

600 KAR 3:020. Grave relocation.

RELATES TO: KRS Chapters 176, 177, 381, 183.120

STATUTORY AUTHORITY: KRS 176.050, 177.020, 183.024

NECESSITY, FUNCTION, AND CONFORMITY: In the course of constructing or reconstructing transportation facilities, cemeteries or graves on occasion need to be relocated. This administrative regulation sets forth the provisions for relocation of cemeteries or graves from state-owned property.

Section 1. Notification of Next-of-kin.

- (1) The Transportation Cabinet shall make every effort to locate the next-of-kin of those interred in the cemetery to be relocated.
- (2) If there are unidentified remains or if a next-of-kin cannot be located, the Transportation Cabinet shall publish its intention to relocate graves in the local newspapers. This public notice shall:
 - (a) Include the name and location of the cemetery to be relocated;
 - (b) Request assistance from anyone having knowledge of persons buried in the cemetery of their next-of-kin; and
 - (c) Be published once each week for a period of sixty (60) days in all local newspapers that are published at least weekly.
- (3) If the next-of-kin cannot be located after these efforts, the Transportation Cabinet shall request authorization from the court of competent jurisdiction to relocate the grave.

Section 2. Location of Reinterment.

- (1) Unless the next-of-kin prefers another location or it is economically unfeasible, the remains shall be relocated to the closest perpetually maintained public cemetery.
- (2) If the next-of-kin selects a cemetery located in another county or out-of-state for the reinterment, he shall pay any additional cost incurred by the Transportation Cabinet.

Section 3. Reserved Spaces in the Cemetery.

- (1) If a family has reserved space adjoining the deceased in the disinterment cemetery and requests a reserved space adjoining the deceased in the reinterment cemetery, this space shall be provided.
- (2) The Transportation Cabinet shall attempt to honor other requests for reserved space in the reinterment cemetery from living persons with a reserved space in the disinterment cemetery.

Section 4. Disinterment-reinterment Permit. The Transportation Cabinet shall obtain the Disinterment-reinterment Permit required by 901 KAR 5:090.

Section 5. Contractor Eligibility.

- (1) Only a person licensed as a funeral director under the provisions of KRS 316.090 shall be eligible to bid as a contractor on a Transportation Cabinet grave relocation project.
- (2) The Transportation Cabinet shall maintain a list of licensed funeral directors wishing to bid on grave relocation projects.
- (3) Annually, the cabinet shall advertise statewide for funeral directors interested in providing this service.
- (4) All qualified respondents, as well as funeral directors who have actually relocated graves for the Transportation Cabinet, shall be placed on the list of licensed funeral directors wishing to bid on grave relocation projects.
- (5) All interested funeral directors shall be required to provide proof of current licensing.

Section 6. Contract Procedures.

- (1) The following funeral directors shall be notified of a specific grave relocation project:

- (a) Those on the list of those interested in grave relocation who are located in the county or a county contiguous to the county of the grave relocation project; and
- (b) Those who have requested to be notified of a grave relocation project within certain parameters if those parameters are met.
- (2) Each notified funeral director shall be provided an opportunity to view the grave to be relocated and the reinterment site.
- (3) If a funeral director expresses interest in the project, he shall be provided a bid proposal.
- (4) All properly completed bid forms received prior to the bidding deadline shall be considered.
- (5) A bid received or completed after the deadline shall not be considered.
- (6) The contract shall be awarded to the lowest acceptable bid.
- (7) If a funeral director contractor has a contract claim or requests relief from the Transportation Cabinet, the procedures set forth in 603 KAR 2:015 shall be followed.

Section 7. Memorial Service. If a brief memorial or religious service is requested by the deceased's next-of-kin, permission for the service shall be granted.

(16 Ky.R. 286; 536; eff. 10-4-1989; 20 Ky.R. 2672; eff. 5-18-1994; Crt eff. 2-11-2019.)