3 things Phoenix light rail foes should fear most

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Opponents of light rail expansion, led by Phoenix City Councilman Sal DiCiccio, suspect the city is doing all it can to stall their initiative effort.

What gives life to that narrative, including the contention that city staff dragged its feet to vet petition signatures and gave time for the other side to file a legal challenge, is that much of it cannot be disproved.

The city clerk’s office conceivably could have certified the initiative sooner – it did so Friday afternoon, up against the timeline required by law – but is that evidence of city staff “slow-rolling” the process?

The measure without doubt does face some obstacles.

The three scenarios that light rail foes may have reason to fear:

PETITION LANGUAGE, PROCESS — A general contractors group sued to throw out the initiative, alleging misleading language in the measure and violation of a state ban on paying circulators by the signature.

Finding fault with the 100-word summary is tough. At that length, the language isn’t meant or required to be all-encompassing. There generally has to be a clear instance of false or misleading information, not merely wording that is incomplete or open to interpretation.

Of the various claims, the one that initiative backers should fret most is the payment of circulators. The state Legislature outlawed in 2016 the practice of paying petition circulators by the signature.

DiCiccio believes that the legislation clearly spells out that the ban applies to “statewide initiative and referendum petitions” — not to municipal ballot measures. But Phoenix has also expressly adopted state laws relating to its initiatives, which muddies the water. Lawyers versed in election law note that it is a novel issue that hasn’t been decided by the courts. They expect the trial court ruling to be appealed and settled by a higher court.

Should the state ban be determined to apply to municipal ballot measures, as well – or at least to the ones in Phoenix – the light rail initiative stands to be tossed.

AN UNWILLING PUBLIC — The presumption by initiative backers is that the public will either wake up to how much a financial boondoggle light rail is or sympathize with the small business owners and residents in south Phoenix who believe expansion would decimate neighborhoods along Central Avenue.

That supposition is a bit of a stretch. Light rail has been put to a public vote as part of a larger, regional package of transit services to voters multiple times – most recently in 2015 – and won passage each time, including in south Phoenix districts.

No one argues as a mode of public transportation, light rail is expensive – both to build and to operate. The 20-mile starter line took $1.4 billion, and costs only go up with time. But the system also takes vehicles off the road, eases congestion to downtown Tempe and Phoenix, and has attracted a culture of riders beyond those going to Diamondbacks and Suns games.

The initiative wouldn’t just stop light rail expansion but threaten funding for current operation.

Even with a reduced electorate in a special election, Phoenix residents who support, use or look forward to light rail coming near their neighborhood may well slam the door on the “no train” contingent for good.

AN AUGUST SPECIAL ELECTION — As part of the “slow-rolling” accusation, light rail opponents say city insiders want to delay an election as long as possible so that:

a) light rail supporters could amass a big war chest; from its many beneficiaries, from construction firms to suppliers, to drown out citizens in the poorer south Phoenix neighborhoods;

b) the city could start work on the South Central line and thereby argue the line is an existing one and not an extension that the initiative could stop.

There’s no merit to the assertion that a light-rail vote should have been placed on the March 12 mayoral runoff. (Even if the city clerk’s office had certified the initiative within days of its late-November submission – by all standards an unrealistic expectation – and the city council acted right away, the earliest date it could go to a public vote would have been on a May 21 special election.)

Now, the initiative appears destined for an Aug. 27 special election. That certainly would give more time for light rail supporters to mount both a strategic and expensive counter campaign.

Which may not necessarily prove DiCiccio’s point that the city had intended all along to drag out the process and weaken the initiative’s chances. But it doesn’t disprove it, either.

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