

Wade L. Robison's Commentary on "Cutting Roadside Trees"

Commentary On
Cutting Roadside Trees

Whenever one acts, one is acting within a context, and the context may make some options preferable to others when, all things considered, it would be better to do something else completely different. For instance, in European countries many roadways have trees right near the road. These were often planted, among other reasons, to form a canopy over the road, making the road less likely to be covered with snow in the winter and more likely to be cooler in the summer. No doubt accidents happen there too, but the costs of lawsuits to the European equivalent of country road commissions has not been so great, for whatever reason, that European countries have felt moved to remove trees for safety's sake. Indeed, even on heavily travelled roads, the autobahn's of Germany, for instance, trees are often planted in the center between the double lanes of traffic in order, among other things, to prevent traffic lights from shining into the eyes of oncoming drivers.

In addition, though widening roadways is the accepted procedure in this country, whenever a road becomes so heavily travelled that the incidence of traffic accidents increases, it is not necessarily the preferred solution if some things were fundamentally different. More public transportation is available elsewhere, and that can help alleviate traffic congestion, and if Americans were willing to use such transportation, and it were cheap and readily available, such a solution might help. In addition, one can build other roads to help alleviate traffic, another two-lane road taking the place of doubling the lanes on an existing road. But such a solution often produces new problems--other land being condemned, other trees being cut, and so on. In addition, it is probably likely that any state or federal aid available is tied to widening existing roads--tied, that is, to what is the preferred solution in this country--rather than anything innovative.

So Kevin Clearing's problem is that there are few choices available to him given, among other things, the state of the law in this country and the likelihood that

someone, going within the speed limit, will crash, and sue, and win a large amount of money from the county. There are enormous disincentives to do anything other than widen the road, and there may be enormous incentives, in the form of support from the state or federal government, to do that. One person cannot change an entire system.

Clearing has been asked to come up with a solution to the traffic problem, and he has. He has come up with one that does not try to change those features of the situation that seem to be causing the difficulties--whatever it is about the drivers and the situation that has caused one fatal accident every year and numerous other accidents, whatever is causing drivers to drive too fast on the road, whatever is causing the increased traffic on the road, whatever it is in the system that produces huge amounts of money to those who are harmed in accidents and successfully sue, and so on.

No doubt other options are available besides widening the road--putting speed bumps in the road to slow the traffic, putting guard rails up to keep traffic within the roadway, increasing police patrols, and so on. Each of these options has its advantages and disadvantages, and perhaps one of them, or some combination of them, would succeed in making the road safer.

The decision is ultimately a decision that must be made by the road commission. They pressed Clearing to come up with a solution, and they presumably must ask him to come up with some alternative: it is not clear, that is, that he can act on his own initiative.

If not, then he must act, if he feels impelled, as a private citizen, and he will have to decide whether to bring before the road commission other options he thinks might help. Deciding that will present some problems, for he might be perceived by the road commission as undermining the recommendation he gave them and so undermining the commission itself. So he ought to ask them how they want him to proceed--if he thinks he can do anything further regarding the issue.

If he can proceed on his own initiative, or if the road commission asks him to proceed, he ought to present the reasons for the original solution provided--the concerns about a lawsuit, and so on--and to present alternatives, with all their attendant problems and benefits. Clearing ought to have originally provided the reasons for whatever solution he thinks is optimal, explaining clearly how he is

ranking the various values in conflict here, how, that is, he weighs safety against the concern for the environment represented by the citizens' arguing to save the trees. If he now thinks some other solution may be preferable, he ought to present it, with its attendant benefits and burdens. His obligation, that is, is to further an informed and intelligent dialogue among the interested parties.

It may be that out of that dialogue some alternative solution may emerge. For instance, one easy way to ease the problem caused by crashes is to make it harder for motorists to hit trees, and one way to do that is not to cut down underbrush near the road, as is the preferred option among road commissions throughout the country, but to plant bushes that will absorb the impact of cars, causing minimal damage to them and to their occupants by preventing them from running into something, like a tree, that will not give upon impact. The road would then look far different from how most American roadways look--not cleared verges, with a stand of trees beyond the grass or gravel, but densely planted verges, with bushes close to the roadway. Whether such a dense population of plant life could be maintained in a roadway system that relies so heavily upon salt to clean off ice and snow in the winter is another issue, but the point is not that such planting is the preferred solution, but that making clear the reasons for various alternative solutions can do much to initiate an intelligent and informed dialogue about what ought to be done, about which values ought to be given prominence and which solutions are more likely to preserve those values and cause the least harm to other values at issue.