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Contractors File Appeal on Light Rail Decision

Seeking Clarity on the Molera Decision and Its Implications for Future Initiative Measures

Phoenix – Today, the Arizona Chapter of the Associated General Contractors filed an appeal of Judge Sherry K. Stephens decision to permit the anti-light rail initiative to move forward to an August election in the City of Phoenix.

David Martin, President of AZAGC stated, “We are compelled on behalf of our membership and Phoenix voters to appeal this decision to the Court of Appeals and all the way to the State Supreme Court, if necessary. The plain language of the initiative is misleading, and the signatures were paid for on a per signature basis which is clearly contrary to state law. Judge Stephens’s opinion was written as if she knew this matter would be appealed, and she was right.”

“We will not stand by and witness over twenty years of transportation planning representing thousands of hours of work and billions in investment and economic development be thwarted because of the intense dislike by some of a single portion of the overall plan,” continued Martin.

Most significantly, the trial court opinion did not weigh the significance of the recent Supreme Court opinion in *Molera v. Reagan* that the 100-word description must be factually accurate and not misleading.

“By seeking this appeal, we hope to give clarity to all Arizonans on the standard to which the 100-word description will be held. Pre or post-*Molera*, the 100-word description used by the circulators of this initiative misled the signers on several important points. Given the probability of several statewide initiatives in the 2020 cycle and the expense of elections and the initiative process, it is essential that the standard is applied consistently,” said attorney Mark Kokanovich of Ballard Spahr on behalf of the AZAGC.

“Additionally, a clear reading of the blended statutes which govern signature gathering clearly prohibits paying for the collection of signatures on a per signature basis. We will ask the Court to clarify this issue as well,” concluded Kokanovich.

The lawsuit was brought by Ballard Spahr in January of 2019 on behalf of the Arizona Chapter of the Associated General Contractors (AZAGC). The suit alleged that the initiative is misleading because it failed to disclose that any future money could not be used to maintain and improve the existing voter-approved light rail infrastructure. Additionally, the 100-word summary omitted any reference to federal and regional funds that cannot be redirected as a result of this Phoenix-only initiative. Finally, the petition also misled the public because it gave the impression that the measure would result in “revenues” rather than a loss of billions of dollars in critical infrastructure investment.



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David Martin, President of AZAGC stated, "We will continue to fight to reveal the flaws of this misleading initiative and its far-reaching catastrophic implications. It's disheartening to see that after prevailing three times amongst voters and overcoming countless obstacles, two decades of transportation planning are one step closer to coming to a halt. We want everyone to know that we are ready to take this fight all the way to the end."

The Arizona Chapter of the Associated General Contractors of America, Inc. (AZAGC), chartered in 1934, is a not-for-profit association of general contractors, subcontractors, and other construction industry affiliated firms engaged in highway, heavy, industrial, federal and municipal-utility construction. Since our inception, AZAGC has been instrumental in bringing about economic and key infrastructure in Arizona through involvement in legislative affairs, specification reviews, labor matters, highway budgeting and appropriations, education and training, and many other subjects of importance to AGC members statewide.

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