

## Chapter 387. Permitted Uses within The Right of Way<sup>1</sup>

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### **Subchapter A. Temporary Memorial Markers**

#### **387.001 [Temporary Memorial Markers]**

- (a) Guidelines. TNR may authorize the placement of a temporary wooden memorial marker for any traffic-related fatality. Memorial markers may remain in place for a maximum period of five years.
- (b) Qualifications. Use of markers is limited to traffic-related fatalities occurring on county roads. The request to place a marker should be submitted by the victim's family. The request may be submitted by someone other than a family member as long as the request includes written permission from the family. No more than one marker will be allowed per victim.
- (c) Placement, Installation, and Maintenance
  - (1) The marker shall be located in such a way that it does not distract motorists. Overly ornate markers may tend to draw motorists' attention from the road, which could present a safety hazard.
  - (2) The marker shall be located as near the right of way line as possible, preferably near a utility pole or at the edge of a non-mow area. The marker shall not be placed in medians or islands.
  - (3) The marker shall not be located in front of developed property unless the adjacent property owner has given written permission to the requestor.
  - (4) Markers shall not be affixed to traffic control devices such as sign, signals, etc., or their supports.
  - (5) Markers shall be provided by the requestor and installed by the county to ensure proper and safe placement. Requestors should meet with Transportation and Natural Resources (TNR) to determine the exact location of the marker.

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<sup>1</sup> Chapter 87 was adopted by Travis County Commissioners Court on 4/8/2003 (Item A.3). Chapter 87 was renumbered as Chapter 387 on June 1, 2018.

- (6) The requestor is responsible for maintaining markers and the area around them. The county is not responsible for maintaining markers or for repairing or replacing damaged markers.
- (d) Fabrication and Materials
    - (1) The markers may incorporate various types of symbols.
    - (2) The marker shall be no more than 30 inches high and no wider than 18 inches. This height limitation will help prevent debris from hitting a windshield should a vehicle impact the marker.
    - (3) Concrete footings are not allowed.
    - (4) The marker's components shall be fabricated from wood no larger than 2"x 4" nominal cross-section. Small plaques are allowed. The plaque may contain the victim's name, date of birth, and date of death.
  - (e) Removal of Markers. Markers may be removed by TNR at any time and for any purpose at the sole discretion of the County. If a marker presents a potential hazard to the public, TNR may immediately remove it or relocate it on the right of way.
  - (f) Non-Conforming Markers. The placement of non-conforming markers is not permitted.
    - (1) If a marker presents a potential safety hazard to the public or an operational problem the marker will be removed immediately.
    - (2) If a marker is placed within the right of way without approval or does not meet county requirements, TNR should attempt to locate the victim's family and encourage them to replace the marker with one that meets county requirements. If the marker is not made to meet requirements, or if the family cannot be contacted, the marker may be removed.
    - (3) Markers removed from the right of way should be kept 30 days before final disposal. Attempts should be made to determine the markers' owner prior to disposal.
  - (g) Sketch of Typical Marker. The following sketch illustrates the size and construction limitations for right of way markers. Example of a conforming marker:
    - (1) Cross-section of vertical and horizontal members shall be 2" x 4" original size.
    - (2) The use of concrete footings is not allowed.
    - (3) The Other symbols may also be allowed.

- (4) All types of markers shall conform to the height, width, below-ground depth and member size (nominal 2" x 4" stock) limitations shown above.

