ensure the repair, upgrade, operation, maintenance or exten-
30 sion of the Westside Express Service.

- 1 **“(7) Sue and be sued in its own name.**
- 2 **“(8) Encourage and accept grants, gifts and donations for the ben-**
3 **efit of the authority, and subject to the terms of the gift, retain, invest**
4 **and use such gifts as deemed appropriate by the authority.**
- 5 **“(9) Acquire, receive, hold, keep, pledge, control, convey, manage,**
6 **use, lend, expend and invest funds, appropriations, grants, gifts, be-**
7 **quests, stock and revenue from any source.**
- 8 **“(10) Borrow money for the needs of the authority, in such amounts**
9 **and for such time and upon such terms as may be determined by the**
10 **authority.**
- 11 **“(11) Purchase any and all insurance, operate a self-insurance pro-**
12 **gram or otherwise arrange for the equivalent of insurance coverage**
13 **of any nature and for the indemnity and defense of the members of**
14 **the authority or any officers, agents, employees or other persons des-**
15 **ignated by the authority to carry out or to further the mission and**
16 **purposes of the authority.**
- 17 **“(12) Establish charges and fees, including but not limited to**
18 **charges and fees for services by the authority and for the use of the**
19 **Westside Express Service.**
- 20 **“(13) Contract for law enforcement or security services for author-**
21 **ity properties and facilities.**
- 22 **“(14) Establish and exercise broad operational authority over the**
23 **Westside Express Service and associated properties and facilities, in-**
24 **cluding but not limited to establishing days and times of service.**
- 25 **“(15) Establish an operations training program that provides edu-**
26 **cation for personnel of the Westside Express Service.**
- 27 **“(16) Perform any other acts that in the judgment of the authority**
28 **are necessary or expedient in accomplishing the public mission and**
29 **purposes described in section 2 of this 2025 Act or carrying out the**
30 **powers granted by sections 1 to 9 of this 2025 Act.**

1 **“SECTION 7. Audits; report to Legislative Assembly.** (1) Not later
2 than April 1 of each even-numbered year, the Westside Express Service
3 Authority shall submit to the Oregon Department of Administrative
4 Services a funding request applicable to the biennium beginning on
5 July 1 of the following year. The department shall include and submit
6 the authority’s request to the Legislative Assembly as part of the
7 Governor’s biennial budget. Any such request approved by the Legis-
8 lative Assembly shall be appropriated to the department for direct
9 grant to the authority. The legislatively appropriated funds are sub-
10 ject to any restrictions or conditions imposed by the Legislative As-
11 sembly, but such conditions and restrictions do not apply to other
12 funds in the authority’s budget and operations.

13 **“(2) The authority’s budget shall be prepared in accordance with**
14 **generally accepted accounting principles and adopted by the authority**
15 **in accordance with ORS 192.610 to 192.705.**

16 **“(3) The authority may conduct independent audits if considered**
17 **advisable by the authority. The authority shall file any completed au-**
18 **ditions with the Division of Audits of the Secretary of State.**

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

23 **“SECTION 8. Unauthorized use of facilities; penalty.** A person who
24 gains or attempts to gain unauthorized access to or use of the
25 Westside Express Service in violation of any use restriction or condi-
26 tion imposed by the Westside Express Service Authority, including
27 assessment of any fees, commits a Class D violation. In addition to
28 any enforcement officers specifically identified in ORS 153.005, the
29 executive director of the Westside Express Service Authority and other
30 employees under the authority may issue citations for violations under

1 this section.

2 **“SECTION 9. Transfer from TriMet to Westside Express Service**
3 **Authority.** TriMet shall transfer all of its right, title and ownership
4 of the Westside Express Service and related vehicles and facilities to
5 the Westside Express Service Authority, and shall execute all neces-
6 sary legal documents to carry out such transfer, effective upon the
7 effective date of this 2025 Act. The Oregon Department of Adminis-
8 trative Services shall assist in carrying out and documenting the
9 transfer. The authority shall pay all costs of carrying out and docu-
10 menting the transfer.

11 **“SECTION 10. Reports.** The Westside Express Service Authority
12 shall report:

13 **“(1) No later than September 15, 2027, to the Joint Committee on**
14 **Transportation on the implementation of the Westside Express Service**
15 **Authority and the progress made with regards to transferring juris-**
16 **isdiction from TriMet to the authority;**

17 **“(2) No later than September 15, 2028, to the Joint Committee on**
18 **Transportation on the feasibility of extending the commuter line from**
19 **the City of Wilsonville to the City of Salem; and**

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

23 **“SECTION 11.** Section 10 of this 2025 Act is repealed January 2, 2030.

24 **“SECTION 12.** There is appropriated to the Oregon Department of
25 Administrative Services, for the biennium beginning July 1, 2025, out
26 of the General Fund, the amount of \$_____ for distribution to the
27 Westside Express Service Authority to carry out the provisions of
28 sections 1 to 9 of this 2025 Act.

29 **“SECTION 13.** The section captions used in this 2025 Act are pro-
30 vided only for the convenience of the reader and do not become part

1 of the statutory law of this state or express any legislative intent in
2 the enactment of this 2025 Act.

3 **“SECTION 14. This 2025 Act takes effect on the 91st day after the**
4 **date on which the 2025 regular session of the Eighty-third Legislative**
5 **Assembly adjourns sine die.”**

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