

Legislative Analysis



HIGHWAY ROAD SIGN MEMORIAL PROGRAM

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House Bill 4740 (H-3)
Sponsor: Rep. Neal Nitz
Committee: Transportation

First Analysis (6-2-05)

BRIEF SUMMARY: House Bill 4740 would amend the Michigan Memorial Act to require the Department of Transportation to install a memorial sign at a location where a person died in an automobile accident on a Michigan highway if an immediate family member makes a written request. The memorial sign would remain in place for two years. The Department would be required to approve a uniform design for memorial signs and would be responsible for maintaining the signs. After October 1, 2007, no memorial signs could be installed without following that procedure.

FISCAL IMPACT: The bill says that the Department of Transportation would have to be paid a fee for installation and maintenance of memorial signs and that the fee could not exceed the department's expenses in erecting and maintaining the sign.

THE APPARENT PROBLEM:

Every year people die on Michigan Highways due to car accidents. According to Michigan Traffic Crash Statistics, 1,283 persons were killed in 2003 (out of the 391,485 reported vehicle traffic crashes). Many survivors of those who die choose to honor and remember their loved ones by erecting homemade memorials on state right-of-ways. Survivors believe that these memorials allow them to remember their loved one and aid in the grieving process. However, erecting an unauthorized memorial is in violation of Michigan law (although it is reportedly not enforced). The signs can be hazards, both for the private citizens installing them and for distracted motorists, and they can pose maintenance problems for state highway maintenance workers. An official state Roadside Memorial Program, as exists in some other states, would help to avoid inconsistencies in and challenges to the practice of erecting memorials.

THE CONTENT OF THE BILL:

House Bill 4740 would amend the Michigan Memorial Act to require the Department of Transportation to install a memorial sign at a location where a person died in an automobile accident on a Michigan highway if an immediate family member makes a written request. The memorial sign would remain in place for two years. The department would be required to approve a uniform design for memorial signs and would be responsible for maintaining the signs. A fee would be paid to the Department for the installation and maintenance of a sign. The amount of the fee shall not exceed the department's expenses associated with erecting and maintaining the memorial sign. These provisions would apply to memorial signs erected after October 1, 2007.

Private memorial signs erected before October 1, 2007, would remain in place for two years if the department determined they were not a road hazard. After the two-year period elapsed, the department would be required to hold the private memorial signs for 14 days to allow family members to retrieve them. If, however, the department determined a sign was a road hazard, the department would immediately remove the sign and hold it for 14 days to allow family members to retrieve it.

A memorial road sign erected after October 1, 2007 without following the required procedure would be removed by the department and held for 14 days to allow family members to retrieve it.

MCL 250.1076

ARGUMENTS:

For:

Supporters say the bill would be beneficial because it would heighten awareness of fatal accidents, assist grieving families but keep them from illegally installing their own memorials, and would give the Department of Transportation better guidance about when to remove signs. The cost of the installing and maintaining signs would be borne by the families who request them. Standards for the design and placement of memorials would be established by the department; some private memorials are reportedly now sunk in concrete. The bill also would enhance public safety by keeping citizens off dangerous highway right-of-ways to erect private memorial signs.

Against:

Opponents believe that people could object to the erection of private memorial signs and view them as inappropriate; for example, when the person memorialized caused the accident, particularly if others died as the result. There is also the question about whether it is proper for the state to officially approve the placing of roadside memorials.

POSITIONS:

The Department of Transportation is neutral on the bill. (5-31-05)

Legislative Analyst: E. Best

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.