

# Ethics

FOR THE PAST SEVERAL YEARS, A SPECIAL ITE TASK FORCE, CONSISTING OF A DIVERSE CROSS SECTION OF THE ITE MEMBERSHIP, HAS MET AND DISCUSSED ETHICAL ISSUES. THE TASK FORCE ALSO COMPLETED A SURVEY OF ITE MEMBERS TO DETERMINE HOW ETHICS IS VIEWED AND TO CITE EXAMPLES OF UNETHICAL PRACTICES. THE TASK FORCE'S FINDINGS AND CONCLUSIONS ARE PRESENTED HERE.

BY THE ITE TASK FORCE ON ETHICS

*THE AMERICAN HERITAGE DICTIONARY, Second College Edition*, defines “ethics” as follows:

“**3. ethics** (*used with a sing. verb*). The study of the general nature of morals and of the specific moral choices to be made by the individual in his relationship with others. **4. ethics**. The rules or standards governing the conduct of the members of a profession.”

Every day we hear something about ethics—medical issues concerning euthanasia, genetic alterations, cloning of animals, legal issues concerning conflicts of interest, politicians accepting gratuities. States have ethics commissions. Some cities, such as Phoenix, Ariz., USA, publish ethics booklets for its employees to follow. One company utilizes an “Ethics Challenge game” to instill ethical practices. There are even those in some professions who call themselves ethicists.

For the past several years, a special Institute of Transportation Engineers (ITE) Task Force, consisting of a diverse cross section of the ITE membership, has met and discussed ethical issues. The Task Force also completed a survey of ITE members to determine how ethics is viewed and to cite examples of unethical practices.

The committee concluded that:

- The ITE Canon of Ethics adequately states the rules and standards governing the conduct of ITE members;
- Members should “buy into” its principles;
- ITE’s specialty councils should discuss and explain ethics as it applies to their members; and
- Members should become aware of

examples of unethical practices and avoid repeating them.

Most ITE members are professional engineers and planners. A review of several states’ rules of professional conduct, as well as those of the American Planning Association, the American Institute of Architects Codes of Ethics and Professional Conduct, the American Society of Civil Engineers

and the National Society of Professional Engineers (NSPE), espouse the same values of honesty, integrity truthfulness, commitment to the public good and respecting the rights of other professionals. Therefore, ITE’s Canon of Ethics is consistent with those of the profession.

The voluntary assumption of a higher duty imposed by individual conscience is the root principle of ethics. This is true of the ITE Canon of Ethics, as well as the individual states’ Professional Engineers Canons of Ethics. All are similar in wording. The foreword of the 1947 NSPE Canon of Ethics expresses these principles for the professional engineer in the following terms:

“Honesty, justice and courtesy form the moral philosophy which, associated with mutual interest among mankind, constitute the foundation of ethics. The engineer should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding the engineer’s conduct and way of life. It is the engineer’s duty to practice according to these Canons of Ethics.”

The city of Phoenix views ethics as the “firm adherence to a code or set of moral principles which is values-driven.” It believes “ethical” is not something that can be “given” or “gotten.”

“Whenever we make a decision, provide a service, or deal with customers we act with honesty and integrity. People learn from interacting with us so that they can continue to trust us. We treat all people equally and equitably.”

Ethics is more than doing what is legal; it is doing what is right as well. Phoenix uses a five-step checklist as a test for whether something is ethical.

- Is it illegal?
- Is it a win/win situation?
- Does it feel okay?
- Would you do the same thing if a loved one, friend or boss was watching?
- And finally, when in doubt, don’t!

These may be the most down-to-earth and easily understood adaptations of the principles of ethics.

#### EXAMPLES OF QUESTIONABLE PRACTICES

The following are some examples of questionable engineering practices that have been experienced in our profession. Unfortunately, each has been repeated several times. Members of the transportation profession are encouraged to review these examples and learn to distinguish the difference between ethical and unethical behavior.

*Example: An engineer representing a developer of a large supermarket argued it was not necessary to widen the frontage roadway even though it was a two-lane roadway with no left-turn lanes. Average daily traffic (ADT) for the roadway was projected to be 15,000 with frequent left turns into the supermarket. The city engineer recommended a minimum of three lanes. The developer said this was not needed "because we did not budget for it."*

Comment: The developer's engineer violated several sections of the ITE Canon of Ethics. His opinion was misleading (Section 3: "The member will not practice, market or promote in a false, misleading, or deceptive manner"). It was not founded on adequate knowledge (Section 4: "The member will express an opinion on a professional subject only when it is founded on adequate knowledge and honest conviction.") and certainly did not have due regard for public safety (Section 1: "The member will have due regard for the safety, health and welfare of the public in the performance of professional duties"). His opinion should have been based on adequate knowledge and honest conviction (Section 4, *ibid.*). He should have agreed the widening improvements were necessary. The owners and governing officials could then decide how to pay for the improvements.

*Example: An engineer contributed \$10,000 to a fund-raising event for an elected official knowing that only those who contributed would be selected for the engineering work on an upcoming bond issue.*

Comment: This violates Section 15 ("The member will not offer to or pay

either directly or indirectly any commission, political contribution, or fee, or other consideration in order to secure or retain work, exclusive of securing salaried positions through employment agencies"). While engineers doing business with governments often contribute to campaigns, it is unethical for them to make a contribution to secure or retain work. Also, the more dollar value that is attached to a campaign contribution, the more likely it is to be unethical.

*Example: An engineer promoted a new major transportation corridor by stating the existing roadways were "highly congested and dangerous" even though the ADT was less than 5,000, and its accident experience was very low. These exaggerated statements were used to obtain federal funds. The engineer also represented an elected official who was influenced by a developer who supported the project.*

Comment: While the project may have been worthwhile for economic development, the engineer violated Section 3 (*ibid.*) by promoting it in a false, misleading and deceptive manner.

*Example: An ITE standards committee existed that consisted of industry representatives and consultants. It was generally known which industries were represented on the committee. However, some consultants did not reveal that they also were being paid by some industries, giving them an unfair advantage.*

Comment: If a member represented any party other than himself/herself, the member has a duty to reveal this to the other members (Section 14). This is especially relevant when the consultant represents an entity with a vested interest in the outcome. Section 14 states, in full, "The member will not accept compensations from more than one party for the same service, or for other services pertaining to the same work, without the consent of all interested parties."

*Example: The Transportation Expert Witness Council gave an example of an expert, retained by the plaintiff, who stated that the defendant was at fault. He later wrote a report for the defense stating that the plaintiff was to blame for the accident.*

Comment: Although it is hard to understand how this could happen, undoubtedly this expert was in violation of Section 7 ("The member will endeavor to avoid a conflict of interest with employer or client, but when unavoidable conflict arises, will fully disclose the circumstances to all parties involved") concerning conflict of interest and Section 14 (*ibid.*) concerning accepting compensation from more than one party. Under oath, the expert may have even committed perjury.

*Example: There are frequent complaints from Expert Witness Council members concerning unqualified experts, engineers and law-enforcement officials who testify about traffic operations.*

Comment: This is in violation of Section 12 ("The member will undertake only those professional assignments for which the member is qualified. The employer or client will be advised to engage specialists and the member will cooperate with them whenever the employer's or client's interests are served best by such an arrangement") that dictates the member accept only those assignments for which the member is qualified. Ethics is doing what you know is right when it would be easier to do something else.

It is extremely important for an expert to render an opinion only when it is founded on adequate knowledge and honest conviction (Section 4, *ibid.*) even when it is in conflict with the lawyer who hires the expert. The expert must be governed by the Code of Ethics and not by the monetary gain.

*Example: The Federal Transit Administration requires transit ridership increases to justify major investments in rail-transit infrastructure. An expert in ridership forecasting, encouraged by the local transit agency, uses improbable assumptions to generate higher ridership estimates to make funding more likely.*

Comment: The unrealistic assumptions place the expert in violation of Section 4 (*ibid.*); the assumptions are not founded on adequate knowledge and honest conviction since they would not stand the test of peer review.

*Example: A consultant prepared a traffic-impact study that required substantial improvements. The study incorporated stan-*

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ard trip generation rates supported by traffic counts of similar developments. When asked by the client to lower the rates, the consultant refused. Months later, it was discovered by a government official reviewing a traffic-impact study at the same site that another consultant plagiarized much of the study and reduced the trip generation rates by one-half.

Comment: The consultant, by lowering the trip generation rates, was clearly unethical. This was in violation of Section 1 (ibid.) since the street improvements were required to protect the safety, health and welfare of the public; Section 3 (ibid.) since the consultant practiced in a deceptive manner; and Section 4 (ibid.) since the opinion was not founded on adequate knowledge and professional conviction.

In this example, it was reported that the traffic engineer was found guilty by the State Professional Engineers Board and was handed substantial penalties.

**Ethics is doing what you know is right when it might be easier or more lucrative to do something else.** Perhaps

ethics is the ITE members' "second mile." As stated by Dr. William E. Wickenden, former President of Case Institute of Technology:

"Every calling has its mile of compulsion: its round of tasks and duties, its prescribed man-to-man relationships, which one must traverse daily if one is to survive. Beyond that is the mile of voluntary effort where one strives for special excellence, seeks self-expression more than material gain, and gives that unrequited margin of service to the common good which invests work with a wide and enduring significance. The best fun of life and most of its durable satisfaction lies in this second mile and it is only here that a calling can attain the dignity and distinction of a profession."<sup>1</sup>

*Please note: The Task Force on Ethics would like to identify other examples of questionable practices to discuss in future issues of ITE Journal. Please submit your comments*

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#### Reference

1. Other articles concerning ethics include: "How to Avoid Technical Inconsistency and Maintain Credibility" by the ITE Coordinating Council, *ITE Journal* (April 1997): 44-51; and "Earning Credibility in the Transportation Profession" by the ITE Technical Council Committee, 2-44, *ITE Journal* (July 1993): 44-47.

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