VicRoads is reviewing its approach to managing roadside memorials. Thank you to those who have shared their views with us. This paper summarises the discussion so far and proposes a revised policy position.

What is the purpose of the Roadside Memorial Policy Review?

VicRoads’ Roadside Memorial Policy has been in place for more than 15 years and is being reviewed to better align with community expectations.

Tragically, many people lose their lives on Victoria’s roads every 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 establishment of a roadside memorial. These include the placement and construction of the memorial in relation to road safety, maintenance and the concerns of members of the community, particularly those affected by the crash.

VicRoads is seeking community input on ways to improve Victoria’s approach to managing roadside memorials. We understand this is a sensitive issue for all involved, and your experiences are important to this review.

Thank you to those who have shared their views with us. This paper summarises the discussion so far and proposes a revised policy position.

VicRoads is now seeking community feedback on the policy approach outlined in this paper. Please participate in the discussion forum and complete the survey at http://consult.vicroads.vic.gov.au/roadside-memorial.

Discussion Paper
May 2015

Community Consultation

VicRoads opened an online consultation hub to capture community views on roadside memorials from 29 March to 26 April 2015. During this period, the community was invited to share their views and concerns about roadside memorials through a public discussion forum and private survey.

Who got involved?
The consultation hub had 4,467 visitors: 2,206 (49%) of those visitors read the forum or downloaded the policy under review; and 326 (7%) joined the conversation by contributing comments to the forum and/or completing the survey.

Discussion Forum
The discussion forum encouraged participants to share their experiences and consider different perspectives.

231 people joined the conversation on the forum and raised the following key issues in response to these questions:

- Question 1: Should there be a consistent appearance for roadside memorials or should they be unique?
  - Around half of participants believed memorials should be unique and personal to support people grieving.
  - Conversely, around half of participants believed memorials should have a consistent appearance to provide a reminder without distracting drivers or upsetting those traumatised by an incident.
  - A few participants suggested that memorials could be a non-religious standard marker, as is the approach in South Australia.
Question 2: Is there an appropriate timeframe for roadside memorials?
- Some participants felt that there should be no time limit for memorials.
- Some participants said that memorials should only be permanent if a consistent appearance was adopted.
- Some participants felt there should a time limit for memorials to prevent there being too many across the state. The suggested times varied from three weeks to 36 months.

Question 3: In general, what are your views of roadside memorials?
- Some participants said that roadside memorials can be an important part of the grieving process.
- Other participants felt that roadsides were not the most appropriate place for a memorial with some participants indicating that memorials had the potential to upset people affected by road trauma.
- Some participants felt that memorials should not be permitted.
- Some participants said that memorials may be distracting or pose a road safety risk.
- Other participants said that memorials remind people to drive safely.
- Some participants suggested that a centralised permanent memorial should be established to recognise all of Victoria’s road victims.

Survey
VicRoads invited the community to share their views on a brief survey. The key results of the survey, completed by 178 people, are summarised below:

- Almost two thirds (63%) of respondents support the use of roadsides as a place to remember the loss of a loved one.
- Just over half the survey respondents (54%) found roadside memorials distracting when they were driving.
- Almost two thirds of respondents (61%) indicated that roadside memorials encouraged them to drive more safely.
- Over half the respondents (53%) think there should be a consistent appearance to roadside memorials.
- Almost two thirds of the respondents (64%) believe that the time frame of 12 months was not appropriate for roadside memorials.
- The large majority (76%) of respondents think that people should tell VicRoads when they want to establish a roadside memorial for maintenance and contact purposes.

Almost half of the survey respondents (43%) knew somebody who has had a roadside memorial established in their memory.

Policy Review

Who is undertaking the policy review?
The review of the Roadside Memorial Policy has evoked wide-ranging discussion on how VicRoads should manage memorials within the road reserve for fatal crashes. A working group of representatives from key organisations was established to undertake the policy review. Members of the working group were recommended by a cross-governmental steering group.
The organisations represented in the working group include some municipal Councils, Road Trauma Support Services Victoria, Road Trauma Families Victoria, Victoria Police, Transport Accident Commission (TAC), Monash University Accident Research Centre and VicRoads.
The following sections outline a revised approach for managing roadside memorials.

Should roadside memorials be permitted?
Community views highlighted the mixed opinions towards roadside memorials. Some felt that roadsides were not the most appropriate place for a memorial with some participants indicating that memorials had the potential to upset people affected by road trauma. Questions were raised as to why fatal road crashes should be marked with a memorial when this is not the case for lives lost in other circumstances (e.g. lives lost in hospitals).
Many believe that roadside memorials can be an important part of the grieving process. The working group recognised that the sudden nature of road trauma, similar to other tragic and violent incidents, tends to evoke a need from the community, family and friends to establish a memorial at the location of the loss.
The working group also noted that as a society there is often a failure to provide a place to mourn and express grief, particularly for those who are not closely affiliated with a religion.
The establishment of a centralised memorial to commemorate road trauma victims in Victoria was raised. VicRoads is working with key organisations currently exploring this option. However, it was felt that this will not negate the need for guidance on managing roadside memorials.
The working group acknowledged that not everyone affected by road trauma would choose to establish a roadside memorial. However, it was felt that it is important that this option is available to those who would find comfort in establishing a roadside memorial as part of the grieving process.
What will the policy apply to?

The policy will apply to the establishment, management and maintenance 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.

For a consistent approach to managing roadside memorials across Victoria, municipal Councils have the option to align their practices with the policy. The policy is being developed in collaboration with municipal Council representatives.

For safety reasons, the policy will not permit the establishment of roadside memorials within urban or rural freeway reservations.

For the purpose of the policy, roadside memorials are considered to be objects constructed, erected, planted or placed within the road reserve by members of the community, to commemorate lives lost on Victorian roads. VicRoads has an important role in managing certain roads and roadsides. Under the Road Management Act 2004, VicRoads may remove any roadside memorial located within the arterial road reserve where necessary.

It should be noted that the policy is intended to provide guidance to VicRoads officers and each case should be dealt with on an individual basis.

Once the policy has been finalised, it will be made available to the general public via the VicRoads website.

What are the underlying principles for the Roadside Memorial Policy?

Drawing on feedback from the community and research, the Roadside Memorial Policy Working Group has developed draft policy principles to support decision-making.

Whilst VicRoads does not actively encourage the establishment of roadside memorials, VicRoads may permit memorials in the road reserve as long as they comply with the following principles.

In the event that a memorial does not satisfy the policy principles, VicRoads may require the memorial to be modified, relocated or removed. In such circumstances, VicRoads will endeavour to contact the owner of the memorial.

**Family wellbeing principles**
- The form of a memorial may be personal; and may reflect religion or culture.
- The wishes and needs of the family must be acknowledged for a roadside memorial to be permitted.

**Community wellbeing principles**
- When establishing a roadside memorial, consideration should be given to members of the community affected by the fatal crash.
- When a community member raises a concern regarding a roadside memorial, then action will be taken in consultation with affected parties to address concerns.
- When establishing a roadside memorial, it should be done in a manner that is respectful of broader community values.

**Transitional timeframe principle**
- When managing a roadside memorial, it should be acknowledged that roadside memorials are generally temporary in nature and that a transitional approach should be adopted.

**Road safety principle**
- When establishing a roadside memorial it must not compromise road safety. It must:
  - not pose a hazard to road users;
  - not pose an unacceptable distraction to road users;
  - be installed in a manner to ensure personal safety; and
  - be placed in a location that enables people to visit safely.

**Road management principles**
- When establishing a roadside memorial, the owner’s details should 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 relocation or removal, VicRoads will endeavour to contact the memorial owner.
What will the Roadside Memorial Policy mean?

The working group has explored the community feedback and research to develop draft policy guidance for how roadside memorials should be managed. The following guidance should be applied to ensure all the policy principles are satisfied:

Family wellbeing principles

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

VicRoads understands that roadside memorials can be an important part of the grieving process, and provide a place to remember the loss of a loved one.

Generally, the working group did not oppose the establishment of roadside memorials. However, some participants were concerned that they may be distracting to road users and upsetting to those affected by the tragedy (such as emergency services personnel or people who attended the crash).

Whilst a uniform memorial type was suggested by some members of the community, the working group generally felt that it was important that a memorial could be personalised to provide comfort and support to those grieving. It was acknowledged that a strict uniform approach may not provide a connection with the individual.

The working group suggested that guidance be provided on a range of standardised options, whilst still allowing for memorials of a personal nature, would be most appropriate.

Suggested Policy Guidance

VicRoads understands that memorials of a unique and personal nature may be important to provide comfort and support to those grieving.

Personalised memorials, including memorials reflecting religion or culture, are permitted as long as they satisfy all other policy principles.

The wishes and needs of the family must be acknowledged for a roadside memorial to be permitted.

Some people highlighted that it is often friends that establish roadside memorials, often without the consent or knowledge of the family. It was highlighted that this may cause distress to the family.

Suggested Policy Guidance

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 established by a person other than a family member, and the family does not wish the memorial to remain, VicRoads will endeavour to contact the owner of the memorial and arrange for it to be removed.

In the event that the owner cannot be contacted, placing a notice on the roadside memorial may be considered. Ultimately, VicRoads may remove the memorial.

Community wellbeing principles

When establishing a roadside memorial consideration should be given to members of the community affected by the fatal crash.

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

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

Generally, the working group agreed that a roadside memorial should be discreet to take into account the feelings of members of the community affected by the fatal crash, whilst still supporting the needs of family and friends.

Suggested Policy Guidance

Roadside memorials should 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.

Generally, memorials should be discreet to minimise the impact on people affected by a fatal crash (e.g. first responders) and the broader community. The memorial requirements outlined under the road safety principle provide guidance on what may be considered discreet.

Generally, photos should not be permitted as they may be distressing to the broader community.

When establishing a roadside memorial, particular consideration should be given to nearby residents. Memorials should generally not be located in close proximity to residential dwellings as they may cause concern to nearby residents. Where this cannot be avoided, consultation with nearby resident or a discreet memorial option should be considered.

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

Many people recognised that roadside memorials may be an important element in the grieving process for family and friends, however that they may impact on members of the community affected by the fatal crash and the broader community.

Suggested Policy Guidance

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. VicRoads may require the owner of the roadside memorial to modify or relocate it in accordance with the policy or resolution process outcomes.

The memorials should be discreet in line with requirements outlined under the road safety principle.

Where affected parties are still not satisfied with the modified memorial, further consideration should be given to a memorial plaque.
A transitional approach to memorials in the roadside should be adopted to support family and friends throughout the grieving process, while also being respectful to the broader community and those concerned by a particular memorial. The guidance outlined under the transitional timeframe principle should be applied.

Where the affected parties cannot reach an agreement, mediation may be required. Costs associated with mediation are to be shared between the memorial owner and complainant. During this process, parties involved may elect to have a trusted advocate.

**When establishing a roadside memorial it should be done in a manner that is respectful of broader community values.**

The working group agreed that roadside memorials should respect broader community values.

**Suggested Policy Guidance**

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

In general, memorials should not comprise any of the following elements:

- offensive symbols or language
- weapons
- objects which may offend (e.g. beer cans, alcohol, etc.)

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

The working group recognises the need to respect the feelings of members of the community affected by a fatal crash, whilst supporting the needs of family and friends.

**Transitional timeframe principle**

When managing a roadside memorial it should be acknowledged that roadside memorials are generally temporary in nature and that a transitional approach should be adopted.

The appropriate timeframe for a roadside memorial evoked wide ranging discussion on the online forum and within the working group.

Generally, the working group agreed that they were not opposed to temporary memorials. However, there was discussion regarding the definition of ‘temporary’. It was generally felt that memorials should not be established in the road reserve for the long-term, to respect the feelings of members of the community affected by the crash.

The concept of a transitional timeframe was explored, which recognises that memorials may be important for family and friends throughout the grieving process and that the grieving process will be different for everyone. The working group recognised the significance of the first anniversary, and that 12 months was not the most appropriate time to transition to a long-term memorial outside of the road reserve.

**Suggested Policy Guidance**

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.

A transitional approach to managing memorials in the roadside is to be adopted to support family and friends throughout the grieving process. Generally, the following timeframes from the crash should be applied:

- **Initial 2 – 3 months:** memorials may be placed with limited restrictions, provided they consider the policy principles, specifically the road safety principles.
- **3 – 13 months:** modifications may be required to the memorial to ensure it is discreet and aligns with the policy guidance. Where modification is required, the memorial owner will be responsible for modifying the memorial and incurring any associated costs.
- **13 months +:** once a memorial has been in place for 13 months, steps may be taken to transition the temporary roadside memorial to a long-term memorial outside of the road reserve, such as an alternative place of significance for the family.

Long-term roadside memorials are generally discouraged, however, plaques may be considered on a case by case basis upon request.

After 13 months, VicRoads may contact the memorial owner to arrange for its removal. In the event that the owner cannot be contacted, placing a notice on the roadside memorial may be considered. Ultimately, VicRoads may remove the memorial if it is causing concern within a community.
Road safety principle

When establishing a roadside memorial it must not compromise road safety. It must:

- not pose a hazard to road users;
- not pose an unacceptable distraction to road users;
- be installed in a manner to ensure personal safety; and
- be placed in a location that enables people to visit safely.

Many survey participants suggested that roadside memorials can be distracting, increasing the risk of a crash. The working group agreed that memorials should not be established in a manner that makes them distracting or would make them dangerous to road users in the event of a crash. The working group also discussed that memorials should be located in a place that allows people to visit safely.

Suggested Policy Guidance

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.

The following guidance for memorial requirements should be applied pertaining to location, size, construction and material of roadside memorials:

**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. For this reason, roadside memorials should generally be located in accordance with the following requirements, to minimise the road safety risk to all road users:

- not on traffic islands and medians;
- not attached to road infrastructure (including guideposts, light poles, barrier or road signs);
- outside design deflection zone of barrier;
- not on roundabouts;
- a safe distance from traffic signals, intersections (including T intersections) and curves (generally at least 30m);
- not on urban or rural freeways (including freeway ramps);
- a safe distance from the edge of any road seal (generally at least 3m);
- not obscuring any road sign or interfering with the role of any traffic control device; and
- ideally more than 2m from the edge of any shared path (1m minimum).

VicRoads is also concerned for the safety of people who establish and visit roadside memorials. Roadside memorials should be located such that visitors are able to safely access the memorial, and be safe during their time there. In some circumstances, traffic management may be required at the cost of the memorial owner. Visitors to the roadside memorial should be aware that congregating on the roadside may be dangerous and also distracting to road users.

**Size**

To minimise distraction to road users, memorials should not be greater than 600mm high and 400mm wide.

**Construction & Materials**

Roadside memorials should be constructed from materials and established in such a way that they do not pose a hazard or distraction to road users. For this reason, memorials should be stable, however not so rigid that they would be dangerous if involved in a crash (i.e. not concreted into the ground), and should not include the following items:

- reflective materials (e.g. foil and cellophane),
- lighting, or
- rocks, bricks or other non-frangible materials.

Items of a personal nature, such as flowers and mementos, should 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 removed without notice; however VicRoads will endeavour to contact the memorial owner regarding its removal.

VicRoads is committed to improving road safety and preventing crashes, especially where there has already been a crash.

Road management principles

When establishing a roadside memorial, the owner’s details should be included on the memorial for contact purposes.

The majority of survey participants indicated that people should provide contact information when establishing a roadside memorial.

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

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

It is advisable that the memorial owner 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.

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.

The working group agreed that roadside memorials should not interfere with VicRoads maintenance and road management activities.

Suggested Policy Guidance
Roadside memorials should not unreasonably interfere with maintenance and road management activities (such as grass mowing).

Roadside memorials should not 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 owner who is to arrange for its modification or removal.

In the event that the owner cannot be contacted, placing a notice on the roadside memorial may be considered. Ultimately, VicRoads may remove the memorial.

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

The working group highlighted that if road works were required at a location where a roadside memorial was positioned, that efforts should be made to contact the memorial owner so that it can be relocated.

Suggested Policy Guidance
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 owner of the memorial who is to arrange for it to be relocated.

In the event that the owner cannot be contacted, placing a notice on the roadside memorial may be considered. Ultimately, it may be removed.

The working group agreed that roadside memorials should not prevent VicRoads from undertaking maintenance and road management activities.
What sort of roadside memorial will be appropriate under the policy?

The working group has explored a range of different memorial options based on the wide range of community views. The working group felt that providing options to people wishing to establish a memorial may be an appropriate approach to establishing a level of consistency across the State, and meeting the needs of family and friends. It is hoped that a more consistent approach will reduce the impact memorials have on those traumatised by these tragic events.

**Suggested Policy Guidance**

The following roadside memorial options are encouraged as they are generally considered appropriate with respect to the policy principles. The specifications detailed are recommended to ensure the safety and wellbeing of all members of the community.

**Flowers**

Fresh flowers may be placed as a temporary memorial. Flowers should not be wrapped in plastic or other materials that may be dangerous to wildlife or become litter.

**Crosses or similar**

Crosses should be constructed from timber, be neutral in colour or painted white with non-reflective paint, and not exceed the following dimensions:

- 850mm long (600mm out of the ground) and 400mm wide; and
- Constructed from pieces 40mm x 18mm.

Crosses must not be concreted into the ground to ensure they do not pose a safety hazard.

**Plaque**

Plaques must not be attached to road infrastructure or non-road related infrastructure (such as utility poles). They should not exceed 200mm x 200mm.

Plaques may be considered an appropriate longer term memorial in certain circumstances. This would need to be discussed with the relevant VicRoads Region and the relevant municipal council.

**Personalised Memorial**

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

Next Steps

VicRoads is seeking community feedback on the preliminary findings outlined in this paper.

The community feedback will then be considered and incorporated into a revised Roadside Memorial Policy.

The working group will then seek approval of the revised policy from VicRoads senior leaders.

It is anticipated that the revised policy will be approved and in place in the early second half of 2015.