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**When Government Oversteps the Advocacy Line**

A Seattle area transit agency got into trouble when it tried to gauge voter's attitudes.

BY [CHARLES CHIEPPO](http://www.governing.com/authors/Charles-Chieppo.html) | APRIL 14, 2016

Two important lessons jump out from the recent case of a survey produced by the Seattle area's Sound Transit that appears to have violated state law by attempting to gauge what elements of a proposed $50 billion expansion plan voters would approve, rather than just assessing needs. The first is the importance of maintaining a divide between government agencies and advocates. The second is the equally important attribute of taking responsibility for mistakes and acting to correct them.

In March, Sound Transit released [a $50 billion draft expansion plan](http://soundtransit3.org/draft-plan#map). Public feedback is being gathered this month on the details of the plan, and the transportation agency's board will then determine exactly what will be included in the ballot initiative that will go before Seattle-area voters in November.

Part of the public-feedback effort is [an online survey](http://soundtransit3.org/survey) that appears on Sound Transit's website. But one question on the survey, asking which arguments would make voters more likely to support the plan, appears to have run afoul of a state prohibition on spending public money for political purposes.

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One of the benefits of such a prohibition is that it makes it harder for public agencies to act as advocates. Anyone who doubts the peril of a blurring of lines between government and advocacy need only look at the Boston area's embattled Massachusetts Bay Transportation Authority (MBTA).

In the final days of the administration of Gov. Michael Dukakis in 1991, state transportation and environmental officials signed a consent decree with the Conservation Law Foundation that bound the MBTA to build a laundry list of new projects. Government and transit advocates were on the same page, and the consent decree institutionalized the advocates' agenda for decades to come. Today the authority's finances are in such terrible shape that it is run by a Fiscal and Management Control Board appointed by the governor and legislative leaders.

Spending billions to build, operate and maintain new transit lines is hardly the only cause of the MBTA's financial problems, but one could make a strong argument that it is the single biggest driver behind the MBTA owing nearly $9 billion in debt and interest and having a $7.3 billion maintenance backlog. A quarter-century after the consent decree was signed, one of the final projects on the list, an above-ground extension of a subway line, is still making headlines because its price tag [quickly jumped from $1.4 billion to $2 billion](http://www.governing.com/blogs/bfc/col-cost-overrun-boston-big-dig-environmental-mitigation-project.html), and more recently to $3 billion in just over a year.

Thankfully Seattle has safeguards in place that Boston did not. One is that voters must approve Sound Transit's expansion plans, and another is the fact that new taxes and federal grants are among the vehicles Seattle plans to use to pay for expansion. The MBTA had no new funding streams to cover expansion costs.

There was more good news in the way Sound Transit dealt with the survey issue. When Washington state's Public Disclosure Commission said the question about what voters would approve likely violated state law, Sound Transit's chief spokesman, Geoff Patrick, wasted no time admitting that he was the one who had asked for the question to be included and that he hadn't run it by the agency's lawyers. Rather than stonewalling, Patrick immediately deleted the question.

Laws that help prevent the blurring of lines between advocates and government agencies are critical to both state and local government finances and the integrity of the policy-making process. Thanks to a public employee who took responsibility for his actions and corrected his mistake, the system worked when Sound Transit crossed the line between government agency and advocate.

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