

**Ethic Roundtable Summary Report  
2005 ITE Technical Conference and Exhibit  
March 1, 2005**

Participants:

Chris Fornal, presiding  
Martin Wallen, presiding  
Wes Pringle  
Jim Pline  
Tim Haagsma  
Bob Crommelin  
Steven Gayle  
Ann Hansen  
Neal Hawkins  
Ron Eck  
Tim Harpst

Fornal prepared three case studies for review as a means for stimulating discussion. These cases were written to highlight ethical challenges faced by traffic engineers/public agency staff. Cases 1 and 3 were reviewed.

**CASE 1 REVIEW:**

[In this case, which involved conversion of downtown streets from one-way to two-way operation; the staff engineer was asked to testify to the city legislative body. He was aware of the fact that the mayor wanted the project, and that his immediate supervisor is a political appointee. He offers only the positive aspects of the conversion; legislators do not ask if there are negative consequences.]

Ethical challenges – It was generally agreed that it is incumbent on the engineer to tell the truth, both positive and negative. The engineer should prepare a written report of recommendations.

It was also felt that in a politically sensitive case, the staff engineer should expect his supervisor to testify. While it is not unethical for the supervisor to send the staff engineer to the committee meeting, it is not good practice.

The job of elected officials is to make decisions; and the professional to give information. There was a discussion of whether the ethical conclusion is affected by what the negative consequences are of a decision: does the engineer bear a greater burden to inform the elected officials (even if they choose not to ask the question) when there are clear safety implications as opposed to making congestion worse or parking less convenient? There was a consensus that safety issues do create a greater ethical burden.

Wallen stated that, “the competent professional engineer seldom faces an ethical challenge in the practice of his career as long he relies on competence.” Ethical dilemmas

stem from either the lack of competence and/or the lack of confidence to state your case and accept the consequences.

It was suggested that it can be helpful to try to present alternatives. Look at the whole picture. Try to develop a better alternative, not just shoot down the proposed solution that you do not like.

### **CASE 3 REVIEW:**

[This case involved a private development, and two public agencies (city, county) with divergent political views.]

The discussion centered on the question of the proper role of the public agency in reviewing traffic studies or development proposals. Should the public agency get involved in redesigning the site, or just point out problems? Or is that the job of the developer? The sense of the group is that while it may be helpful for the public agency to be helpful and guide the developer to an acceptable solution, there is no ethical compulsion to do so. The agency has no requirement to have the staff available to 'redo' the developer's study.

What is the engineer's role in economic development? In a discussion of the 'public health, safety, and general welfare' that creates the basis of the ITE Canon of Ethics as well as municipal law, it was understood that welfare does not have an explicit definition. If economic development is a central concern of the engineer's employer (governmental entity), there is some obligation to take that into account.

It was suggested that the approach of the engineer is influenced by local expectations and standards of practice. Larger communities are likely to have predetermined standards that they can provide to developers ahead of time. It is sometimes the practice when the developer's and public agency's engineers disagree to hire an independent consultant to review the study.

It was noted that while some cases are more clear cut than others, there is always the expectation of engineering judgment, which is why two professionals can reasonably disagree.

Wallen presented some cases related to expert witness work by professional engineers.

There is a sense that ethical challenges facing expert witnesses can be different than those facing engineers in practice. This work can demonstrate the differences between professionals, when engineers are working for the opposite sides of the case. They may legitimately reach different conclusions about the same incident.

Wallen noted the importance of doing a full investigation for the lawyer that hired you; you may discover the case is different than you first thought. It is then incumbent upon the engineer to clearly lay out his findings for the attorney, and then let the attorney decide how to proceed on behalf of the client.

The ethical danger lies in distorting your judgment and your findings in order to earn the proffered fee.

It was suggested that in whatever facet of practice, be it public sector, consulting, or expert witness work, questionable behavior aimed at short term gain leaves the engineer with a reputation that will diminish him in the long term.

In the end, it proposed that ITE needs to support high professional standards, leading to routinely competent practice and sound ethical behavior.

Recorder  
Steven B. Gayle