



1.0 Authority

Wisconsin State Statute, [SS. 86.04](#), memorials are considered encroachments and their placement within the right of way is not allowed. Memorials that are signs are also prohibited under [SS. 86.19](#).

In addition, it is against [SS. 46.52\(1\)\(h\)](#), stats. to stop along interstate highways or freeways except in emergencies or because a vehicle breaks down. Mourners who stop to visit or maintain a roadside memorial not only place themselves in danger, they also put other motorists at risk.

2.0 General

A memorial is any object placed on highway right of way for the purpose of marking the site of a fatal crash.

It has become a practice for people who have lost loved ones due to a vehicular crash to express their grief by placing a memorial within the highway right of way near the crash site. While the department acknowledges the need people feel to express themselves in this way, memorials may be visual or physical safety hazards.

Typical hazards may include:

- Non-breakaway objects embedded in the clear zone
- Drivers' vision may be obstructed
- Erratic driving caused by a visual distraction
- Vehicles parked next to the roadway on narrow shoulders
- People (especially children) exiting or entering vehicles near the roadway
- Pedestrians on or near the roadway
- Posts interfering with underground utilities

The Wisconsin Department of Transportation (WisDOT) has prepared a pamphlet entitled "[Remembering a loved one - Memorials on State Highways](#)" for public information regarding this guideline. The public may access this information via the [WisDOT Internet web page](#).

3.0 Removal Criteria

Remove a memorial immediately if it:

- Is located in the median of a divided highway
- Is attached to any bridge, sign, signal pole, utility pole or tree
- Interferes with roadway safety features or vision
- Negatively impacts the free flow of traffic
- Would be a hazard should it be hit
- Interferes with highway construction or routine maintenance operations, i.e. the site is needed for highway purposes
- Falls into disrepair

When the department is made aware of a memorial, the department will investigate to determine whether immediate removal is necessary, or if it can reasonably be allowed to remain for a temporary period not to exceed one year.

Memorials that are removed should be stored for 30 days to allow the owners to claim the material. If contact information for the owner of the memorial is known, inform them of the reason it was removed and where it is being stored if they would like to retrieve it.

4.0 Acceptable Alternatives

The department strongly encourages grieving parties who wish to place a memorial near the site of the fatal crash to work with an adjoining landowner to designate an appropriate location off the highway's right of way for placement of a memorial.

When contacted by the victim's family or friends, offer alternatives for the placement of the memorial, or suggest mourners participate in the [department's "Adopt-A-Highway"](#) program. Under special circumstances, the department has worked with grieving families to place plantings at a rest area near the crash scene.

The benefits of these approaches are the deceased can be recognized in a manner conforming to state statutes while giving mourners access to the memorial without compromising highway safety.

5.0 Liability Limits

While the department will exercise reasonable care when removing a memorial, it is not responsible for any damage done during removal or storage.