

19A NCAC 02B .0142 REMOVAL OF GRAVES OR CEMETERIES

(a) If it is necessary to remove a cemetery or graves from the limits of highway right of way, the preferred procedure to follow is by consent of the next of kin. Since all work pertaining to the removal of graves shall be under supervision and direction of the county board of commissioners or other appropriate official, including the local health director, the Relocation Agent shall ascertain the proper party to contact in each county in which graves will be disinterred or reinterred. A letter from the Relocation Agent to the board of county commissioners shall be written indicating that the Department of Transportation is certifying the necessity for moving the graves or cemetery from the right of way of the proposed project.

(b) The remains may be removed to a burial plot in the same cemetery, and this practice shall be encouraged wherever possible. If requested by the next of kin, however, the remains may be removed to another cemetery or location in the community. In the event the remains are being removed and relocated in a cemetery that will not permit above ground markers or headstones, a provision shall be placed in the form regarding the disposition of the markers that are located in the cemetery and the existing markers shall be buried with the remains at the new grave site. The agent must arrange for and secure the substitute burial plot with the Department of Transportation paying all expenses of disinterment, removal, and reinterment, including the actual reasonable expense that the next of kin incurred in attending the disinterment and reinterment. The expenses of the next of kin may not exceed the sum of two hundred dollars (\$200). Deeds to substitute burial plots shall be drawn in favor of the next of kin. If no next of kin can be located, the plot shall be deeded to the county, if agreeable, and to the Department of Transportation as the last resort.

(c) In the event that no next of kin can be located or the next of kin will not grant permission for the removal of the remains, the Department of Transportation shall apply the procedures in G.S. 65-13.

History Note: *Authority G.S. 65-13; 136-18(2); 136-18(20); 136-19; 143B-350(f),(g);*
 Eff. July 1, 1978;
 Amended Eff. October 1, 1993;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
 6, 2016.