

## HOUSE AMENDMENTS TO HOUSE BILL 3453

By JOINT COMMITTEE ON TRANSPORTATION

April 17

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

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

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

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

7 **“SECTION 2. Westside Express Service as public corporation; establishment; mission. (1)**  
8 **The Westside Express Service Authority is established as a public corporation and shall ex-**  
9 **ercise and carry out all powers, rights and privileges that are expressly conferred upon the**  
10 **authority, are implied by law or are incident to such powers. The authority is an independent**  
11 **public corporation with a statewide mission and purposes and without territorial boundaries.**  
12 **The authority is a governmental entity performing governmental functions and exercising**  
13 **governmental powers but, except as otherwise provided by law, is not a unit of local or mu-**  
14 **nicipal government or a state agency for purposes of state statutes or constitutional pro-**  
15 **visions.**

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

19 **“(a) Operate the Westside Express Service;**

20 **“(b) Enhance the frequency of the service;**

21 **“(c) Study and support extending the service from the City of Wilsonville to the City of**  
22 **Salem; and**

23 **“(d) After the service is extended to the City of Salem, extend the service to the City of**  
24 **Eugene.**

25 **“(3) Unless otherwise provided by law, the authority is not subject to ORS chapters 182,**  
26 **183, 238, 238A, 240, 270, 273, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 and ORS 35.550**  
27 **to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to**  
28 **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**  
29 **to 279.855, 283.085 to 283.092, 291.050 to 291.060, 357.805 to 357.895 and 656.017 (2).**

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

35 **“(a) Enter into any agreements as necessary or expedient to perform any authorized**

1 function of the authority, including but not limited to any agreements with TriMet or other  
2 public or private entities to:

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

5 “(B) Repair, maintain, upgrade and operate the service and associated property and fa-  
6 cilities; and

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

8 “(b) Ensure the financial viability of the authority;

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

10 “(d) Undertake improvements and maintenance activities, including extending the oper-  
11 ation of the rail line.

12 “SECTION 3. Authority members; meetings; removal of members. (1) The Westside Ex-  
13 press Service Authority shall consist of five members, who shall be appointed by the Gover-  
14 nor and who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and  
15 171.565.

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

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

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

30 “(5) A member of the authority is not entitled to compensation, but may be reimbursed  
31 as provided by the policies and procedures of the authority for any actual and necessary  
32 travel and other expenses incurred by the member in the performance of the member’s of-  
33 ficial duties.

34 “SECTION 4. Initial membership. (1) The Governor shall appoint the initial members of  
35 the Westside Express Service Authority no later than 180 days after the effective date of this  
36 2025 Act.

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

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

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

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

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

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

44 “SECTION 5. Authority director; status of director and employees. (1) The Westside Ex-  
45 press Service Authority shall appoint an executive director. The executive director is the

1 executive officer of the authority responsible for day-to-day operations. Subject to the  
2 supervision of the authority, the executive director is authorized to direct the affairs of the  
3 authority. The executive director serves at the discretion of the authority and shall perform  
4 such duties as the authority prescribes.

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

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

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

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

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

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

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

32 “(b) Enter into contracts and agreements involving property, goods or services with any  
33 public or private entity as the authority deems reasonable to carry out the mission and  
34 purposes of the authority or to execute any duties, functions or powers of the authority,  
35 including but not limited to:

36 “(A) Contracts and agreements related to the operation of the Westside Express Service  
37 and associated facilities;

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

39 “(C) The construction, repair, maintenance, upgrade or insurance of the Westside Ex-  
40 press Service and facilities.

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

45 “(d) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, li-

1 cense, lend, invest, improve, develop, use, dispose of and hold title in the name of the au-  
2 thority to real or personal property of any nature.

3 “(e) Obtain any permits, approvals or permissions needed in connection with the activ-  
4 ities of the authority.

5 “(f) Exercise the power of eminent domain under ORS chapter 35 to acquire any right  
6 or interest in real property as necessary or expedient to ensure the repair, upgrade, opera-  
7 tion, maintenance or extension of the Westside Express Service.

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

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

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

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

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

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

23 “(m) Contract for law enforcement or security services for authority properties and fa-  
24 cilities.

25 “(n) Establish and exercise broad operational authority over the Westside Express Ser-  
26 vice and associated properties and facilities, including but not limited to establishing days  
27 and times of service.

28 “(o) Establish an operations training program that provides education for personnel of  
29 the Westside Express Service.

30 “(p) Perform any other acts that in the judgment of the authority are necessary or ex-  
31 pedient in accomplishing the public mission and purposes described in section 2 of this 2025  
32 Act or carrying out the powers granted by sections 1 to 9 of this 2025 Act.

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

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

45 “(2) The authority’s budget shall be prepared in accordance with generally accepted ac-

1 counting principles and adopted by the authority in accordance with ORS 192.610 to 192.705.

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

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

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

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

17 “(2) The authority shall collaborate with TriMet on the transfer of the Westside Express  
18 Service to the authority, including all required agreements with third parties. After all nec-  
19 cessary agreements are reached, TriMet shall transfer all of its right, title and ownership of  
20 the Westside Express Service and related vehicles and facilities to the Westside Express  
21 Service Authority, and shall execute all necessary legal documents to carry out such trans-  
22 fer.

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

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

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

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

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

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

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

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

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

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