

## **Roadside memorials.**

A. Section 33.1-206.1 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials. Roadside memorials shall not be placed on state right-of way without first obtaining a single use permit. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way.

B. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review, and if necessary, amend or reject any application.
2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.
3. If the applicant requests an appeal to the district administrator's designee decision regarding amendment or rejection of an application, this appeal will be forwarded to the district administrator.
4. Criteria used to review applications shall include, but not be limited to, the following factors:
  - a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;
  - b. The effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and,
  - c. Circumstances surrounding the accident or incident.
5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. It is illegal to park along the Interstate System, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.

C. The following rules will be followed concerning roadside memorial participation:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.
2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's

designee may also require that the applicant supply a copy of the Death Certificate.

3. Only family members of the victim may apply for a memorial.
4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and the adjacent property owner or owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.
5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.
6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commonwealth Transportation Commissioner may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.
7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

#### D. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with the Outdoor Advertising Manual (see 24 VAC 30-151-760). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.
2. Only one memorial per fatality shall be allowed.
3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.
4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.
  - a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.
  - b. Memorials shall be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
  - c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.
  - d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.
  - e. If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee will locate a suitable

location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

E. Removal. After the two-year term, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.