

This rule was filed as: 18 NMAC 20.7.

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 20       TRAFFIC SAFETY**  
**PART 7            MEMORIAL SIGN PROGRAM**

18.20.7.1           ISSUING AGENCY: New Mexico State Highway and Transportation Department, Post Office Box 1149, Santa Fe, New Mexico 87504-1149 (505) 827-0410.  
[Recompiled 11/16/01]

18.20.7.2           SCOPE: This rule applies to any person or entity who desires to place a Memorial Sign.  
[Recompiled 11/16/01]

18.20.7.3           STATUTORY AUTHORITY: This rule is adopted pursuant to NMSA 1978, Section 66-7-102 and 66-7-506.  
[Recompiled 11/16/01]

18.20.7.4           DURATION: Permanent.  
[Recompiled 11/16/01]

18.20.7.5           EFFECTIVE DATE: July 1, 1998, unless a later date is cited at the end of a section or paragraph.  
[Recompiled 11/16/01]

18.20.7.6           OBJECTIVE: The objective of this rule is to provide minimum and uniform standards and procedures for the application and installation of D.W.I. Memorial Signs and to promote traffic safety concerning impaired drivers.  
[Recompiled 11/16/01]

18.20.7.7           DEFINITIONS:

A.       "Authorized sign manufacturer" means a sign manufacturer that meets the Department's specifications for sign fabrication and is on the Department's purchasing list.

B.       "Department" means the New Mexico State Highway & Transportation Department.

C.       "District Memorial Sign Coordinator" (also known as "District Coordinator") means a person who is not a Department employee and who serves as a facilitator of the program (one per district).

D.       "District Patrol" (also known as "Patrol") means an area within a State Highway District comprising a crew of State Highway and Transportation Department employees whose responsibility is to provide routine maintenance to State Highways and State Highway Facilities within the patrol area boundary.

E.       "District Traffic Engineer" means an Engineer employed by the Department working at one of the six Highway District Offices, responsible for traffic operations.

F.       "Division" means, the Transportation Programs Division of the New Mexico State Highway and Transportation Department.

G.       "D.W.I" means driving while impaired by drugs or alcohol.

H.       "Highway district office" means the District Office having jurisdiction over the proposed or actual location of a memorial sign.

I.       "Sponsor" means an individual(s) making application for a Memorial sign, who is responsible for completing the application and paying for the sign from an authorized sign manufacturer.

J.       "State Highway System" means, for the purpose of this program, all roads the Department has total maintenance responsibility for (US and NM routes), excluding the Interstate Highway System.

K.       "Victim" means someone killed in an alcohol involved crash, excluding any driver who was under the influence of any alcohol or drugs.

[Recompiled 11/16/01]

18.20.7.8           MEMORIAL SIGN PROGRAM:

A.       Families and friends of victims of alcohol-related crashes have indicated a strong interest in some type of signing which would publicly memorialize these victim(s). The Department does not presently have a

program to meet this need, but has embraced the idea of a "Memorial Sign Program for Victims of Alcohol-Related Crashes" both as a means of lending emotional support to the victim's family, and furthering the Department's efforts to combat drinking and driving.

B. The Department has established an alcohol-related crash victim Memorial Sign Program. Upon request by the family or friends of a victim of a fatal alcohol-related crash within the state's jurisdiction or New Mexicans who died in an alcohol related crash anywhere, and when certain other requirements are met, a sign can be installed on the State Highway System (exclusive of the Interstate System).

C. The Department will make the determination for the location of all Memorial Signs based on safety considerations and regulations. Each Patrol within a District has agreed to install two signs. All state highways, except the Interstate System, are eligible for signing under this program. The Department has no jurisdiction on county roads or city streets, and thus cannot install signs along those roadway systems.

D. The sign blank material shall be 0.125" thick aluminum 30" x 48", white SEG background with black vinyl lettering of specified size, spacing, and separation. A sign 30" x 48" can accommodate up to a maximum of three names. The standard sign features the words "Please Don't Drink and Drive" "In memory of (victim's name(s)).

[Recompiled 11/16/01]

#### 18.20.7.9 PROCEDURES:

A. If necessary the Sponsor may request a "Memorial Sign Program" application from the Division, the District Coordinator, or other Department designee. This application will enable the District Coordinator to: contact the Sponsor, explain essential aspects of the program, verify eligibility, and secure written agreement from the Sponsor to abide by Department provisions and procedures.

B. The application must contain the following information:

(1) Name, address and day-time telephone number of the Sponsor.

(2) Eligibility criteria: a. verification of alcohol involvement through a copy of the police crash report. Indication of alcohol involvement as the cause or contributing cause to the crash by the investigating officer as recorded on the police crash report shall be considered sufficient evidence for the purpose of this program. b. verification that the person for whom the Memorial Sign is intended was a victim, as defined herein.

(3) The application will contain a signature line for the Sponsor to verify his/her willingness to abide by the conditions set forth therein and to hold the Department harmless of any liability.

C. The signed application is then returned by the Sponsor to the District Coordinator. The Coordinator will verify eligibility and forward a copy of all qualified applications to the District Traffic Engineer.

D. Once a location is selected by the District Traffic Engineer, the District Coordinator will forward an authorization for sign purchase to the Sponsor and the Division.

E. It is the Sponsor's responsibility to submit a copy of the approved authorization and payment in full, to an approved sign manufacturer. The cost for a sign shall be the Sponsor's responsibility.

F. The sign manufacturer will ship the completed sign directly to the appropriate Highway District Office.

G. The Highway District Offices will install the Memorial Signs without cost to the Sponsor according to each District's work schedule. Specific requirements are as follows

(1) All sign fabrication and installation requirements shall be in accordance with Department specifications for road and bridge construction, and the Manual on Uniform Traffic Control Devices.

(2) Placement of the sign will be under the direction of the respective District Traffic Engineer. Installation depends on the District's work schedule and related circumstances. Cost for replacing damaged signs will be the Sponsor's responsibility.

(3) A sign will remain in place for at least one (1) year from date of installation. Once a sign is removed, the Sponsor will be notified and the sign will be available for return to the Sponsor at the Highway District Offices.

H. The District Traffic Engineer will notify the Coordinator who will contact the Sponsor as to the location and date the sign was installed. Once this information is provided the Department, the process from initial request to installation is complete.

I. The Highway District Office will be responsible for removal of all Memorial Signs. Damaged signs will be removed if not repaired promptly after notification to the Sponsor.

[Recompiled 11/16/01]

#### 18.20.7.10 PROCEDURES FOR VERIFICATION:

- A. The Division will keep an appropriate data base of all applications, installation dates and locations.
  - B. The Division will provide information and materials on the Memorial Sign Program to all District Coordinators and District Traffic Engineers.
  - C. The Division will be a liaison between the District Coordinators, District Traffic Engineers, and Sign manufacturers. Semi-annual reports verifying and updating information will be generated and made available by the Division.
- [Recompiled 11/16/01]

HISTORY OF 18.20.7 NMAC: [RESERVED]

History of Repealed Material: [RESERVED]