



STATE OF OREGON  
LEGISLATIVE COUNSEL COMMITTEE

February 18, 2016

Representative Julie Parrish  
900 Court Street NE H371  
Salem OR 97301

Re: Whether A-engrossed SB 1510 authorizes construction in Clark County, Washington

Dear Representative Parrish:

You asked several questions about A-engrossed Senate Bill 1510. Your questions and our answers are set forth below.

**1. What are the effects of the amendments to ORS 267.300 by section 2 of SB 1510-A?**

Section 2 of SB 1510-A amends ORS 267.300, which relates to expenditures by mass transit districts. Currently, ORS 267.300 provides that a mass transit district may finance secondary transit supportive system improvements only with constitutionally dedicated moneys. SB 1510-A, if enacted, would authorize mass transit districts to finance secondary transit supportive system improvements with general obligation bond proceeds, grant moneys or revenue bond proceeds for which the district will be reimbursed by a third party.

The distinction between primary and secondary transit supportive systems is described in ORS 267.300 (3). The primary transit supportive system is the surface transportation infrastructure on which, or adjacent to which, a mass transit district physically operates. This would include, for example, streetcar tracks or the roads on which buses run. The secondary transit supportive system is all other surface transportation infrastructure located in a county in which the mass transit district operates. This would include, for example, roads, sidewalks, transit stations and parking lots anywhere in the county.

Note that the addition of the words “improvement,” “repair” and “maintenance” to subsection (2)(b)(A) of ORS 267.300 is not a substantive change in law. The words are amended into the statute merely to conform to Article IX, section 3a, of the Oregon Constitution, which reserves certain tax revenues for the exclusive purpose of “construction, reconstruction, *improvement, repair, maintenance*, operation and use of public highways, roads, streets and roadside rest areas in this state” (emphasis added).

**2. Does SB 1510-A authorize TriMet to pay for transportation infrastructure in Clark County, Washington?**

SB 1510-A authorizes a mass transit district to use funds from an expanded set of sources on the secondary transit supportive system, which includes surface transportation infrastructure in any county in which the mass transit district operates. Therefore, the question of whether TriMet<sup>1</sup> would be allowed to use funds from those sources for improvements in Clark County turns on whether TriMet operates in Clark County.

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<sup>1</sup> TriMet is the mass transit district operating in Clackamas, Multnomah and Washington Counties.  
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According to Aaron Deas, a government affairs manager at TriMet, TriMet does not currently operate in Clark County. Note that TriMet can and does operate outside of its district boundaries,<sup>2</sup> although certain agreements are required before it may do so. TriMet has run buses to Clark County in the past.

You noted that a website for the City of Vancouver states that the Vancouver downtown area is served by TriMet.<sup>3</sup> However, that website indicates that TriMet carries riders to Delta Park or Jantzen Beach, and buses operated by C-Tran (the Clark County mass transit agency) connect from those locations to downtown Vancouver. Both Delta Park and Jantzen Beach are within Multnomah County.

Since TriMet does not currently operate in Clark County, we conclude that SB 1510-A does not, under current circumstances, permit expenditures by TriMet on surface transportation infrastructure in Clark County.

### **3. If the Columbia River Crossing had been built, would TriMet have operated in Clark County?**

Although plans for the Columbia River Crossing (CRC) were subject to change, project documents show that TriMet planned to construct and operate a light rail extension that would have served several locations in Clark County.<sup>4</sup> Thus, if the CRC had been built according to those plans, TriMet would operate in Clark County. It follows from our answer to Question 2 that if the CRC had been built and SB 1510-A is enacted, TriMet would be authorized to finance surface transportation infrastructure in Clark County using moneys from an expanded set of sources.

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Very truly yours,

DEXTER A. JOHNSON  
Legislative Counsel



By  
David Fang-Yen  
Deputy Legislative Counsel

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<sup>2</sup> A map of the TriMet district boundaries may be found at <https://trimet.org/pdfs/taxinfo/trimetdistrictboundary.pdf> (visited February 18, 2016).

<sup>3</sup> <http://www.mydestinationdowntown.com/transit/transit.htm> (visited February 18, 2016).

<sup>4</sup> See [http://www.fta.dot.gov/documents/WA\\_Vancouver\\_Columbia\\_River\\_Crossing\\_Profile\\_final\\_pdf.pdf](http://www.fta.dot.gov/documents/WA_Vancouver_Columbia_River_Crossing_Profile_final_pdf.pdf) at 6 (map showing proposed light rail extension and proposed stops) (visited February 18, 2016).