

9

ROADSIDE MEMORIAL SIGNAGE PROGRAM

(Regional Council at its meeting on April 24, 2008 did not adopt this Clause.)

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, April 4, 2008, from the Commissioner of Transportation Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council endorse a roadside memorial signage program, in partnership with Mothers Against Drunk Driving (MADD) Canada, to allow the installation of a standardized roadside sign that marks the location of a fatal crash involving impaired driving and identifies the name(s) of victims.
2. The Commissioner of Transportation Services be authorized to negotiate and enter into an agreement with MADD Canada to allow the installation of roadside memorial signage, subject to the approval of Legal Services as to form and content.
3. The Regional Clerk forward this report to the Clerk of each local municipality and to the Chief of York Regional Police.

2. PURPOSE

At its meeting of March 5, 2008, the Transportation and Works Committee considered a report titled "Roadside Memorial Signage Program MADD Canada". This report was referred to the April 9, 2008 Transportation and Works Committee with a request for staff to bring forward further information on roadside memorial programs and policies.

This report provides further information on roadside memorial programs and policies in other jurisdictions and the Region's current practice of allowing makeshift memorials and tributes for victims of fatal motor vehicle crashes.

The report seeks Council's endorsement of a proposed roadside memorial signage program partnership with Mothers Against Drunk Driving (MADD) and seeks authorization for the Commissioner of Transportation Services to negotiate and enter into an agreement with MADD Canada. This proposed partnership would permit the

installation of standardized signage, identifying the name(s) of victims, in the vicinity of the location of a fatal crash involving a conviction for impaired driving.

3. BACKGROUND

There are two categories of roadside memorials addressed in this report. The first is a makeshift memorial and the second is a formalized memorial. Makeshift memorials usually are placed in the early days after the occurrence of a fatal crash and are likely part of the grieving process of loved ones. Formalized memorials are usually for the purpose of making a more permanent memorial or tribute to the deceased person.

3.1 MAKESHIFT MEMORIALS

The placement of roadside memorials is increasing in popularity

Over the past several years, the practice of placing roadside memorials to those who have died as a result of a motor vehicle collision has grown. These tributes are typically the result of a fatal motor vehicle collision and are often placed by people grieving the death of a loved one. These tributes often include toys, photographs and signs that are left in a spontaneous fashion. There is no standard form of tribute and some fall into a state of disrepair and eventually become roadside debris at which time they are removed by staff.

The Regions of Peel and Durham, the Ministry of Transportation and Highway 407 ETR allow the placement of roadside memorials

The Region of Peel adopted a roadside memorial policy in 2002 that permits the placement of roadside memorials for a twelve-month period after which they are removed by staff. Its policy specifies a maximum size of memorial, however; does not specify the type of object that can be displayed in a memorial.

The Region of Durham allows roadside memorials on an informal basis. No formal policy is in place and the practice has been to leave the memorials in place as long as driver safety is not compromised.

The Ministry of Transportation permits roadside memorials as long as the memorial does not pose a threat to driver safety. Ministry staff requests the owner, when possible, to relocate roadside memorials that are in unsafe locations. The Ministry policy does not specify a timeline or type of object that can be displayed.

Highway 407 ETR does not have a policy on roadside memorials, however memorials are allowed to remain within the right-of-way of Highway 407 for a six-month period as long as the memorial is small and does not create a distraction.

All road authorities, regardless of policies, treat roadside memorials with extreme sensitivity and respect. Generally, roadside memorials are tolerated and are allowed to remain in place unless they are a safety concern or are not maintained in good repair.

The York Region has no policy respecting roadside memorials, but staff practice has been to accommodate memorials on York Regional rights-of-way unless they create a hazard

The Region regulates the use of its roads through a permit system that allows contractors, businesses, home owners and individuals, subject to conditions, to place, construct, install and maintain objects within the Regional rights-of-way. Typically, any item placed within the right-of-way requires approval and a permit.

The Region's current practice regarding roadside memorials is to leave them in place unless they create a safety concern or interfere with roadway maintenance. This practice reflects the sensitivity of the situation and allows family members and friends to create an impromptu memorial which honours the memory of the individual. There is currently no formal process where an individual can request a standard memorial be placed by Regional staff, or where a family can request permission from the Region to place a "homemade" memorial on the road allowance.

At locations where memorials are found, they are usually located off the travelled portion of the road, often near the fence line on a rural road or perhaps on a utility pole in an urban area. Usually these memorials are left in place until they fall into disrepair; at which time they are removed by staff.

At some locations, memorials are maintained in good repair by family members on an informal basis as no agreement is in place or permit issued to allow the memorial to be there. Recognizing the sensitivity of the situation, in the past, staff has contacted family members suggesting a tribute be relocated if there is a safety concern. As there is no policy in place to permit roadside memorials, there is no record of location or total number of memorials on Regional roads. To date, the makeshift roadside memorials have not created problems for roads maintenance staff.

3.2 FORMALIZED MEMORIALS

The City of Toronto established a policy that allows for the placement of roadside memorials

In 2002, the City of Toronto adopted a policy and procedure permitting temporary and permanent memorials on public road rights-of-way and in City owned parks and open spaces. Its policy provides a variety of options including temporary memorials on roadways and permanent memorials in parks. Anyone intending to establish a memorial in the right-of-way must contact staff of the City and provide their contact information. Temporary memorials are permitted on the boulevard or shoulder portion of the right-of-

way for a maximum of thirty days. After this thirty day period, these memorials must be removed by the originator. Permanent memorials include trees, benches, plaques and stone monuments. Upon request, the City approves the location of a permanent memorial which must be located on the boulevard of roadways or in City-owned parks. The cost of a permanent memorial is the responsibility of the requestor.

3.3 MOTHERS AGAINST DRUNK DRIVING (MADD) CANADA

Mothers Against Drunk Driving (MADD) Canada raises awareness of the dangers of impaired driving

MADD Canada is a National registered charitable volunteer organization with established chapters in many communities throughout the country. These chapters are made up of a cross-section of concerned citizens, ranging from parents and friends of impaired driving victims, to students and business professionals, wanting to make a difference in the fight against impaired driving. MADD continues to advocate for change to make our communities safer and provide victims of impaired driving with a voice. MADD Canada has several strategies to raise public awareness about the dangers of impaired driving.

MADD Canada has established a process regarding the installation of roadside memorial signage on roadways. Currently, the Ministry of Transportation of Ontario and the Provinces of Prince Edward Island, Nova Scotia and Manitoba have adopted this process. These memorials remind motorists of the consequences of drinking and driving and also provide a method for families and friends to remember victims of impaired driving.

MADD memorial signs exist in other jurisdictions and are based on a standard established layout

On November 26, 2006, the Province of Ontario joined other Canadian jurisdictions to allow the placement of roadside memorials, in the form of signage, at locations where fatal collisions occurred involving a convicted impaired driver. The Ministry of Transportation of Ontario recently reached an agreement with MADD Canada to allow memorial signage at locations along the Province's highways. The signs include the victim's name and MADD Canada's logo. Typically, these agreements allow the signs to be manufactured based on a standard sign layout and design and installed by the respective road authority. A photograph of a sample sign is shown on *Attachment 1*. At this time, similar programs exist in Prince Edward Island, Nova Scotia and Manitoba and more are expected to be implemented throughout Canada over the next few years.

MADD Canada is interested in partnering with the York Region to implement a memorial signage program on Regional roads. A letter of support, dated February 25, 2008, is appended to this report labelled *Attachment 2*.

Other than MADD, no requests have been made for formalized memorials on York Region roads.

Although York Regional Police have a year-round RIDE program, drinking and driving continues to occur on Regional roads

In the past five years, 19 fatal collisions occurred on York Region roadways where alcohol was a contributing factor. According to MADD Canada, 3,013 fatal collisions occurred on roadways throughout Canada in 2004. Of these collisions, MADD estimates that 1,157 of these fatalities involved impaired driving.

4. ANALYSIS AND OPTIONS

Although roadside memorials are becoming common throughout North America, no single common practice or policy element has emerged in support of them

The practice of allowing roadside memorials varies among road authorities. Some government agencies have prohibited the practice due to safety and liability concerns and the potential distraction they may create to motorists. Other agencies allow memorials on an informal and unofficial basis and have no policy in place to allow or remove them. Some jurisdictions have implemented formal programs with a standardized marker that is placed for a short duration to serve as a reminder of a fatal collision.

4.1 YORK REGION POLICIES TO CONSIDER

There are three options that could be considered for Regional application in relation to the general issue of roadside memorials to those deceased on Regional road rights-of-way:

- 1) Create a formal policy to permit the types of makeshift memorials that are currently found.
- 2) Create a policy for allowing the permanent commemoration of loved-ones through the planting of trees or placing of permanent fixtures on Regional properties or forests.
- 3) Retain the current practice to allow makeshift memorials in place.

Option 1 – Formal Policy for Makeshift Memorials

A formal permit process for a roadside memorial could be considered cumbersome and insensitive for grieving family members

The Region allows the installation of signage within and adjacent to the rights-of-way based on a permit process. These temporary and permanent signs are requested by individuals and include “a- frame” signs, pylon signs and other signs that can be considered as advertising signs. In most cases these signs are located on private property

and are not permitted on Regional property. A formal process to permit roadside memorial signage would provide a consistent approach and allow standardized signs in the right-of-way.

However, requiring a grieving family member to apply, through a formal process, to obtain permission to place a roadside memorial could be considered as insensitive and place undue stress on the family. A formal process would require the submission of personal contact information and may recreate negative memories of the tragic circumstances leading to the death of their loved one. The creation of a permit system would likely not address the impulse of grieving family members placing makeshift memorials on the roadside.

If a permit process was established, the existence of roadside memorials that do not have a permit must also be considered. The removal of these “non-permitted” roadside memorials should respect the wishes of the family. For the above reasons, this option is not recommended.

Option 2 – Formal Policy for Permanent Memorials

Regional staff has reviewed the City of Toronto’s policy regarding the placement of permanent memorials in parklands and on boulevards. The Region does not have jurisdiction of parks or parklands similar to the City of Toronto, but does manage and maintain Regional forests.

The Regional forest is open to the public on a twenty-four hour basis and is used for hiking, cross-country skiing, horse back riding and other all-season uses. The use of our forest is less intensive and more passive than those uses of a municipal park. The management of such woodlots typically requires occasional harvesting and removal of hazardous trees.

The Region’s arterial road boulevards accommodate many different uses and requests for accommodation. These include transit infrastructure, bicycle and pedestrian facilities, and numerous utilities. Although Regional staff take extensive measures to plan for all such uses, while setting street trees, and although the survivability of the Region’s street trees continue to improve, the trees frequently have to be removed or replanted within the Region’s boulevards.

Because of the sensitivity associated with “commemorative trees”, Regional staff suggest that the Region’s forests and arterial road boulevards would not be the most appropriate locations for considering or initiating such a program.

Option 3 – Retain the current Practice of dealing with roadside memorials

The current practice of staff is to allow the placement of temporary memorials on an informal basis. Unless the memorial causes safety concerns, staff would leave the

memorial in place. There is no permit process required and no process has been put in place where individuals can request permission to place a roadside memorial of any kind. Recognizing the sensitivity of this situation, staff has relocated memorials that may impact the safety of the road. Others that are located in a safe area are left in place. The current practice seems to work effectively and has not created any problems for roads maintenance staff. The Region's current practice permits the placement of temporary memorials which are easily relocated or removed by staff, if required, on an informal basis. Therefore, it is felt that the current practice be retained.

4.2 YORK REGION COULD BECOME THE FIRST REGIONAL MUNICIPAL GOVERNMENT TO IMPLEMENT A ROADSIDE MEMORIAL PROGRAM WITH MADD CANADA

A roadside memorial signage program in partnership with MADD Canada could position the Region as a leader in taking a strong stance against impaired driving. A roadside memorial signage program in the Region could be similar to existing provincial agreements where a sign, paid for by MADD Canada, with the victim's name would be installed on a Regional road by Regional staff. The installation of the sign by staff will ensure the signs are located in a safe location and in accordance with our typical practice.

MADD Canada would be responsible for administering the program and initiating each memorial

The principles of an agreement with MADD Canada would dictate that MADD's core responsibilities would be similar to those in the organization's agreements with other Canadian jurisdictions, mainly that MADD would:

- Initiate the request and fund the cost for the memorial sign.
- Be responsible for ascertaining that the driver involved in the fatal collision has been convicted of a Criminal Code driving offence where alcohol was a contributing factor.
- Provide the location and details of the collision.
- Obtain written consent from the next of kin confirming the name to be placed on the memorial sign.

York Region would contribute the cost to install roadside memorial signs

York Region's role in this roadside memorial program is to manufacture the sign, based on a standard sign layout and design, and contribute the cost of the labour for installation of the sign. The cost of manufacturing the sign will be the responsibility of MADD Canada. The maintenance and replacement of any damaged signs will be charged to MADD Canada with the installation costs being covered by the Region. Signs would remain in place for a prescribed period of time.

This program could include memorials from the past and consider collisions that occurred prior to adoption of this program

This program, if endorsed by Council, would take effect upon endorsement by Council. All requests to install memorial signage for fatal collisions involving convictions for impaired driving that occurred on Regional roads could be considered. It is suggested that this could include those collisions which may have occurred before adoption of this program.

York Region policy for potential roadside memorial partnership programs

To date, MADD Canada has been the only certified national organization which has approached York Region to investigate a potential partnership to commemorate road fatalities due to alcohol related deaths and to deliver behaviour-altering messaging to the travelling public. York Region staff have contacted a number of other jurisdictions, including some of those who have already entered into a formal partnership with MADD Canada, and no other jurisdiction is aware of other organizations which may have similar goals or desires. Nevertheless, staff have considered what the parameters of a policy to address such potential future requests might be.

York Region could consider adopting key criteria for consideration of a request for partnership to commemorate road fatalities and advance specific causes

Organizations such as MADD Canada are encouraging municipalities across Canada to implement a roadside memorial program as an educational component. The Region might want to consider adopting minimum criteria for such requests and partnerships from similar agencies. At this time there have been no other organizations that have approached the Region requesting a similar signage program. To consider such requests, criteria must assess the credibility of the organization, the consistency of their message with Regional policy objectives, the ability for their message to positively modify driver behaviour, and overall benefit to the residents of York Region. Any costs related to the installation of any item on the Regional road must be considered as well.

As a minimum, the criteria must consider:

- Credibility of the requesting organization
- Their message and its compatibility with the Region's policy objectives
- The net benefit provided to the residents of York Region and drivers
- Any potential impact to sightlines, distraction, roadside maintenance etc.
- General cost, ease of maintenance and repair

Requests from similar agencies will be considered upon receipt

If a request is received from other similar agencies with similar credentials, it would be reviewed and considered at that time. Currently, there are no other agencies that have these types of agreements in place with any other jurisdictions.

5. FINANCIAL IMPLICATIONS

Any funds required to administer, manufacture the signs and implement roadside memorial signage are the responsibility of MADD Canada. Financial costs to install the signs are part of the day-to-day operations for Roads staff and are included in the approved 2008 Roads Budget. It is estimated that, on an annual basis, a minimum number of signs will be required to implement a roadside memorial signage program. Any costs related to the relocation or removal of makeshift memorial tributes, as required, are also part of the day-to-day operations for Roads staff and are included in the approved 2008 Roads Budget.

6. LOCAL MUNICIPAL IMPACT

Regional roads traverse through all nine local municipalities in the Region. Road safety and strategies to reduce impaired driving affect all local municipalities. The creation of a partnership with MADD Canada and implementation of roadside memorial signage on Regional roads will create awareness of the dangers of impaired driving for all residents of York Region. Endorsing the Region's current practice of allowing makeshift memorials and tributes, on an informal basis, for victims of fatal motor vehicle crashes will provide some consistency for this practice throughout the Region.

7. CONCLUSION

This report recommends retaining the current staff practice regarding the placement of makeshift memorials and tributes for victims of fatal motor vehicle crashes and permits the installation of roadside memorial signage on York Region roads where fatal collisions have occurred involving impaired driving.

This report also requests authorization for the Commissioner of Transportation Services to negotiate and enter into an agreement with MADD Canada. The administration of this program would be led by MADD Canada. The Region will be responsible for the manufacture and installation of roadside memorial signage based on requests through MADD Canada. The costs to manufacture the signs will be recovered from MADD Canada and the installation costs will be the responsibility of the Region.

The report also discusses the criteria which could be used in consideration of any future requests for formalized memorial partnership programs with other organizations, however; does not recommend developing criteria at this time.

For more information on this report, contact Brian Harrison, Director, Operations, Roads Branch at extension 5205 in the Transportation Services Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)