

**DELAWARE COUNTY SECONDARY ROAD DEPARTMENT
POLICY AND PROCEDURE MEMORANDUM**

SUBJECT: Memorials in County Rights of Way

While the county is sensitive to people having the need to grieve the loss of loved ones in collisions on the road, some recent memorials to those lost loved ones are causing concern for the county. Recent “permanent” memorials have been placed in county rights of way that, if struck by an errant vehicle, will not break away like county sign supports and other official traffic control devices that are designed to fail under impact and do minimal property damage and avoid injuries to vehicle operators and their passengers.

The safety of family and friends of collision victims as well as innocent road users may be compromised by efforts to deal with the sudden loss of life due to a collision or run off the road accident. Candlelight vigils on the roads place both the mourners and road users at serious risk of injury and lead to an opportunity to needlessly compound the tragedy which has already occurred. Being in the roadside placing a memorial or monument also places the family or friends of the collision victim at risk as they work next to high speed traffic. Some memorials constructed on or near the roadway where a loved one perished are constructed of materials which, if struck by an errant vehicle, will significantly increase the level of damage to the vehicle and the probability of serious injuries to vehicle occupants. The potential for damage or injuries to another driver due to an impact with a roadside memorial only make an unfortunate situation worse.

State code prohibits the installation of signs or other objects within the right of way. The state code also prohibits any activities within the right of way without a permit from the highway authority in charge of the highway, in this case the County Engineer and County Board of Supervisors. In keeping with the County’s duty to maintain its rights of way, the county prohibits the placement of permanent memorials to collision victims within county rights of way. Permanent memorials so placed will be removed by county forces and may be picked up at the main county shop during normal business hours. Temporary memorials including flowers, balloons, and small white crosses constructed of 1” x 2” maximum size lumber will be allowed for up to six months after which they will be removed during normal roadside maintenance if they are not removed by the party placing them in the roadside. Objects of this size are allowed temporarily as they are unlikely to cause damage to an errant vehicle and they create less distraction for the operators of vehicles using the roads.

We ask the families and friends of collision victims to remember their lost loved ones by memorializing them in places that they lived and enjoyed, not where they died, and to not put themselves at risk in traffic.

APPROVED:

Bill Skinner, Chairman-Delaware County Board of Supervisors

Mark J. Nahra, Delaware County Engineer

319.12 Billboards, reflectors, and signs prohibited.

No billboard, advertising sign or device, fence other than right of way boundary fence, or other obstruction except signs or devices authorized by law or approved by the highway authorities shall be placed or erected upon the right of way of any public highway, nor shall any vehicle be abandoned upon the right of way of any public highway.

Except for official traffic-control devices as defined by section 321.1, subsection 46, no person shall place, erect, or attach any red reflector, or any object or other device which shall cause a red reflectorized effect, within the boundary lines of the public highways so as to be visible to passing motorists.