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HIGHWAY DIVISION

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FILING CAPTION: Gold Star Family applications for Fallen Hero roadside memorial signs

EFFECTIVE DATE: 11/13/2023

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RULES:

734-026-0020, 734-026-0030, 734-026-0045

AMEND: 734-026-0020

NOTICE FILED DATE: 09/21/2023

RULE SUMMARY: Updated the definitions used for the Roadside Memorial Sign Program. "Gold Star Family" and "Sibling" have been added. The definitions are the same as what was used in 2023 HB 3001.

CHANGES TO RULE:

734-026-0020
Definitions ¶¶

As used in division 26 rules, the following definitions shall apply:¶¶

- (1) "Applicant" means the individual or organization seeking to commemorate a police officer killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States, and named in and signing the application.¶¶
- (2) "Department" means the Oregon Department of Transportation.¶¶
- (3) "Firefighter" means any fire or forestry department employee or authorized fire department volunteer, vested with the duty of preventing or combating fire or preventing the loss of life or property by fire.¶¶
- (4) "Gold Star Family member" means a person who is a parent, sibling, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States.¶¶
- (5) "MUTCD" means the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.¶¶
- (56) "Region Traffic Engineer" means a professional engineer employed by the Department who by training and experience has comprehensive knowledge of the Department's traffic engineering standards, policies, and procedures.¶¶
- (67) "Roadside Memorial Sign" means a sign including the name of the police officer or firefighter killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States and complying with the requirements of the MUTCD.¶¶
- (78) "Sibling" includes siblings of the whole or half blood and siblings by adoption, marriage or domestic partnership.¶¶
- (9) "State Highway System" means the public way for vehicular travel that is under the jurisdiction of the

Department. It also includes medians, highway shoulders, improvements appurtenant to the highway, such as support or tunnel structures, bicycle ways or sidewalks, and right of way used for the operation of the roadway.¶
(~~8~~10) "State Traffic Engineer" means a professional engineer, or designated representative, employed by the Department in charge of the Department's traffic engineering standards, policies, and procedures.¶
(~~9~~11) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.
Statutory/Other Authority: ORS 184.619, 366.930, 366.931, 2019 OL Ch 298
Statutes/Other Implemented: ORS 366.930, 366.931, 2019 OL Ch 298

AMEND: 734-026-0030

NOTICE FILED DATE: 09/21/2023

RULE SUMMARY: Basic requirements to apply for a Roadside Memorial Highway sign. The requirements changed for MIA/POW candidates from HB 2144 that no longer require MIA/POWs have their remains returned to Oregon.

CHANGES TO RULE:

734-026-0030

General Requirements ¶¶

(1) The Applicant shall submit a written request to the State Traffic Engineer containing the following information:¶¶

(a) Name, address, and telephone number of the Applicant;¶¶

(b)(A) A brief description of the concurrent resolution adopted by the Legislative Assembly recognizing the police officer or firefighter killed in the line of duty or the measure adopted by the Legislative Assembly recognizing the person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States; or¶¶

(B) The individual killed in the line of duty was formerly designated as either a prisoner of war or unaccounted for by the Defense POW/MIA Accounting Agency and the remains of the individual have been recovered, and identified and returned to Oregon;¶¶

(c) The preferred location on the State Highway System for a Roadside Memorial Sign to commemorate the police officer or firefighter killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States; and¶¶

(d) Payment of the fee specified in OAR 734-026-0045.¶¶

(2) If the request meets the requirements of Chapter 668, OL 2011, or Ch. 381 or 391, OL 2013, and Division 26, the Applicant shall be granted placement of a single Roadside Memorial Sign on the State Highway System.

Statutory/Other Authority: ORS 184.619, 366.930, 366.931, 2019 OL Ch 298

Statutes/Other Implemented: ORS 366.930, 366.931, 2019 OL Ch 298

AMEND: 734-026-0045

NOTICE FILED DATE: 09/21/2023

RULE SUMMARY: Guidelines about sign costs and what the department can do in regards to the sign. The cost has been changed for Gold Star Families from HB 3001. The costs will now be paid by Transportation Operation Fee revenue.

CHANGES TO RULE:

734-026-0045

Fee for Roadside Memorial Signs ¶

(1) In accordance with Chapter 668, OL 2011, a fee of \$600 shall be submitted to the Department with the application to cover the direct and indirect expenses associated with erecting, maintaining and removing a Roadside Memorial Sign. The fee for a Fallen Hero roadside memorial sign applied for by a Gold Star Family member is waived if the Gold Star Family member requests a fee waiver and ODOT has sufficient funds available from the Transportation Operating revenue to pay the fee.¶

(2) Roadside Memorial Signs shall remain in place for a period of ten years or until such time that the sign becomes damaged or is no longer in serviceable condition. The Department shall replace a Roadside Memorial Sign that is damaged or is no longer in serviceable condition if the Applicant pays the fee specified in section (1) to cover the cost of replacing the sign. Replaced Roadside Memorial Signs shall remain in place for a period of ten years or until such time that the sign becomes damaged or is no longer in serviceable condition.¶

(3) The Department may remove a Roadside Memorial Sign that becomes damaged, is no longer in serviceable condition, or has been in place for a period of ten years.¶

(4) The Department may move and relocate a Roadside Memorial Sign if the Department determines such relocation is necessary for highway or other transportation purposes.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, Ch. 668, OL 2011

Statutes/Other Implemented: Ch. 668, OL 2011