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MANUAL 900-1

SECTION 02.8

WORK PERMITS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

The purpose of this procedure is to ensure consistency with respect to the review and issuance of work permits on property under the jurisdiction of the New York State Canal Corporation (Corporation).

2. Applicable Law and/or Guidance

New York State Authorities Law Article 2, Title 9, and Article 9, Title 5-A

New York State Canal Law §§6, 10, 86, 100

New York State Canal Recreationway Plan

Canal Real Property Management Policy (25-6-01C)

Rules and Regulations of the New York State Canal Corporation

Occupancy and Work Permit Accommodation Guidelines (TAP-922)

Design and Construction Requirements for Occupancies:

- General Design and Construction Requirements (TAP-923A)
- Residential/Non-Commercial Docks, Decks, Platforms and Boat Launches/Ramps (TAP-923B)
- Non-Commercial Access to Canal Waters & Non-Commercial Use of Corporation Property (TAP-923C)
- Reduced Speed Buoys (TAP-923D)

Canal Permit Application (TA-W99072)

Executive Instruction entitled Issuing A Work Permit For Preliminary Planning Purposes In Advance Of A Contemplated Occupancy Permit Or Disposal Of Real Property

Executive Instruction entitled Authorization To Access Authority/Corporation Property

3. Introduction

The Corporation is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the New York State Canal Recreationway Plan (CRP). In accordance with the provisions of the Canal Law, the Corporation has the authority to acquire, hold and dispose of real property to advance the purposes of the Corporation and thus, the interest of the State. Real property transactions (transactions) include, but are not limited to, acquisitions, sales, leases, grants of easement and the issuance of permits.

Permits provide the Corporation with the greatest flexibility for managing property under its jurisdiction. Permits are used for transactions where the real property is needed for Corporation or public purposes and the real property has not been declared surplus to the Corporation's needs but can be temporarily used on a revocable basis. Permits are not considered disposals under the Public Authorities Law as there is not a transfer of interest in the real property. Work permits are revocable upon demand and used for transactions where the real property needs to be available upon demand for Corporation purposes.

Examples of activities for which a work permit may be issued include:

- Work to be performed by contractors, State Agencies, municipalities or individuals for construction, maintenance, inspection, survey, or any other type of short term work on real property/waters under the jurisdiction of the Corporation and an occupancy permit or disposal is not contemplated. Such does not apply when the work to be done is regulated by an existing contract or agreement.
- Work by a permittee/lessee on real property under an existing occupancy permit/lease/easement.
- Pre-bid inspection. In such situations, to identify and expedite processing of a CANAL PERMIT APPLICATION (APPLICATION) (TA-W99072), the prospective bidder should indicate "pre-bid inspection" and reference the specific contract in the "Purpose of Application" section of the APPLICATION.
- Work done on behalf of the Corporation by a contractor or consultant who does not currently have a contract or agreement with the Corporation to perform such work.
- Short term occupation by governmental entities of Corporation property for transportation related projects, including for storage, access and construction staging areas.

Work permits shall not be issued in advance of a contemplated occupancy permit or disposal of real property unless approved by the Executive Director, except in those situations when preliminary planning work such as site inspections, surveys, environmental testings or soil borings, is necessary for preparation of materials to be submitted as part of the application

package. Except for such preliminary planning work, when a work permit is requested in advance of an occupancy permit, the Division Permit Engineer (DPE) should consult with the Office of Real Property Management (ORPM) prior to taking any action.

A Work Permit is not required when the work to be done is regulated by an existing contract or agreement (e.g., survey or appraisal services, engineering design agreements, bridge inspection agreements, etc.). However, the contractor/consultant must submit a REQUEST TO ACCESS AUTHORITY/CORPORATION PROPERTY (TA-W4106-9) for any access to Corporation property that will not be monitored and/or supervised by Corporation employees.

4. Procedure

4.1. Processing and Issuing a Work Permit

- 4.1.1. Upon receipt of an inquiry for a work permit for use of real property under the jurisdiction of the Corporation, the DPE will record the inquiry and send out the application package. The DPE provides the inquirer the APPLICATION, the appropriate WORK PERMIT CHECKLIST based on the type of work proposed and advises that the OCCUPANCY AND WORK PERMIT ACCOMMODATION GUIDELINES (TAP-922) set forth the fundamental requirements for occupancy and work permits, and advises that the DESIGN AND CONSTRUCTION REQUIREMENTS FOR OCCUPANCIES (TAP-923A-D) set forth additional requirements depending on the type of proposed activity. The DPE evaluates the inquiry and assists the inquirer in understanding those documents appropriate to the inquiry. The DPE directs the inquirer to the Real Property page of the Corporation's website (www.canals.ny.gov) to view and download these documents or provides hardcopy upon request.
- 4.1.2. Upon receipt of the application package, the DPE enters permit application information into PERMITS Plus.
 - 4.1.2.1. If there is a check enclosed with the application, DPE enters check and other pertinent information on the PERMIT APPLICATION LOG (TA-N5120-9) on the day of the receipt. On the same day of receipt, DPE also:
 - Completes the FIELD PAYMENT RECEIPT (RECEIPT) (TA-41341) and links the RECEIPT to PERMITS Plus; and
 - Makes two copies of the RECEIPT and sends one copy of the RECEIPT with the check attached to the Accounts Receivable Unit (ARU) and sends the other copy to the applicant.

- 4.1.2.2. ARU processes the fee and notes receipt of the fee in PERMITS Plus.
- 4.1.3. DPE verifies that the application package is complete.
 - 4.1.3.1. If incomplete, the DPE either contacts the applicant or sends a MISSING DOCUMENTS LETTER to the applicant requesting missing information.
 - 4.1.3.2. Once the application package is complete (including a current insurance certificate written by a company certified to do business in New York State and providing adequate coverage as provided in the STANDARD INSURANCE LIMITS - WORK & OCCUPANCY PERMITS (TAP-526) chart), the DPE indicates this in PERMITS Plus, places insurance certificate in Division file and forwards the application to the Division Canal Engineer (DCE).
- 4.1.4. The DCE reviews the work permit application.

NOTE: Applications for a Reduced Speed Buoy require additional steps. See section 4.3. of this procedure.

 - 4.1.4.1. If rejected, the DCE sends a REJECTION LETTER to the applicant and the DPE coordinates with ARU the refund of any deposit (application fees are not refundable) and updates PERMITS Plus file status. The DCE sends a copy of the letter to the DPE for the Division file and, when appropriate, a copy to ORPM. The procedure stops here.
 - 4.1.4.2. If approved, the DPE, in consultation with the DCE, sets the work permit fee based on the applicable fee schedule found in the Rules and Regulations of the New York State Canal Corporation. If there is no fee schedule, the DPE contacts ORPM which coordinates the determination of the appropriate fee.
 - 4.1.4.3. Where applicable, the DPE coordinates with the local Code Enforcement Officer or with the Division or Headquarters Code Enforcement Officer depending on the scope of work, prior to the issuance of the work permit, to ensure that code issues are addressed. All work shall meet or exceed the requirements of the New York State Uniform Fire Prevention and Building Codes (19 NYCRR), their referenced standards and, if necessary, any environmental or other regulatory approvals shall be received prior to issuance of a work permit.

- 4.1.5. The DCE approves and signs the permit. The DPE sends a WORK PERMIT COVER LETTER and the permit to the applicant. The DPE scans the signed permit application and all related documents and links them to the PERMITS Plus file.

4.2. Administering a Work Permit

After a work permit is issued, it is administered as follows:

- 4.2.1. The DPE informs the DCE of the work.
- 4.2.2. The DPE serves as the point-of-contact for interactions with Division and Headquarters staff.
- 4.2.3. Whenever a permittee's work or maintenance activity will affect the movement of Canal traffic or Canal traffic safety, the DPE coordinates with the permittee the implementation of the permittee's traffic control plan.
- 4.2.4. The DPE is responsible for monitoring the work to ensure the permittee's compliance with the terms of the permit through conducting or coordinating with appropriate program area(s) periodic on-site inspection(s) of the work based upon the type of work being conducted.
- 4.2.5. Any violations of the work permit should be addressed in accordance with SOP - PERMIT AND LEASE ENFORCEMENT (900-1-02.9) which includes guidance in emergency situations.
- 4.2.6. The DPE conducts or coordinates a final site inspection to determine if the work was done pursuant to the terms of the permit.
 - 4.2.6.1. If the work is incomplete and/or the permit will expire before the work can be completed, the permittee may request an extension. Upon submission of the required fees, the DPE may extend the permit and send a PERMIT AMENDMENT LETTER to the permittee.
 - 4.2.6.2. If work is not completed or not in compliance with permit requirements, then the DPE attempts to resolve the issue in accordance with SOP 900-1-02.9. If the violation is causing a health, safety or environmental impact or other emergency condition requiring immediate action, the Corporation may take any required steps to address the emergency immediately.
 - 4.2.6.3. If the work is complete and in compliance with the permit requirements, the DPE proceeds with step 4.2.7.

- 4.2.7. The DPE notifies the DCE and ORPM if any related lease or occupancy permit needs modification based on the work completed. Upon concurrence from the DCE and ORPM, the DPE amends the occupancy permit as appropriate. If a lease needs modification, ORPM then takes appropriate action.
- 4.2.8. The DPE records any and all expenses (e.g., labor, materials, equipment, etc.) incurred by the Corporation as a result of the permittee's actions and notifies ARU to debit the permittee's surety deposit reimbursing those expenses. ARU debits the surety deposit, deposits the funds, indicates on PERMITS Plus that the permit reimbursement has been paid and notifies the DPE that reimbursement has been made.
- 4.2.8.1. If the amount of surety deposit is inadequate to reimburse the Corporation's expenses or no surety deposit was required, the DPE sends a WORK PERMIT FEE LETTER to the permittee with a copy to ARU. Upon receipt of the reimbursement, ARU deposits the funds, indicates on PERMITS Plus that the work permit reimbursement has been paid and notifies the DPE of the receipt of payment.
- 4.2.9. Where applicable, upon completion of the work, the DPE obtains from the permittee as-built plans in both hardcopy and electronic format and any required certificates and/or inspections. (If permittee is unable to provide as-built plans in electronic format, the DPE, where possible, creates electronic files.) DPE files hardcopy in Division file and updates PERMITS Plus (including linking electronic files into PERMITS Plus).
- 4.2.10. If there are unused surety deposit funds remaining after completion of the work, site inspection and resolution of any issues, the DPE sends a WORK PERMIT REFUND LETTER to the permittee noting the amount of the refund with a copy to ARU. ARU refunds the amount to the permittee and notifies the DPE when the refund has been made.
- 4.2.11. For actions related to bonds, the DPE contacts ORPM for guidance.
- 4.2.12. Upon completion of the work and if the work was done pursuant to the terms of the permit, then the DPE will note this and change the status of the permit to "expired"/"closed" in PERMITS Plus.
- 4.2.13. Should the DPE receive notification of any change to the permit identification information, the DPE updates the identification information in PERMITS Plus accordingly.

4.3. Processing and Issuing a Work Permit for a Reduced Speed Buoy

The annual placement of a reduced speed buoy requires a work permit. The activities described below supplement the activities described in section 4.1. of this procedure.

4.3.1. The DPE forwards the application package and DCE's recommendation to the Director of Canal Maintenance and Operations.

4.3.2. The Director of Canal Maintenance and Operations reviews and either approves or disapproves the DCE's recommendation and returns the package to the DPE.

4.3.2.1. If rejected, return to step 4.1.4.1.

4.3.2.2. If approved, return to step 4.1.4.2.

5. Responsibilities

Accounts Receivable Unit posts fee payments and surety deposits/bond(s); notes on PERMITS Plus when fees are received; when notified, debits Corporation expenses from the permittee's surety deposit; and coordinates the refund of unused surety deposit.

The Director of Canal Maintenance and Operations reviews and approves/disapproves the Division Canal Engineer's recommendation for a work permit for speed buoys.

The Division Canal Engineer reviews the application, sends a rejection letter if the work permit application is rejected and signs the permit if the application is approved.

The Division Permit Engineer coordinates the review and processing of a work permit application and permit issuance; indicates in PERMITS Plus when proof of insurance is received; and forwards all deposits and fees to the Accounts Receivable Unit.

The Division Permit Engineer administers the work permit including: informing the appropriate Division staff of the permit; serving as point-of-contact; monitoring the work to ensure that the permittee meets the work permit terms; coordinating with appropriate program areas; conducting or coordinating site inspections of the work; resolving any issues; notifying the Division Canal Engineer and the Office of Real Property Management if any related lease or occupancy permit needs modification; recording expenses incurred by the Corporation and notifying Accounts Receivable Unit to debit those expenses for the Permittee's surety deposit.

Where applicable, upon completion of the work, the Division Permit Engineer obtains from the permittee as-built plans in both hardcopy and electronic format and any required certificates and/or inspections. Division Permit Engineer files hardcopy in Division file and updates

PERMITS Plus (including linking electronic files into PERMITS Plus), initiates the refund of any unused surety deposit; and updates the permit's status in PERMITS Plus.

The Division Permit Engineer maintains the Division work permit file.

The Office of Real Property Management coordinates the determination of the permit fee if there is no schedule and handles any necessary lease modifications.

6. Flowchart



