

Roadside Memorial Policy

VicRoads recognises that sometimes family and friends wish to mark the location of a fatal crash on the road by placing a memorial. This policy provides principles to guide decisions regarding roadside memorials. VicRoads will only become involved where there is a clear conflict on the placement of a memorial that impacts members of the community.

Context

Tragically, many people lose their lives on Victoria's roads each year. VicRoads recognises that sometimes family and friends wish to mark the location of a fatal crash on the road by placing a memorial on the roadside.

At the same time, VicRoads must also provide a safe and efficient road network to meet its legislative responsibilities. For this reason, there are a number of considerations regarding the placement of a roadside memorial. These include the placement of the memorial with respect to road safety and maintenance, as well as the concerns of members of the community, particularly those affected by the crash.

The 2015 review of VicRoads Roadside Fatality Memorial Policy (1998) was prompted by feedback from members of the community. The review aimed to update the policy to support and respect those affected by death on our roads. The Roadside Memorial Policy (2015) has been developed in collaboration with representatives from some municipal Councils, Municipal Association of Victoria (MAV), Road Trauma Support Services Victoria, Road Trauma Families Victoria, Victoria Police, Transport Accident Commission (TAC), Monash University Accident Research Centre, VicRoads and further expertise provided by Rev Andy Calder.

Scope

This policy provides guidance to VicRoads officers regarding roadside memorials. Each case should be considered on an individual basis.

This policy applies to the management of new and existing roadside memorials within all declared freeway and arterial road reserves for which VicRoads is the Coordinating Road Authority under the *Road Management Act 2004*.

Operations Policy

August 2015



For local roads, municipal Councils have the option to align their practices with this policy. This policy has been developed in collaboration with municipal Council representatives.

For the purpose of this policy, roadside memorials are considered to be objects placed within the road reserve by members of the community, to commemorate lives lost on Victorian roads.

Related Legislation

Some key legislation related to this policy includes:

Road Management Act 2004: VicRoads has an important role in managing certain roads and roadsides. Under the *Road Management Act 2004*, VicRoads may remove any roadside memorial where necessary.

Victoria's Road Safety Road Rules 2009: For safety reasons, *Victoria's Road Safety Road Rules 2009* do not permit drivers to stop on a freeway, except for an emergency. For this reason, the placement of roadside memorials within urban or rural freeway reservations is inappropriate.

Objectives

This policy was developed to achieve the following objectives as part of VicRoads' legislative responsibilities in the *Road Management Act 2004* and the *Transport Integration Act 2010*:

- Increase community well-being
- Reduce the risk of death and serious injury
- Optimise the use of available resources

Responsibilities

The following table outlines the responsibilities of different VicRoads officers with respect to this policy:

Roles and Responsibilities
Regional/Project Directors <ul style="list-style-type: none">• Use the policy guidance• Use the policy principles in situations not covered by the policy guidance to make principle-based decisions and document the decision-making process• Approve policy principle-based decisions and document decision-making process• Endorse exceptions to this policy and seek approval by the Executive Director Policy & Programs
Director Operation Services <ul style="list-style-type: none">• Ensure consistent use of the policy throughout the Operations Areas
Director Network Policy & Standards <ul style="list-style-type: none">• Develop, review, monitor and disseminate this policy
Executive Director Policy & Programs <ul style="list-style-type: none">• Approve this policy• Approve exceptions to this policy and document the decision-making process

Principle-based Policy

This policy provides guidance to VicRoads officers; the following table outlines how the policy should be used:

How to apply principle-based policy
Policy Principles <ul style="list-style-type: none">• Where it is necessary to deviate from the policy guidance, the principles should be used to make a principle-based decision. These decisions must be documented and approved by the Regional/Project Director.
Policy Guidance <ul style="list-style-type: none">• For most decisions, the policy guidance can be used directly.
Policy Exception <ul style="list-style-type: none">• Where it is necessary to deviate from any of the policy principles, a principle-based decision should be made in line with broader Government Policy, Strategies and Legislation. These decisions must be documented, endorsed by the Regional/Project Director and approved by the Executive Director Policy & Programs.

Policy Principles

Policy principles have been developed to define VicRoads' position and guide decision-making regarding roadside memorials. Whilst VicRoads does not encourage the placement of roadside memorials, VicRoads will not modify, relocate or remove memorials in the arterial road reserve that align with the following principles:

Family wellbeing principles

- The wishes and needs of the family are a key consideration.
- The form of a memorial can be personal; and may reflect religion or culture.

Community wellbeing principles

- Members of the community affected by the fatal crash are a key consideration.
- When a community member raises a concern regarding a roadside memorial, then action is to be taken in consultation with affected parties to address concerns.
- Roadside memorials are to respect broader community values.

Transitional timeframe principle

- Roadside memorials can be temporary in nature and a transitional approach may be appropriate.

Road management principles

- When placing a roadside memorial, the memorial maker's details are encouraged to be included on the memorial for contact purposes.
- A roadside memorial should not interfere with road management or maintenance activities.
- When VicRoads needs to undertake any works in the vicinity of a roadside memorial, requiring its modification, relocation or removal, VicRoads will endeavour to contact the memorial maker.

Road safety principle

- Roadside memorials are to be non-hazardous to road users and be placed in a location that enables people to visit safely.

Policy Guidance

To align with all the policy principles, the following guidance may be used.

1. Family wellbeing principles

1.1 The wishes and needs of the family are a key consideration.

Sometimes the wishes of friends may differ from those of the family. When managing a roadside memorial, the wishes and needs of the family will take precedence over those of the friends.

In the event that a roadside memorial has been placed by a person other than a family member, and the family does not wish the memorial to remain, VicRoads will endeavour to contact the memorial maker for it to be removed.

In the event that the memorial maker cannot be contacted, placing a 'notice of intent to remove' on the roadside memorial will be considered. Ultimately, VicRoads may remove the memorial.

1.2 The form of a memorial can be personal; and may reflect religion or culture.

VicRoads understands that memorials of a unique and personal nature can be important to provide comfort and support to those grieving. For this reason, the form of a memorial can be personal; and may reflect religion or culture.



2. Community wellbeing principles

2.1 Members of the community affected by the fatal crash are a key consideration.

VicRoads understands that it is not only the family and friends who may be affected by a fatal crash. People who attend a crash (i.e. emergency services personnel), other members of the community, and those people living/working near a crash location may also be affected.

A roadside memorial may be a constant reminder of a traumatic event for some members of the community as they travel past the location on a daily basis.

Roadside memorials are to be discreet to respect the feelings of members of the community affected by the fatal crash, whilst still supporting the needs of family and friends. Refer to the guidance under the road safety principle for some key considerations towards making a memorial discreet.

The impact of a roadside memorial on nearby residents is a key consideration. Memorials are generally not to be located in close proximity to residential dwellings. Where this cannot be avoided, consultation with the nearby resident and a discreet memorial option is to be considered. Family and friends congregating at roadside memorials are encouraged to be respectful of nearby residents, private property and other road users.

To support affected parties confronted with tragedy on our roads, people should be made aware of appropriate support services available.

Relevant support services

Family, friends and members of the community affected by a fatal crash should be made aware of available support services.

Transport Accident Commission

Ph: 1300 654 329

<http://www.tac.vic.gov.au/providers/fees-and-policies/policy/family-counselling>

Road Trauma Support Services Victoria

Ph: 1300 367 797

<https://www.rtssv.org.au/counselling-and-support>

Road Trauma Families Victoria

<http://roadtraumafamiliesvictoria.org.au/>

Lifeline

For 24/7 crisis support call Lifeline 13 11 14

2.2 When a community member raises a concern regarding a roadside memorial, then action is to be taken in consultation with affected parties to address concerns.

Should a member of the community contact VicRoads to express their concern regarding a specific roadside memorial, VicRoads will work with affected parties to address the concerns in a sensitive manner.

Where a memorial does not align with the policy principles, the memorial maker may be required to modify or relocate the memorial.

Where the memorial aligns with the policy principles, but affected parties cannot reach an agreement on a memorial, they may elect to pursue mediation, at their own cost. During this process, parties involved may elect to have a trusted advocate/independent representative.

Where mediation is unsuccessful and the affected parties cannot reach an agreement, VicRoads may make a decision regarding the memorial.

Where there are community concerns regarding the timeframe of a memorial which aligns with all the policy principles, refer to the Transitional timeframe principle for further guidance.

2.3 Roadside memorials are to respect broader community values.

Roadside memorials are to respect broader community values with an aim of not causing offence to members of the community.

Any roadside memorial causing offence may be modified or removed without notice; however VicRoads will endeavour to contact the memorial maker.

3. Transitional timeframe principle

3.3 Roadside memorials can be temporary in nature and a transitional approach may be appropriate.

VicRoads recognises that roadside memorials can be an important element in the grieving process for family and friends who have lost a loved one, and that the grieving process is different for everyone. For this reason, no particular timeframe will be ideal for everyone.

Where a roadside memorial aligns with all other policy principles and is not causing concern within a community, the memorial may remain.

Where there are community concerns regarding a memorial which aligns with all the other policy principles, VicRoads will encourage a conversation between affected parties.

VicRoads officers should advise of appropriate support services available.

The following transitional approach may be the basis for a conversation between family, friends and affected members of the community:

- Initial 2 months: the memorial may be placed with limited restrictions, provided it aligns with the policy principles, specifically the road safety principle.
- 2 – 15 months: the memorial maker may need to modify or relocate the memorial to ensure it is discreet. Where modification or relocation is required, the memorial maker is responsible for any changes.
- 15 months +: after the memorial has been in place for 15 months, steps may be taken to transition the roadside memorial to a long-term memorial outside of the road reserve, such as an alternative place of significance for the family.

A plaque may be considered on a case by case basis, upon request, and in consultation with nearby residents, the relevant VicRoads Region and the relevant municipal Council.

4. Road management principles

4.1 When placing a roadside memorial, the memorial maker's details are encouraged to be included on the memorial for contact purposes.

VicRoads plays an important role in managing roads and roadsides. Occasionally, VicRoads may need to contact a memorial maker in the event that a memorial is impacting on maintenance, road work activities, road safety or causing community concern.

VicRoads understands that when someone places a roadside memorial the last thing on their mind is letting the coordinating road authority know how to contact them.

Memorial makers are encouraged to include impersonal contact details on the memorial, in the event that VicRoads does need to contact them. For instance, a non-identifying email address or PO Box.

4.2 A roadside memorial should not interfere with road management or maintenance activities.

In accordance with its legislative responsibilities under the *Road Management Act 2004*, VicRoads is responsible for managing the arterial road network. Roadside memorials are not to unreasonably interfere with maintenance and road management activities (such as grass mowing).

Similarly, roadside memorials are not to impact on the management of non-road related infrastructure located in the road reserve, including above and below ground utility services.

Where a roadside memorial has fallen into disrepair or unreasonably interferes with road management or maintenance activities, VicRoads will endeavour to contact the memorial maker to arrange for its modification, relocation or removal.

In the event that the memorial maker cannot be contacted, placing a 'notice of intent to modify, relocate or remove' on the roadside memorial will be considered.

4.3 When VicRoads needs to undertake any works in the vicinity of a roadside memorial, requiring its modification, relocation or removal, VicRoads will endeavour to contact the memorial maker.

Where construction or road works are required to be undertaken by VicRoads that will impact on a roadside memorial, VicRoads will endeavour to contact the memorial maker to arrange for it to be modified, relocated or removed.

In the event that the memorial maker cannot be contacted, placing a 'notice of intent to modify, relocate or remove' on the roadside memorial will be considered.

5. Road safety principle

5.1 Roadside memorials are to be non-hazardous to road users and be placed in a location that enables people to visit safely.

VicRoads has adopted the Safe System* approach to managing the arterial road network and believes it is important that roadside memorials do not increase the risk to road users. Roadside memorials are to be non-hazardous to road users and be placed in a location that enables people to visit safely. To align with the road safety principle, the following guidance may be used.

Location

VicRoads recognises that placing a roadside memorial at the location of the crash can be very important to family and friends. VicRoads is committed to improving road safety and preventing crashes, especially where there has already been a crash. Memorials are to be placed in locations which minimise the road safety risk to all road users, for example in locations other than:

- on traffic islands;
- on medians;
- on roundabouts;
- attached to road infrastructure (including guideposts, light poles, barrier or road signs);
- within design deflection zone of barrier;
- in close proximity to traffic signals, intersections (including T intersections) or curves (generally at least 30m);
- on urban or rural freeways (including freeway ramps);
- near the edge of road seals (generally at least 3m away);
- obscuring road signs or interfering with the role of traffic control devices; and
- near the edge of shared paths (ideally 2m away)

VicRoads is also concerned for the safety of people who place and visit roadside memorials. Roadside memorials are to be located such that visitors are able to safely access the memorial, and be safe during their time there. Safe parking locations are a key consideration. Visitors to the roadside memorial should be aware that congregating on the roadside can be dangerous and also distracting to road users.

Materials

Memorials should not be made from materials or placed in such a way that would make them dangerous if involved in a crash (i.e. not concreted into the ground).

Items of a personal nature, such as flowers and mementos, are to be firmly affixed to the memorial so as not to pose a road safety hazard or maintenance issue.

Any roadside memorial presenting a safety hazard may be modified, relocated or removed without notice; however VicRoads will endeavour to contact the memorial maker.



* For information on Victoria's commitment to Safe System, please visit: <http://www.roadsafety.vic.gov.au/index.php>

Roadside memorial options

The following roadside memorial options are generally considered appropriate with respect to the policy principles.

The guidance outlined for each option is recommended to ensure the safety and wellbeing of all members of the community.

Flowers

Flowers may be considered as a temporary memorial and placed in line with all policy principles. Plastic or other wrapping materials that may be dangerous to wildlife or become litter are discouraged.

Crosses or similar

Crosses or similar may be considered in line with all policy principles.

Personalised Memorial

VicRoads understands that sometimes family and friends wish to create a personalised memorial. Unique and personal memorials are to align with all policy principles.

Plaque

Plaques may be considered an appropriate longer term memorial in certain circumstances. Placing a plaque would need to be discussed with nearby residents, the relevant VicRoads Region and the relevant municipal Council.

Where a plaque is considered appropriate, it is not to be attached to road infrastructure or non-road related infrastructure (such as utility poles).

Policy Exceptions

Where any deviation from the policy principles is proposed, a principle-based decision should be made in line with broader Government Policy, Strategies and Legislation. These decisions must be documented, endorsed by the relevant Regional/Project Director and approved by the Executive Director Policy & Programs. It must be demonstrated why deviation from the principles is considered necessary and acceptable.

Policy Evaluation and Review

This policy will be evaluated and reviewed on a regular basis to monitor its progress towards achieving the intended outcomes.

Contact Details

Questions relating to this policy should be directed to the Manager Operations Policy, Policy and Programs, VicRoads.

Policy Governance Summary

Policy Ownership and Approval Record

Business Area Owner – Policy and Programs

Operations Policy, Network Policy and Standards

Approved by

Executive Director Policy & Programs

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This policy is effective as of the date of approval.

Supporting document – QD 2996204