



## ACHD ROADSIDE MEMORIAL POLICY

### Purpose

The purpose of this policy is to provide family and friends of persons fatally injured in traffic accidents the opportunity to memorialize their loved ones by placing memorials within the public rights-of-way in a safe and consistent manner. In addition to easing the grieving process, such roadside memorials, when installed appropriately, can increase public awareness of the need for safety.

### Definitions

- a. The “deceased” is any human being fatally injured in a traffic accident upon a public right-of-way, regardless of fault, and for whom a registrant seeks a roadside memorial.
- b. An “immediate family member” is a spouse, child, brother, sister, mother, father, grandparent or legal guardian of the deceased.
- c. A “ghost bike” is the one-time, temporary installation of a bicycle, predominantly colored or painted white, within a public right-of-way as a memorial to a deceased cyclist. A sign memorializing the deceased and/or urging awareness of bicyclists may be affixed to a ghost bike.
- d. A “temporary memorial” is the one-time, temporary, twelve (12) month maximum, installation of materials within a public right-of-way as a memorial. Ghost bikes are considered temporary memorials.
- e. A “permanent memorial” is the long-term installation of materials within a public right-of-way, pursuant to a license agreement with the District, as a memorial.
- f. The term “roadside memorial” collectively refers to ghost bikes, temporary memorials and/or permanent memorials, excluding ACHD-installed memorial signs.

## **Registration**

Roadside memorials must be registered with the District or will be subject to removal; ACHD will make a good faith effort to contact the creator of a memorial before removing any object. Memorials, including those installed prior to the approval of this policy, should be registered with the District as follows:

- a. Only an immediate family member, or another person with written consent of an immediate family member, may apply to sponsor a roadside memorial. In the event that the deceased was a minor, only a parent or other legal guardian may apply or provide written consent. A ghost bike may be sponsored by any individual or entity but will only remain if approved by the victim's family and registered with the District.
- b. The registrant should complete and return to the District a "Roadside Memorial Registration/Sign Application" or, for a permanent memorial, a "License Agreement Application Form," for which there will be no fee. If no registration is received and approved, the roadside memorial can be removed by the District.
- c. The registrant will be responsible for the fabrication of the roadside memorial in conformance with this policy.
- d. The registrant may remove the roadside memorial at any time. Should this occur, notification to the District is requested.
- e. Temporary memorials and ghost bikes may remain within the public right-of-way for one (1) year from the date of installation or registration. Upon expiration of this one (1) year period, the registrant will have thirty (30) days in which to remove the ghost bike and/or temporary memorial from the site.

## **Placement of Roadside Memorials**

The placement of a roadside memorial is allowed within a public right-of-way owned by the District as long as:

- a. The roadside memorial complies with all applicable federal, state and local laws, rules and regulations; no memorial will compromise public safety by impeding vision of roadway users or blocking access to the right-of-way.
- b. The roadside memorial is located outside of and does not encroach upon any paved portion of the right-of-way, unless the District has provided express written consent thereto.

- c. The roadside memorial is not installed in a construction or maintenance work zone until such time as the work is completed. The District can relocate or temporarily remove a roadside memorial at any time for construction or maintenance operations.
- d. The roadside memorial is located as close as practical to the site of the accident, depending on site and safety conditions. The District reserves the right, in its sole discretion, to determine the appropriate location of a roadside memorial. The placement of roadside memorials within traffic medians is prohibited.
- e. The roadside memorial does not cause unsafe conditions, as determined by the District, for passing motorists, pedestrians, bicyclists or people maintaining or visiting the roadside memorial.
- f. The roadside memorial is not located within or encroaches upon any real property outside of District control, unless the owner of such real property has provided written consent.

### **Physical Requirements**

- a. Temporary memorials should not exceed the following dimensions:
  - Twenty-four (24) inches in height, as measured from the ground.
  - Twenty-four (24) inches in width, as measured along the right-of-way.
  - Twenty-four (24) inches in depth, as measured perpendicular to the right-of-way.
  - Ghost bikes are exempt from these limits.
- b. A roadside memorial should be adequately maintained and not be allowed to fall into disrepair, which will create grounds for removal.
- c. Except as part of a temporary memorial, roadside memorials should be kept free of all adornments, including but not limited to decorations and flowers. No roadside memorial may contain candles, flashing lights, glass, moving or spinning parts, music or amplified sound, sharp objects or any other features determined by the District to be a potential threat to public safety. Features in violation of this requirement are subject to immediate removal.

### **Permanent Memorials**

- a. The District will consider License Agreement Applications for permanent memorials to replace temporary memorials at the request of an immediate family member or another person with written consent of an immediate family member.

- b. Permanent memorials can take the form of memorial plaques, architectural stones or other materials proposed by the sponsor and approved by the District, subject to an ACHD License Agreement to ensure public safety.
- c. The sponsor will be responsible for all costs of fabricating and installing an approved memorial.

### **Removal by District**

- a. The District may remove a memorial if it fails to comply with applicable laws, including but not limited to this policy.
  - i. If the District determines that a roadside memorial is out of compliance or appears abandoned, it will make good faith efforts to contact the registrant or, if the roadside memorial has not yet been registered, the individual responsible for installing and/or maintaining the roadside memorial.
    - The District will tag the memorial with a notice of violation, providing contact information for those who may wish to cure the deficiencies, as well as a deadline for compliance.
  - ii. If the roadside memorial remains non-compliant or abandoned after ten (10) business days, the District may remove any remaining items from the roadside memorial site.
  - iii. Notwithstanding the foregoing, the District may immediately remove any roadside memorial in response to a threat to public safety.
- b. The District will hold items removed from a roadside memorial for thirty (30) days to allow for retrieval. Items not retrieved during the thirty (30) day holding period will be disposed of by the District.

### **Memorial Signs**

In lieu of a temporary memorial or permanent memorial, an applicant may ask the District to install a memorial sign.

- a. The applicant should complete and return to the District a “Roadside Memorial Registration/Sign Application,” for which there will be no fee. Only an immediate family member, or another person with written consent of an immediate family member, may apply for a memorial sign. In the event the deceased was a minor, only a parent or legal guardian may apply or provide written consent.

- b. Upon receipt and approval of a completed application, the District will install a memorial sign in accordance with applicable District policies and standards for signs. There will be no charge for the sign and ownership will be retained by the District.
- c. A memorial sign will be located as close as possible to the site of the accident, depending on site and safety conditions. The District reserves the right, in its sole discretion, to determine the appropriate location of a memorial sign. No signs will be placed within traffic medians.
- d. A memorial sign will read "PLEASE DRIVE SAFELY." Immediately below the sign, a separate name plaque will be added that reads "IN MEMORY OF (the deceased's name)."
- e. The District will not automatically replace a memorial sign should it be damaged, stolen or vandalized, or if the District determines that the condition of the sign has deteriorated to a point where it is no longer serviceable. However, a new sign application, for which there will be no fee, may be completed and returned to the District to request a replacement sign.