

HB 3453-2
(LC 1619)
4/10/25 (HE/ps)

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO
HOUSE BILL 3453**

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

“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

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. (1) Except as may
30 otherwise be provided by law, the Westside Express Service Authority

1 may, within or outside the state:

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

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

27 “(f) 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 “(g) Sue and be sued in its own name.

2 “(h) 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 “(i) 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 “(j) 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 “(k) 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 any contractual
14 counterparts and the members of the authority or any officers, agents,
15 employees or other persons designated by the authority to carry out
16 or to further the mission and purposes of the authority.

17 “(L) 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 “(m) Contract for law enforcement or security services for author-
21 ity properties and facilities.

22 “(n) 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 “(o) Establish an operations training program that provides educa-
26 tion for personnel of the Westside Express Service.

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

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

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

19 “(3) The authority may conduct independent audits if considered
20 advisable by the authority. The authority shall file any completed au-
21 dits with the Division of Audits of the Secretary of State.

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

26 “SECTION 8. Unauthorized use of facilities; penalty. A person who
27 gains or attempts to gain unauthorized access to or use of the
28 Westside Express Service in violation of any use restriction or condi-
29 tion imposed by the Westside Express Service Authority, including
30 assessment of any fees, commits a Class D violation. In addition to

1 any enforcement officers specifically identified in ORS 153.005, the
2 executive director of the Westside Express Service Authority and other
3 employees under the authority may issue citations for violations under
4 this section.

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

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

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

17 **“(4) As part of the agreement entered into under this section with**
18 **TriMet, the authority shall pay all costs associated with the transfer**
19 **and all costs of carrying out and documenting the transfer, including**
20 **all of TriMet’s costs associated with the transfer and carrying out and**
21 **documenting the transfer.**

22 **“SECTION 10. Reports.** The Westside Express Service Authority
23 shall report:

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

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

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

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

5 “SECTION 12. There is appropriated to the Oregon Department of
6 Administrative Services, for the biennium beginning July 1, 2025, out
7 of the General Fund, the amount of \$_____ for distribution to the
8 Westside Express Service Authority to carry out the provisions of
9 sections 1 to 9 of this 2025 Act.

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

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