

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Streets and Maintenance

AGENDA DATE: October 18, 2016

CONTACT PERSON/PHONE: Ted Marquez, Director, Streets and Maintenance (915) 212-0151
Tracy Novak, Director, Parks & Recreation (915) 212-1708

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: **No. 7: Enhance and Sustain El Paso's Infrastructure Network**

SUBJECT:

Discussion and action on recommended changes to current city policies regarding memorials in public places.

BACKGROUND / DISCUSSION:

City Council has requested that staff bring forward revisions and more alternatives for memorializing those lost in traffic-related collisions. Staff is recommending changes to the policies and procedures to allow for provisions governing the installation of impromptu roadside memorials, ghost bikes, and to enhance the Parks and Recreation Department's Memorial Tree Program and Memorial Bench Program to include options for plaques that would memorialize those lost in traffic-related accidents.

SELECTION SUMMARY:

N/A

PRIOR COUNCIL ACTION:

- October 24, 2006 – City Council adds Memorial Markers to list of exceptions in Title 15. Staff creates Memorial Marker Policy.
- March 24, 2015 – City Council discusses the need for revisions and enhancements to current memorial marker policy.
- June 13, 2016 – City Council participates in work session item regarding staff-recommended changes to the memorial marker policy.
- June 28, 2016 – City Council discusses staff recommendations and requests further coordination with the Bicycle Advisory Committee prior to City Council action.

AMOUNT AND SOURCE OF FUNDING:


Account No: N/A
Funding Source: N/A
Amount: N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:





Streets and Maintenance Department

Roadside & Alternative Memorials

Roadside & Alternative Memorials

October 18, 2016

"Delivering Outstanding Services"



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Roadside & Alternative Memorials

Strategic Plan Goal:

7) Enhance and Sustain El Paso's Infrastructure Network

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Roadside & Alternative Memorials

Timeline:

- **October 24, 2006** – City Council adds Memorial Markers to list of exceptions in Title 15. Staff creates Memorial Marker Policy.
- **March 24, 2015** – City Council discusses the need for revisions and enhancements to current memorial marker policy.
- **June 13, 2016** – City Council participates in work session item regarding staff-recommended changes to the memorial marker policy.
- **June 28, 2016** – City Council discusses staff recommendations and requests further coordination with the Bicycle Advisory Committee (BAC) prior to Council action.
- **July 20, 2016** – Staff presents and discusses policy with the BAC; BAC requests time to draft recommended language.
- **September 21, 2016** – Staff reconvenes with BAC; receives final recommendations.



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Roadside Memorials

Exception Provided in Municipal Code 15.08.120

Memorial Markers:

- Placement must be approved by the city
- Complies with policies and procedures established by Staff

ORDINANCE NO. 016477

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) CHAPTER 15.08 (STREET RENTALS) SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C, (EXCEPTIONS), OF THE EL PASO CITY CODE TO ADD AN EXCEPTION FOR MEMORIAL MARKERS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120, (Special Privilege Licenses), Subsection C, (Exceptions), of the El Paso City Code shall be amended to add the following exception:

10. **Memorial markers**, provided that the placement of such markers are approved by the City and comply with the policies and procedures established by the City Engineer.

2. Except as expressly herein amended, Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120, (Special Privilege Licenses), Subsection C, (Exceptions), of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this 24th day of October, 2006.

CITY OF EL PASO

John F. Cook, Mayor **MAYOR PRO-TEM**

ATTEST:

Richarda Duffy Mosen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto, Deputy City
Manager Development and
Infrastructure Services



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Roadside Memorials

Traffic Fatality Sign



Traffic Fatality Sign Due to DUI/DWI



**Must have DWI/DUI Proof of Conviction*

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Roadside Memorials

City of El Paso Current Policy

- Partnered with Mothers Against Drunk Driving (MADD)
- Mirrored after TXDOT policy
- Designed to remind passing drivers of dangers of unsafe driving
- Limited to traffic related fatalities
- One marker per accident
- Marker may have multiple names
- Remains for One Year, renewable (TXDOT is not)
- Cost - \$124/per year
- Approval by Staff
- **Zero tolerance for non-permitted markers**

THE CITY OF EL PASO POLICY AND PROCEDURE FOR MEMORIAL MARKERS WITHIN THE RIGHT-OF-WAY

1. Policy

The City may allow memorial markers on certain areas of the City's right-of-way provided that the placement of such markers has been approved by the City Engineer or his designee and complies with the provisions of the procedures outlined herein. The purpose of this policy is primarily to place markers to remind passing motorists of the dangers of unsafe driving and to place such markers in a safe location or the City right of way.

2. Guidelines

a. Markers are limited to traffic related fatalities occurring on the City street system. The request to place a marker should be submitted by the victim's family to the Traffic Engineering Division; however, Mothers Against Drunk Drivers may submit the request on behalf of the family, provided that the request includes written permission from the family.

b. No more than one marker will be allowed per incident.

c. No more than one marker will be allowed per location. Where a location is the site of multiple fatalities as the result of an event, the marker may contain all of the names of the victims, if requested by the victim's family(s).

d. Markers will remain up for a period of one year. After the expiration of the one-year period, the applicant may request that the marker remain and pay the cost of a renewal fee. If a marker is removed, the family must go through the original procedures, to include payment of an application fee, to have a replacement marker placed.

e. The marker MAY NOT state that the death was the result of intoxicated driving unless the request is accompanied by proof of a DWI CONVICTION.

f. No marker may be placed on any State maintained roadway without prior approval from the Texas Department of Transportation.

g. If the placement of a memorial marker at a specific location where a traffic fatality has occurred is not possible because the City Traffic Engineer determines that it could present a safety hazard, then the applicant shall be so informed and the application fee shall be refunded to the applicant.

3. Approval

The City Engineer or his designee may, based on the appropriate criteria established herein, authorize the placement of a memorial marker for any traffic related fatality.

4. Procedures

a. An application may be obtained from the City's Traffic Engineering Division (TED) or from a representative of Mother's Against Drunk Drivers.

Document # 21142
Document Name: Memorial Marker Policy and Procedures
Document Author: LCUE

b. The cost for the application or renewal of an existing application is \$124.00. This covers the processing of the application, maintenance of the marker, and costs for signs, material and labor to install the signs.

c. Once the City Engineer or his designee determines that all the requirements have been met, the Street Department will then be asked to install the memorial sign as per instructions provided by the Traffic Engineering Division. The memorial marker will remain at that location for a period of one year from the date installed.

d. If the applicant requests the memorial marker to remain longer than one year, the application can be renewed in one year increments at the rate currently in effect for applications. If the marker has deteriorated significantly, the City may require a new marker to be purchased at the application rate in effect at that time. If a marker is not renewed, it will be removed by the City of El Paso.

5. Placement

The City of El Paso Street Department will, upon approval of an application by the Traffic Engineering Department as outlined herein, erect a standard marker. The marker will be located as near the right-of-way line as possible, preferably near a utility pole or at the edge of a non-snow area. The marker will not be placed in medians or between the main lanes and frontage road of a controlled access roadway. The marker will not be located in front of developed property unless the adjacent property owner has given written permission to the requestor. Markers will not be affixed to traffic control devices such as signs, signals, etc., or their supports. Although the Traffic Engineering Division will determine the best placement of the marker to protect the public safety, it is recommended that the requestors meet with the Traffic Engineering Division so that the location selected by the Traffic Engineering Division represents the general location of the incident being memorialized. If after placement of the marker the City Engineer determines that it is necessary to move the marker, the applicant will be informed and the marker will be moved.

6. Fabrication and Materials

The only marker allowed is a City of El Paso standardized marker placed at the appropriate height to help prevent debris from hitting a windshield should a vehicle impact the marker. The marker will contain the victim's name, date of birth and date of the accident.

7. Non-Permitted Markers

The placement of non-permitted markers is prohibited. When a non-permitted memorial or marker is found, the City will remove the marker. Markers removed will be kept fifteen days before final disposal.

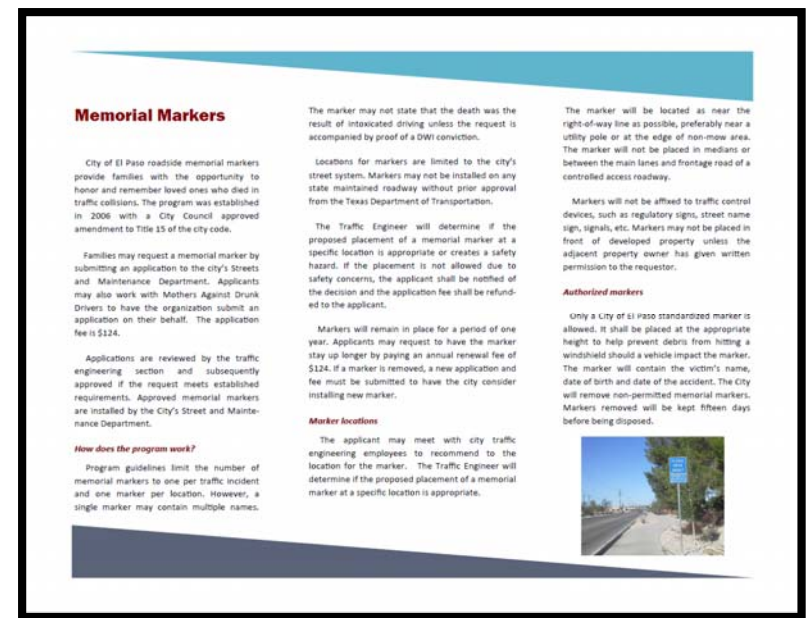
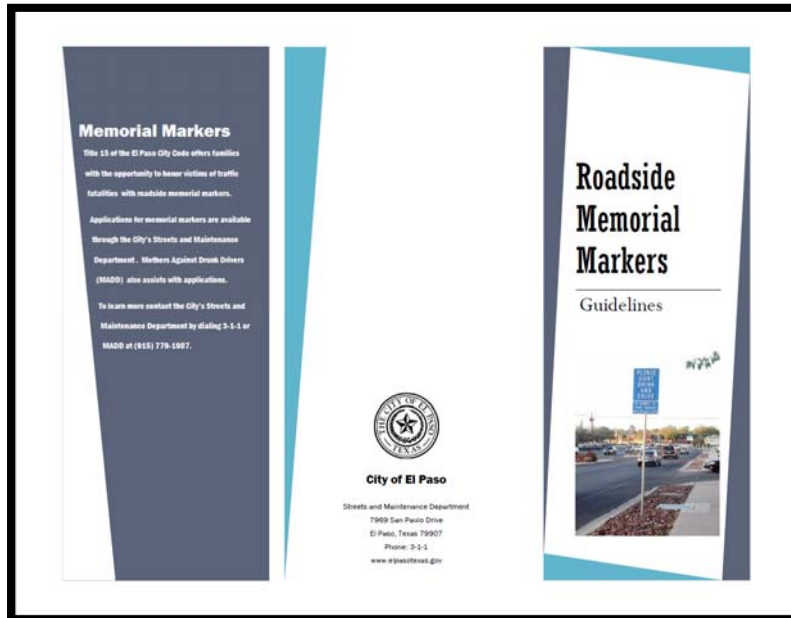
Document # 21142
Document Name: Memorial Marker Policy and Procedures
Document Author: LCUE



Streets and Maintenance Department

Roadside Memorials

Updated Brochure



→ Upon City Council approval, staff will update and distribute to MADD, Funeral Homes and Victim Services (PD) to provide to the families.

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Roadside Memorials

HOW DOES EL PASO COMPARE?

State	City	Allowed	Governing Body	Type of Memorial	Program	Restrictions	Length monument is allowed to be displayed	Renewable	Cost
Texas	El Paso	RESTRICTED	City of El Paso, Traffic Engineering	Memorial Sign	Traffic Related Fatality	must provide proof of DUI/DWI conviction	1 year	Yes	\$124
Texas	STATE	RESTRICTED	TXDOT	Memorial Sign	Victims of Impaired Drivers, Victims of Motorcycle Crashes	Impaired drivers not eligible, must provide proof of DUI/DWI conviction	2 years	No	\$350
New Mexico	STATE	RESTRICTED	NMDOT	Memorial Sign	Fatality due to alcohol related crashes	must provide proof of DUI/DWI conviction	1 year	Yes	\$90-120
California	STATE	RESTRICTED	CalTrans	Memorial Sign	Fatality due to DUI/DWI	must provide proof of DUI/DWI conviction	7 years	No	\$1,000
Colorado	STATE	RESTRICTED	CDOT	Memorial Sign	Fatality due to DUI/DWI	must provide proof of DUI/DWI conviction	6 years	No	\$100
Florida	STATE	RESTRICTED	FDOT	Memorial Sign	15" diameter aluminum sign panel	must provide proof of DUI/DWI conviction	1 year	Yes (approval required)	FREE
Delaware	STATE	ILLEGAL	DeIDOT	Memorial Brick	Delaware Highway Memorial Garden Pathway Program	Clear Zone Act, Must be a traffic fatality on Delaware roadways.	Permanent	N/A	FREE

- For the most part, cities defer to state requirements.
- Although they are banned or restricted, most illegal roadside memorials are not removed unless it becomes a nuisance or it creates a safety hazard.

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Roadside Memorials

Impromptu Roadside Memorials Erected by Citizens





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Roadside Memorials

Recommended Revision to the City of El Paso Policy (Right-of-Way)

- Revised provision to allow impromptu roadside memorials for **30 calendar days**, provided that they do not create a health or safety hazard before being removed.

Section 7 of Policy:

7. Impromptu Roadside Memorial

The City recognizes that the mourning process for the loss of a loved one may include the temporary placement of impromptu roadside memorials erected by citizens, within the right-of-way, near the site of the loss. This impromptu roadside memorial may include, but is not limited to, flowers, photographs, toys, stuffed animals, and candles. The City does not encourage, but will permit, impromptu roadside memorials for up to thirty (30) calendar days following the event causing the loss. If any component of the impromptu roadside memorial is found to pose a health or safety hazard, the City Engineer or designee will order that component to be remedied or removed immediately.

Any other impromptu roadside memorial reported to the City will be removed thirty (30) days from the date of notice to the City.

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Roadside Memorials

Recommended Revision to the City of El Paso Policy (Right-of-Way)

- Add policy and application regarding Ghost Bike Memorial Markers, to be treated in similar fashion as standard memorial markers.

Section 8 of Policy:

8. Ghost Bike Memorial Markers

The City recognizes that there is a tradition in the cycling community wherein a white bicycle, commonly known as a ghost bike, is installed near the site of a cyclist-involved traffic accident that results in a cyclist fatality. The applicant will be responsible for providing the ghost bike to be installed and must be present at the time of installation. Installation of ghost bikes must follow the same guidelines, approval process, procedures and placement standards (to include an initial \$124.00 fee and \$124.00 annual renewal fee) as memorial markers.



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Existing Alternative Memorials

Memorial Tree Program



The City of
El Paso
Parks and Recreation Department
Invite you to participate in the

Memorial Tree
Program

- In Addition to a Memorial Marker
- Can be Located in any City Park/Trail
- Permanent, tree maintained by the City, plaque responsibility of family/friends
- One-Time Fee: \$200 - \$350 (2 – 3 inch caliper tree)
- PROGRAM ENHANCEMENT:
Option to add memorial plaque for additional \$250

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Alternative Memorials

Memorial Bench Program



- In Addition to a Memorial Marker
- Can be Located in any City Park/Trail
- Permanent, bench maintained by the City, plaque responsibility of family/friends
- One-Time Fee: \$2,000 - \$3,000
- **PROGRAM ENHANCEMENT:** Option to add memorial plaque for additional \$250

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Bicycle Advisory Committee (BAC) Ghost Bike Discussion



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Bicycle Advisory Committee (BAC) Ghost Bike Discussion

BAC Recommendation

- Adoption of a descansos policy for all memorial markers.
- Do not tamper with memorial markers.
- Creation of a Memorial Marker Community Program.
- Public Input Meetings.
- One-time fee (if any).
- Adoption of a Vision Zero initiative.
- Grandfathering of existing ghost bikes (if staff policy is approved).

City Staff Recommendation

- Treat Ghost Bikes as Memorial Markers
 - ✓ Follow same permit/review/placement process
 - ✓ Pay same fees (\$124 annually)
 - ✓ Receive same maintenance/replacement benefits
- Ghost Bike Memorials include standard blue marker; ghost bike affixed to pole.



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Roadside & Alternative Memorials

Requested Council Action

- Affirm revision to City policy to allow for impromptu roadside memorials.
- Affirm addition to City policy of Ghost Bike Memorial Markers.
- Affirm Park Memorial Recognition Options:
 - ✓ Enhanced Memorial Tree Program
 - ✓ Memorial Bench Program

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Roadside & Alternative Memorials

Questions & Comments

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