

**North Carolina Department of Transportation
Division of Highways
Transportation Mobility and Safety Division**

**STANDARD PRACTICE
for
Statues, Monuments and Works of Art on State Maintained Roadways**

A. TOPIC OWNER

Transportation Mobility and Safety Division, State Traffic Engineer

B. PURPOSE

To provide guidance on statues, monuments, and works of art in state maintained right of way.

C. OVERVIEW

There are a variety of statutes and monuments installed in the right of way on state-maintained roadways. These were placed in the rights of way where NCDOT believed it to be safe to do so, but the statue, monument, or work of art belongs to someone else, not NCDOT. NCDOT usually does not wish to place any discretionary item in the right of way because it makes maintenance of the right of way more difficult. However, we are part of the communities in which the roads exist. We also realize there is a need to balance our convenience (or inconvenience) with the local communities the roadways serve.

D. CONSIDERATIONS

1. It is very unusual for NCDOT to initiate the installation of a discretionary item on the roadway that must be maintained and complicates roadside maintenance.
2. These objects were likely installed through an encroachment agreement that allowed someone else to place and maintain the item. Therefore, the place to start if you wish to remove a statue, monument, or work of art in the state right of way is with the local municipality, or local county. Even though the local governmental bodies likely initiated the installation of these objects, in some cases, the local governmental body may not have a record of such action.
3. The Department will still depend on the local community deciding to keep, remove or modify the statue, monument or work of art that has been in place for a long period of time.

E. REQUIREMENTS

Adding a New Statue, Monument, or Work of Art.

1. Adding a new statue, monument or work of art will follow the NCDOT Art Policy unless another process is more appropriate.
2. The North Carolina Department of Cultural Resources (DOCR) is responsible for determining the historical highway markers placed throughout the state. The DOCR will work with the local division office for placement of these markers.

New Objects Placed in the Right of Way Without Encroachment Agreement

1. In cases where new objects placed on the right of way that **do not have** an encroachment agreement, the department will determine if the object constitutes an imminent hazard to the public.
2. If the object creates a hazardous condition, it is in violation of North Carolina General Statute 136-91 and NCDOT will remove the object to return the roadway to a safe condition.
3. If the object has inappropriate images, or is vulgar, NCDOT will remove and dispose of the object.
4. The Department of Transportation determines, in our opinion, what constitutes an imminent hazard, is inappropriate or vulgar and determine what action we will carry out.
5. If the object does not create an imminent hazard to the public, is not determined to be inappropriate or vulgar, then NCDOT will attempt to contact the owner of the object to have it removed.
6. If NCDOT cannot determine the owner of the object, NCDOT will schedule a time that is convenient to the department for removal and disposal.
7. NCDOT is not responsible for damages, repairs and/or replacement of these objects that require NCDOT removal.

Removing an Existing Statue or Monument

There are state laws that determine the course of action required to remove a historical monument, statue, or art from the state rights of way. The primary issue is the owner of the object to be removed.

State Owned Objects

1. If the State of North Carolina is the owner of the object, then General Statute 100-2.1 requires that the North Carolina Historical Commission approve the removal, relocation and/or any alteration of the object
2. It will be the responsibility of the requesting party to initiate and complete any necessary actions required by the North Carolina Historical Commission.

3. Once the Department receives notification that the object may be removed, relocated, or altered, we will work with the requesting party to carry out the necessary actions.
4. The expense of these actions is the responsibility of the requesting party.
5. If the approval is to remove and discard the object, the Department will schedule a time at NCDOT's convenience to remove and dispose of the object. NCDOT will dispose of the object in the same manner as other state property.

Non-State-Owned Objects

1. If the statue on state right of way and owned by any other entity than the State of North Carolina, request to remove these objects will be process with coordination with the local government, municipality, or county.
2. If there are existing agreements that the department has entered concerning such item, we will follow the provisions of the agreement.
3. If an agreement is not available or presented, we will consider that the object was located via an encroachment agreement.
4. If the local government wishes to remove the object, the department will work with the local government to carry out this request.
5. It is the intent of the Department to **not** act on these requests unilaterally unless these have become a safety hazard to the public.