NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) PROCEDURES  
IN THE EVENT OF INADVERTENT DISCOVERY OF HUMAN REMAINS DURING CONSTRUCTION

1. If a burial site, human remains, or bones thought to be human remains, are encountered during construction for a DOT undertaking, the work will be stopped immediately and rescheduled to avoid disturbing the area. The remains will be left in place and protected from further damage.

2. In accordance with the latest version of the NYSDOT Updated 2008 Standard Specifications Book, Section 107-01.D. Archaeological Salvage, the Engineer-in-Charge (EIC) will, through proper channels, notify appropriate Department personnel and other authorities. The EIC will report the discovery of human remains to the local police, and the county coroner having jurisdiction, or to the medical examiner, and will arrange immediate inspection of the site.

3. If the site is determined to be part of a criminal investigation, the police will notify the EIC when work in the area may resume.

4. If determined that the remains are not a police issue, the Regional Cultural Resources Coordinator (CRC) will notify the Federal Highway Administration (FHWA), the Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (OPRHP/SHPO), appropriate Indian tribal contacts, and archaeologists, and arrange site visits accordingly. Work will be temporarily suspended in the area, and measures will be taken to secure the burial site and protect the remains from disturbance.

5. The NYSDOT Office of Environment (OOE), in coordination with the Region, will arrange for professional skeletal analysis to identify the remains as human, if necessary. NYSDOT in coordination with FHWA will invite designated Indian tribal representative(s) to participate in the consultation process. Representatives will be determined on the basis of established Department contacts and identified areas of interest for tribal nations.

6. NYSDOT, in consultation with the OPRHP/SHPO, Indian tribes and other identified consulting parties, will arrange for an archeologist to establish horizontal and vertical extent of the burial(s) and assess measures for avoiding the human remains if possible.

7. Any new location or alignment developed to avoid the burial(s) will be subject to archaeological investigation, and the results will be provided to the OPRHP/SHPO, Indian tribes, and other consulting parties as appropriate for comment before the project proceeds in this area.

8. If the alignment is unchanged, a plan will be developed in coordination with FHWA, SHPO, Indian tribes, and other consulting parties as appropriate to preserve the site and protect the burial(s) before the project proceeds in this area.

9. If removal and reburial of the remains is necessary, it will be undertaken in a manner agreed to by all involved parties. Temporary disposition of the remains until reburial will be determined in consultation with the Indian tribes and other consulting parties as appropriate.

10. Any actions relating to the treatment, disposition, removal, or reburial of human remains will comply with all applicable State and Federal laws and regulations.

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2 In New York City, the discovery must be reported to the Office of Chief Medical Examiner and to a police officer. In Erie County, the discovery must be reported to the medical director.

3 Assuming archaeologists are not already on-site, monitoring construction activities.