



Roadside memorials

Highways authority policies and good practice

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The roadside memorial has become a popular way for bereaved families and communities to commemorate their loved ones. However they pose a tricky public safety issue for highways authorities. Is it safe to let grieving people erect and maintain memorials on busy highways? Are highly visible roadside memorials a distraction to drivers? Do they act as a sober warning to motorists and lead to safer driving habits?

Bereavement Care conducted a small-scale, informal survey of local authorities (the public bodies with responsibility for highways) in the UK, using a combination of web-based research and individual inquiries, and found a wide range of policies and practices – and none at all.

Cumbria County Council, for example, responded to our enquiry that it 'has no stated policy on roadside memorials/floral tributes etc other than general enforcement responsibilities arising from the Highways Act 1980 which deals with obstructions and objects placed in the highway'.

By contrast, Derbyshire County Council (www.derbyshire.gov.uk and search for 'roadside tributes') conducted a public consultation on roadside memorials. This found a clear majority in support of them as a temporary tribute, but only up to 12 weeks. Thereafter there was an equally clear majority against permanent memorials, and the local authority developed its guidelines on this basis. The guidelines, which were also consulted on and received 85% support, are as follows:

- police family liaison officers will accompany bereaved friends and family who wish to lay tributes at crash sites to make sure they can visit in safety. They will also make sure tributes are left in a safe place so they do not cause a danger to drivers and other road users
- roadside tributes will be removed by the county council after 12 weeks – or less if the family wishes – and kept in a secure place for the family to collect.

Lancashire County Council and Birmingham City Council have no hard and fast policy and instead emphasise the importance of

working sensitively and individually with bereaved families. The prime consideration appears to be safety. Lancashire, for example, wrote:

'It is not normally appropriate to place permanent memorials in the highway. However, we work with families to find an appropriate and proportionate form of lasting memorial if they wish it, using our discretion, skill and judgement to define what constitutes "appropriate and proportional" under each particular circumstance.'

Birmingham took a similar individual approach. It told us: 'Any request for a memorial is considered individually and will be dependant on location and safety.'

Many highways authorities are prepared to tolerate, for a period, the placing of flowers. Transport for London (London's highways authority) told us:

'In these instances, unless the memorial becomes a safety or an obstruction issue, the memorial will be left alone until the flowers have wilted. If possible, the family will later be contacted and arrangements made to return any cards or any other non-perishable items.'

But, of course, floral tributes may be renewed before they wilt. A floral cross on a lamp post in Surrey, which commemorates the death of a young father in a motorcycle accident, is always fresh and bright, and it has been in the same place for a year.

Presenting the arguments

Surrey County Council is another local authority that, like Derbyshire, tries to engage with the range of views and find a middle ground of good practice (www.surreycc.gov.uk and search for 'roadside memorials'). The page on its website dedicated to the issue usefully presents the arguments for and against (see box), and sets out its own policy as follows:

'It would be insensitive for us to remove fresh floral tributes. We are not qualified to impose a definite cut-off time for when grieving should end. Generally therefore, it is advised to take no action in relation to temporary floral tributes. There may be exceptions to this for reasons of road safety or if the tributes interfere with road maintenance. In such cases, sensitive approaches should be made to those laying the tributes to explain the situation ... Each case should be considered on its individual merits.'

Temporary or permanent?

Manchester City Council (http://www.manchester.gov.uk/egov_downloads/report01_111_.pdf) asks that memorials are removed after 30 days, provided that:

- the bereaved family place the tribute in accordance with an agreement with the [police] family liaison officer
- the tribute is proportionate and does not pose a significant health and safety risk or a hazard to road users.

It also points out that it has established a number of special memorial gardens in the city where bereaved families can

commemorate victims of fatal road accidents, and that other, lasting ways of memorialising loved ones (planting trees and bulbs, paying for public park benches and plaques) are available for bereaved families, just not at the roadside scene of the accident.

Nevertheless, some roadside shrines have become permanent fixtures. In Barnes, south-west London, there is a shrine to mark where rock musician Marc Bolan died in a fatal car crash in 1977. The memorial is frequently visited by fans, and in 2002 a bronze bust was installed to mark the 25th anniversary of his death. In 2007, the site was recognised by the English Tourist Board as a 'Site of Rock 'n Roll Importance' in their guide *England Rocks*. Fans continue to place flowers and tributes at the site.

Enforcement

Finally, it is one thing for councils to have policies on roadside memorials, and quite another to enforce them. There have been highly emotive public rows between bereaved families and local authorities over the decision to remove a memorial against the wishes of the family. These arguments show a polarisation between those who think a limited period should be enough and those for whom bereavement is made even more painful by what they see as the intransigence of local authority bureaucracy.

Arguments for and against

Views in support of memorials

1. The laying-down of flowers can be an important part of the grieving process and people should be allowed to express their grief in this way.
2. A memorial can act as a warning to road users of the possible dangers of the location.

Arguments against

1. A memorial can create a hazard, distracting passing motorists.
2. The placement and maintenance of memorials can in itself involve a road safety risk.
3. A religious memorial is best placed in a religious setting, eg. a churchyard or cemetery.
4. Memorials, plaques or signs placed on the highway, on a wall or existing street furniture may add to clutter.
5. There are insurance and liability issues in the event of an accident occurring as a result of a driver being distracted.
6. A memorial may interfere with routine maintenance such as grass cutting.

Other relevant factors

1. The Highways Act 1980 has no express provision to license or permit memorials on the highway.
2. There are legal traffic signs specifically to warn of potential hazards.
3. Roadside memorials are a relatively recent development in the UK. There is no tradition or deep cultural reason supporting this practice.
4. There is a difference between laying down flowers and creating a permanent memorial and the judgement as to what is a reasonable time for floral tributes can only be subjective.
5. A bench or tree with a small dedication may be an acceptable permanent memorial, as long as there are no road safety implications.
6. The visual impact of memorials will be different in rural and urban locations.
7. There is a view that placing memorials on the highway is maudlin and unhealthy.

From Surrey County Council website:

<http://www.surreycc.gov.uk/SCCWebsite/sccwspages.nsf/searchresults/d658779156a606888025701c003bd31b?OpenDocument>

In one such confrontation earlier in 2010, the parents and extended family of a nine-year-old boy knocked down and killed by a car fought in vain to stop Lancashire County Council removing their roadside memorial five years after his death, and after the parents had emigrated to Australia. Alongside maintaining the memorial, his mother had successfully campaigned for a speed limit to be introduced on the stretch of road. In an interview with the local newspaper, the *Lancashire Evening Post*, his aunt highlighted the importance to the family of having created their own memorial: 'The county council has suggested a tree as a lasting memorial to our son. To us this would be impersonal and have no relationship to him' (www.lep.co.uk/news/Family-told-Roadside-memorial-must.6012109.jp).

Bolton Council's decision in January 2010 to institute a 30-day limit on memorials provoked an even more vocal public protest and campaign – including a mass march on the town hall – by families, some of whom had been maintaining elaborate roadside tributes for up to five years (www.theboltonnews.co.uk/news/special_reports/roadside_memorials).

One bereaved mother, whose son was killed by a car in 2006, said:

'I get a lot of comfort from having this [a St George flag hung from the railings where her son died] ... Cars have to slow down because it is next to the traffic lights so I cannot see why it is a distraction. If anything it will remind drivers to drive responsibly. It is council bureaucracy gone mad again. Why are they doing this when it is doing no one any harm?'

From the council's point of view, a spokesman could only plead road safety, both for motorists and the families placing tributes:

'We are aware that the removal of roadside tributes is a sensitive issue, but we must balance the needs of the grieving families with the needs of the residents who live around the sites of these tributes. We are also aware that the families placing these tributes often put themselves in danger and our responsibility is to prevent any further accidents on the highways.' ■

Good practice policy

The following policy on temporary roadside memorials is taken from the website of the Local Government Association of South Australia:

- A memorial must be located in a position where it will not distract drivers' attention or interfere with traffic control.
- A memorial must not be located in a position where it will be hazardous to passing traffic (vehicles, bicycles and pedestrians) or prevent appropriate maintenance.
- A memorial must not be constructed of materials that may cause hazard to vehicles, bicycles and pedestrians (eg. large metal or stone components are not permitted). All material must be secured against weather conditions.
- A memorial must not unreasonably restrict access for utility and emergency services.
- People placing memorial objects on a road do so at their own risk.
- Wherever possible, the location of a memorial should be chosen to minimise risk.
- The authorities will remove a roadside memorial where it poses a hazard to vehicles, bicycles or pedestrians or where it restricts access to utility and emergency services.
- Location of a memorial should not unreasonably detract from the amenity of the local area or detract from the reasonable quality of life as expected by adjacent landowners or property occupiers and other members of the public.
- Location of a memorial may include consideration of the difference between metropolitan and rural/regional landscapes.
- Erection of a memorial is to be temporary up to a maximum of six weeks from the date of the accident, after which time the memorial must be removed. Any appropriate remedial works are required at the time of removal.
- Location of anniversary memorials is permitted on the initial 12-month anniversary of the fatal road accident. Subsequent anniversary memorials are not permitted and will be removed by the authorities.
- Anniversary memorials are required to be removed and any appropriate remedial works to the site completed within 14 days of placement.

(http://www.lga.sa.gov.au/webdata/resources/files/Temporary_Roadside_Memorials.pdf)