

**Minnesota Department of Transportation**  
**Maintenance Bulletin No. 04-2**  
**June 9, 2004**

**TO:** Douglas Differt  
Division Directors  
District Engineers  
Office Directors  
Assistant District Engineers  
Area Maintenance Engineers  
Maintenance Superintendents  
Maintenance Sub Area Supervisors  
District Public Affairs Coordinators  
District Permits Staff

**FROM** Mark Wikelius  
State Maintenance Engineer

**SUBJECT:** Memorial Marker Guidelines

**Background**

Crashes on highways are traumatic events for all those involved. Crashes that result in loss of life are even more tragic, and they impact many lives including the family and friends of the victim. Mn/DOT understands the pain caused by these events and recognizes that some people's grieving could include the placement of memorials near the site.

Mn/DOT will be understanding and compassionate since this is a sensitive issue and will encourage other ways to memorialize the person(s) rather than a marker along the highway since Mn/DOT's main concern is safety. These markers can be a physical and/or visual hazard to other motorists, and no one wants these memorials to be the cause of another crash at the same location.

Typically, hazards associated with this type of marker may include non-breakaway physical objects within the clear zone; visual distractions that can cause erratic driving behavior both day and night; vehicles parked adjacent to the traveled way and in areas of narrow shoulders; pedestrians on or near the roadway, children exiting or entering vehicles from the roadway side of parked vehicles, physical obstructions that could cause problems with snowmobiles, dirt bikes, ATVs, as well as maintenance activities such as mowing and snowplowing. Any physical post driven into the ground is a hazard above ground and may also be an additional hazard if it strikes an underground utility such as a power cable.

### **Minnesota Statute References**

Minnesota Statute 160.27 Subd. 5 states, "Except for the actions of the road authorities, their agents, employees, contractors and utilities in carrying out their duties imposed by law or contract . . . it shall be unlawful to: (5) dig any holes in the highway . . . ; (9) place or maintain an advertisement within the limits of any highway; (10) paint, print, place, or affix any advertisement or any object within the limits of the highway."

Minnesota Statute 169.34(a) states, "No person shall stop, stand, or park a vehicle . . . : (14) at any place where official signs prohibit stopping." All interstate freeways and other designated freeways in Minnesota are signed for Emergency Stopping Only, which is displayed on R16-X4 signs at all entrances.

### **Definitions**

Memorial markers are physical objects that are placed on highway right of way, marking the site of a fatal crash.

### **Memorial Marker Guideline**

Mn/DOT's guidelines regarding placement of memorial markers are as follows:

Memorial markers are not permitted on the interstate system or other freeways; Mn/DOT maintenance forces will immediately remove any memorial markers placed on these highways.

Temporary memorial markers may be placed on other state highways and remain for an appropriate time, not to exceed six (6) months. Memorial markers will be removed if:

- They do not meet safety criteria within the clear zone (physical or visual),
- They negatively impact the free flow of traffic,
- They are located outside the clear zone but constitutes a hazard if hit by either on- or off-roadway vehicles,
- They interfere with routine maintenance operations

Removed memorial markers should be stored for retrieval at the local truck station for a minimum of 30 days prior to disposal.

### **Effective Date**

June 9, 2004

### **Contacts:**

Questions should be directed to Robert Vasek, Maintenance Operations Support Engineer, 651-297-5113.