

1 HB209  
2 208634-1  
3 By Representative Warren  
4 RFD: Public Safety and Homeland Security  
5 First Read: 02-FEB-21  
6 PFD: 01/29/2021

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8 SYNOPSIS: Under existing law, the public right-of-way  
9 is maintained by the state and the counties and  
10 municipalities of the state.

11 This bill would authorize and regulate the  
12 placement of roadside memorials in the public  
13 right-of-way under certain conditions.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to public roads; to authorize and regulate  
20 the placement of roadside memorials in the public right-of-way  
21 under certain conditions.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) As used in this section, "roadside  
24 memorial" means an object placed within the right-of-way of a  
25 public road, street, or highway to commemorate one or more  
26 individuals who died on that road, street, or highway.

1 (b) A roadside memorial may not be placed on the  
2 right-of-way of a public road, street, or highway maintained  
3 by the Department of Transportation, except as provided in  
4 this section.

5 (c) A person may submit an application to the  
6 Department of Transportation to place a roadside memorial at a  
7 designated location. The application shall be on a form  
8 produced by the department and shall include all of the  
9 following:

10 (1) The name, address, and telephone number of the  
11 applicant.

12 (2) The name of the individual memorialized and the  
13 highway where the individual lost his or her life.

14 (3) The requested designated location of the  
15 proposed roadside memorial.

16 (4) A fee, to be established by the department, to  
17 cover the direct and indirect expenses associated with placing  
18 and maintaining the memorial. Fees collected under this  
19 section shall be deposited in the State Treasury to the credit  
20 of the Public Road and Bridge Fund and shall be budgeted and  
21 allotted in accordance with Sections 41-4-80 through 41-4-96  
22 and Sections 41-19-1 through 41-19-12, Code of Alabama 1975.

23 (d) Upon approval of an application submitted in  
24 accordance with subsection (c), the Department of  
25 Transportation may place, or authorize the applicant to place,  
26 a roadside memorial at the designated location, or an

1 alternative location as required by the department, subject to  
2 subsection (e).

3 (e) A roadside memorial placed pursuant to this  
4 section shall be subject to all of the following requirements:

5 (1) The memorial shall be placed as far from the  
6 roadway as is practicable or reasonably necessary to preserve  
7 public safety and facilitate highway maintenance.

8 (2) The memorial may not exceed three feet in height  
9 above ground, two feet in width, and six inches in thickness.

10 (3) The memorial shall be constructed of a durable  
11 material and may not contain any moving or electronic parts.

12 (4) The memorial may contain the name of the  
13 individual memorialized, the dates of the individual's birth  
14 and death, and other relevant information.

15 (f) Notwithstanding subsection (e), each roadside  
16 memorial shall be approved by the department prior to its  
17 placement.

18 Section 2. (a) As used in this section, "roadside  
19 memorial" means an object placed within the right-of-way of a  
20 public road, street, or highway to commemorate one or more  
21 individuals who died on that road, street, or highway.

22 (b) A roadside memorial may not be placed on the  
23 right-of-way of a public road, street, or highway maintained  
24 by a county or municipality, except as provided in this  
25 section.

26 (c) A person may submit an application to a county  
27 or municipality to place a roadside memorial at a designated

1 location within the county or municipality. The application  
2 shall be on a form produced by the Department of  
3 Transportation and shall include all of the following:

4 (1) The name, address, and telephone number of the  
5 applicant.

6 (2) The name of the individual memorialized and the  
7 highway where the individual lost his or her life.

8 (3) The requested designated location of the  
9 proposed roadside memorial.

10 (4) A fee, to be established by the Department of  
11 Transportation, to cover the direct and indirect expenses  
12 associated with placing and maintaining the memorial. Fees  
13 collected under this section shall be deposited in the  
14 applicable county or municipal treasury.

15 (d) Upon approval of an application submitted in  
16 accordance with subsection (c), the county or municipality may  
17 place, or authorize the applicant to place, a roadside  
18 memorial at the designated location, or an alternative  
19 location as required by the Department of Transportation,  
20 subject to subsection (e).

21 (e) A roadside memorial placed pursuant to this  
22 section shall be subject to all of the following requirements:

23 (1) The memorial shall be placed as far from the  
24 roadway as is practicable or reasonably necessary to preserve  
25 public safety and facilitate highway maintenance.

26 (2) The memorial may not exceed three feet in height  
27 above ground, two feet in width, and six inches in thickness.

1                   (3) The memorial shall be constructed of a durable  
2 material and may not contain any moving or electronic parts.

3                   (4) The memorial may contain the name of the  
4 individual memorialized, the dates of the individual's birth  
5 and death, and other relevant information.

6                   (f) Notwithstanding subsection (e), each roadside  
7 memorial shall be approved by the county or municipality prior  
8 to its placement.

9                   Section 3. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.