

Department of Planning and Budget

2002 Fiscal Impact Statement

1. Bill Number HB85

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Orrock

3. Committee Passed Both Houses

4. Title Roadside memorials.

5. Summary/Purpose:

Requires the Commonwealth Transportation Board to establish regulations regarding the installation, maintenance, and removal of roadside memorials, plaques, and other devices within the right-of-way of any state highway that commemorate the memory of persons killed in vehicle crashes. Any person who installs any plaque, device, sign, object, material, or other memorial within the right-of-way of any highway controlled by the Department, except in accordance with criteria established as provided in this section, may be assessed a civil penalty of no more than \$100. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund.

6. Fiscal Impact: Final, see Item #8.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03	\$10,000.00	0	NGF
2003-04	\$10,000.00	0	NGF

b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03	\$8,250.00	0	NGF
2003-04	\$20,000.00	0	NGF

7. Budget amendment necessary: No.

8. Fiscal implications:

According to the Department of Transportation, there could be an expenditure associated with administering the program. Although there could be a fiscal impact on the department in establishing the criteria for roadside memorials, it likely could be absorbed within the department's current budget.

In addition, the establishment of design and installation criteria for roadside memorials would create a responsibility to license, manage and maintain them. Each memorial may require a land use permit, which would necessitate a review process on the size, markings, wording, etc. of the marker and its location within the right-of-way. Each residency would need to be aware of the

administrative, management, and maintenance processes, and be actively involved in the processes.

The cost of a land use permit is approximately \$55.00, which would be required for each memorial. Controls and processes may also need to be established to bill private citizens for this permit fee and any potential maintenance costs.

Approximately 1,000 persons are killed each year on Virginia's highways. If the memorial program is implemented, then it is estimated that, initially, 10 to 20 percent of the affected families may want a highway memorial. Revenues collected to offset direct costs could be \$8,250 (15 percent of fatality times permit fee of \$55.00).

Also, there could be additional revenue generated from the assessment of a \$100 civil penalty, but this will depend on the number of instances in which memorials are established that do not meet the criteria, and the number of persons caught who are in violation of the roadside memorial criteria. The additional revenue may be minimal. Also, the bill specifies that the additional revenue be paid to the Highway Maintenance and Operating Fund. Civil penalties of this type are usually deposited to the Literary Fund.

9. Specific agency or political subdivisions affected: The Department of Transportation; cities, towns, and counties; and the court system.

10. Technical amendment necessary: No.

11. Other comments: None

Date: 02/26 /02/jlm

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cc: Secretary of Transportation