

# Joseph Ellin's Commentary on "Cutting Roadside Trees"

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Cutting Roadside Trees

I have to confess that I'm biased on this case: I like trees, and I would never hire a road engineer named Clearing. However I don't exactly see an ethical problem either. There's a question of balancing aesthetics and safety, a problem of values to which there's evidently no correct answer. Clearing is an engineer who evidently favors safety over all other values, but this is not the unanimous view of the citizens of Verdant County. It is not, it seems to me, unethical to take Clearing's position (how can it be unethical to do what you can to protect human life?), though it may very well be unwise, shortsighted, undemocratic and not for the best for the citizens of the county.

Law suits have been filed, and to a certain extent the courts have decided that the trees are not an unreasonable hazard with regard to excessively speeding drivers. Evidently no law suits have been filed against the VCRC by the victims of the five or more other fatal accidents, nor by the victims of the many non-fatal accidents, which is some reason to think that, at least in the opinion of lawyers practicing law in Verdant County, the trees do not represent an unreasonable hazard. One expedient might be to wait until the next accident and the next law suit, and let the courts decide further issues; if the County were to lose a suit on grounds that the trees should not be so close to the road, that would perhaps settle the question. Since the County would be the defendant, they would have to defend their trees in court, and whatever arguments they use can then be used later to protect the trees should the courts rule in the county's favor.

There is a factual question which Clearing should clear up, namely, to what extent the trees are a safety hazard to drivers proceeding lawfully and within the speed limit. If the risk to such drivers is small, the case for retaining the trees is proportionately greater. There is also the question of future road traffic volume as Forest Road becomes more and more a main artery. Some degree of volume growth

will inevitably mean the end of the trees, but acting prematurely would be unfortunate. Clearing could also research or devise possible alternative solutions, such as non-rigid barriers to deflect cars from the trees. The point is that everything ought to be done to protect the trees, within reasonable safety limits; but no one can say what these are. The emotional arguments of the environmental group, who seem ready to sacrifice real lives in order to make symbolic gestures, ought not to be taken too seriously, except as political posturing.

There is also the fact that a wide straight road is not necessarily safest, since drivers are encouraged to speed, beat the lights, etc. This is especially true if there is incoming traffic from unprotected curb cuts, which tends to create hairy battles for road space. Furthermore, even drivers like trees, as long as they don't themselves crash into them, which they think they won't do if they drive safely (here is the factual issue Clearing could resolve). But if the traffic on Forest Drive continues to increase, widening the road will eventually be necessary, in order to avoid traffic congestion if for no other reason. Therefore the VCRC ought to begin planning for this. Consult with citizens' groups to see what they want. Find out if the drivers are willing to assume some risk in order to avoid destroying the trees. Assign more police patrols to keep speeds down. Try to design a safer road which preserves natural beauty. Be prepared to offer new trees, planted in a safe but accessible location, as a trade-off for the ones taken down. Trees don't last forever and (as environmental groups tell you in other contexts) are renewable resources. So sacrificing all other values (safety, speed, convenience in travel) in order to preserve specific trees is irrational. The goal is to preserve natural beauty and other environmental values over-all, not necessarily to preserve specific trees.