

# TRAFFIC AND SAFETY MANUAL

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## Roadside Memorials

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- There are no statutory provisions for the placement of roadside memorials. However, the DOT has through practice adopted a somewhat standardized approach to handling roadside memorials that have been placed in the state-owned highway right-of-way. It is the DOT's desire that roadside memorials be permanently removed; however, it is a sensitive issue that can take some time to resolve.
- Roadside memorials have been placed along roadsides in Iowa since the road system was developed. Their increased visibility in recent years may correlate more directly with a social or cultural paradigm, than with fatality rates since fatalities have been declining since the peak in 1970. Roadside memorials have been seen along city streets, county roads and state highways throughout the state.
- The Iowa DOT understands that some people feel memorials serve as an important part of the healing journey for victims' families and friends.
- The department is aware of the argument that memorials may serve as a poignant reminder to motorists — especially younger drivers — of how quickly fatal accidents can occur. The DOT is also aware of the counter argument that memorials are a safety hazard, distracting and aesthetically unappealing.
- For the safety of motorists and those establishing or visiting memorials, the DOT prefers and encourages that memorials be established at locations other than

along the roadside. There is no mechanism in place for the DOT to legally authorize or permit use of the right-of-way for establishment of roadside memorials.

- When the DOT encounters a memorial, staff should refer to Iowa Code Chapter 318 "Obstructions in Highway Rights of Way" and applicable internal policies. The memorial may be immediately removed if: it presents a safety hazard; is in an area that is being maintained; will be subject to construction, utility or other authorized work within the highway right-of-way; or is the subject of a complaint from the adjacent property owner.
- Depending on the specific situation, and when time is available, there are three options commonly used by DOT personnel to address memorials that need to be disturbed.
  1. Where they must be removed permanently from the roadside, the DOT's maintenance crews will attempt to contact the family, if they can be reached, and allow them to remove and take possession of the memorial items; if the family cannot be reached immediately, the maintenance crews will remove the memorial items and store them at the maintenance facility, while continuing their effort to reach the family so they can take possession of the items.
  2. The items may be moved to the right-of-way fence line or similar location where they no longer create a hazard and are clear of maintenance, construction or other authorized activities.
  3. The DOT may meet with the family or friends to establish a remedial solution amenable to both parties.
- Examples of safety concerns include: close vicinity of traffic (e.g.: shoulders, medians, etc); high traffic volumes; restriction of motorist or pedestrian sight lines; use of candles, which present a fire hazard; construction and installation of fixed objects; parking of vehicles; large congregations of people; and interference with traffic movement.