

# **Canal Regulations**

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## **PART 150: GENERAL PROVISIONS**

Historical Note: Part (§§150.1-150.5) repealed, new (§§150.1-150.2) filed Oct. 2, 1972, renum. Part 181, Title 17, filed Nov. 5, 1979; new (§§150.1-150.13) added by renum. Part 50, Title 17, Jan. 1997.

### **§ 150.1 Definitions**

The following terms when used in this Chapter, unless otherwise expressly stated or unless the context or subject matter requires otherwise, shall have the following meanings:

(a) The New York State Canal Corporation (the Canal Corporation) shall mean the corporate subsidiary of the New York State Thruway Authority, created by section 382 of the Public Authorities Law. The New York State Thruway Authority (the Authority) shall mean the public corporation created by title 9 of article 2 of the Public Authorities Law.

(b) Canal Recreationway Commission shall mean the advisory body created pursuant to article 13-A of the Canal Law, consisting of state, local and private citizens representative of diverse canal interests and geographic areas of the canal system.

(c) The Canal Recreationway Plan shall mean the comprehensive plan for development of the New York State Canal System formulated pursuant to article 13-A of the Canal Law.

(d) Division director shall mean the administrative head of a designated area constituting a division of the Canal Corporation.

(e) The New York State canal or the canal system shall each mean all the canals, canal lands, feeder canals, reservoirs, canal terminals and canal terminal lands of the State transferred to the jurisdiction of the authority and operated by the Canal Corporation pursuant to Chapter 766 of the Laws of 1992, as hereinafter defined.

(f) Canals or canal shall mean the channel and adjacent State-owned banks of the inland waterways of the State constructed, improved, or designated by authority of the Legislature as canals and shall include canalized rivers and lakes, canal water supply reservoirs, canal water supply feeder channels and all appertaining structures including locks, dams, bridges, etc., necessary for the proper maintenance and operation of the canals.

(g) Canal terminal shall mean the facilities which have been constructed or acquired under authority of the Legislature in connection with the canal system for loading, unloading, and/or temporarily storing commodities transported upon the canals and shall include docks, dock walls, bulkheads, wharves, piers, slips, basins, harbors, buildings, equipment, tracks and roadways together with the lands now owned or as may hereafter

be acquired by the State or the Canal Corporation for the proper maintenance and operation of the canal terminals.

(h) Erie Canal shall mean the portion of the canal system connecting the Hudson River at Waterford with the Niagara River at Tonawanda.

(i) Oswego Canal shall mean the portion of the canal system connecting the Erie Canal at Three Rivers with Lake Ontario at Oswego.

(j) Champlain Canal shall mean the portion of the canal system connecting the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall.

(k) Cayuga and Seneca Canals shall mean the portions of the canal system connecting the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Cayuga inlet to the southerly side of State Street in the city of Ithaca and through Seneca Lake with Montour Falls.

(l) Canal lands shall mean all lands and waters forming a part of the canal system, title to which was originally vested in the State, acquired by the State or which may in the future be acquired by the State or the Canal Corporation for canal purposes.

(m) Permit shall mean a revocable agreement granting temporary occupancy or use of lands, facilities, or structures of the canal system.

(n) Float shall mean every boat, vessel, raft or floating thing navigated on the canals or moved thereupon under the direction of some person having the charge thereof.

(o) Master shall mean every person having for the time, the charge, control or direction of any float.

(p) Person shall mean an individual, partnership, corporation or association.

(q) Mooring shall mean the making fast of a float to a structure. This may be by direct attachment to the structure or through other floats.

(r) Dockage shall mean the charges which are established for the mooring of a vessel at a terminal.

(s) Wharfage shall mean the charges which are established for the privilege of moving commodities from or into floats while moored at a terminal.

(t) Storage shall mean the temporary occupancy, by commodities, of space on a canal terminal. Storage carries no responsibility by the State, the authority or the Canal Corporation for damage or loss of commodities.

(u) Canal freight shall mean commodities moved or to be moved via the New York State

canals.

(v) Day shall mean a period of 24 hours or fraction thereof.

(w) Area occupied shall mean driveways, passageways, etc., which are monopolized by the commodity to the exclusion of other shippers.

(x) Outgoing canal freight shall mean freight delivered on a canal terminal for transportation on the canal system.

(y) Incoming canal freight shall mean freight delivered on a canal terminal after transportation on the canal system.

(z) Owner of a vessel, operating on the canals, shall mean the person so declared and filed with the United States Treasury Department (Bureau of Customs), and who is also required to file proper certificate of registry with the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 181.1, Title 17, filed Nov. 5, 1979; new added by renum. 50.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

## **§ 150.2 Canals free**

Navigation on the State canals is free except for mooring, dockage, wharfage, storage, or use of canal equipment or facilities for which a permit or pass is required and charges are established in this Subchapter. The acceptance of fees or gratuities of any kind by lock officials or other canal employees is forbidden. Vessels propelled in whole or part by mechanical power shall be charged a toll for use of locks and lift bridges. Tolls shall be collected through sale of lock and lift bridge passes obtainable on an annual basis for the navigation season, as defined in section 150.3 of this Part. In the case of recreational vessels, two-day passes and 10-day passes (consecutive days) for unlimited lockage/lift bridge passage shall also be obtainable. Charges for lock and lift bridge passes are established as follows:

(a) Recreational vessels.

(1) Annual pass for the navigation season:

Vessel Size	Rate
less than 16'	\$ 25.00
16' - under 26'	\$ 50.00
26' - 39'	\$ 75.00

greater than 39'                      \$ 100.00

(2) Unlimited two-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 5.00
16' - under 26'	\$ 10.00
26' - 39'	\$ 15.00
greater than 39'	\$ 20.00

(3) Unlimited 10-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 12.50
16' - under 26'	\$ 25.00
26' - 39'	\$ 37.50
greater than 39'	\$ 50.00

(b) Commercial cargo-carrying vessels. Annual pass for the navigation season: \$ 750 per commercial operator.

(c) Crewed, passenger-carrying tour boats. (1) Non-sleeper. Annual pass for the navigation season: \$ 10 per passenger capacity.

(2) Sleep-aboard. Annual pass for the navigation season: \$ 30 per passenger capacity.

(d) Non-crewed hire boats. Annual pass for the navigation season: \$ 300 per vessel. The Canal Corporation may provide for sale of lock and lift bridge passes by the Canal Corporation or by any other entity pursuant to such procedures as the chairman may prescribe.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 181.2, Title 17, filed Nov. 5, 1979; new added by renum. 50.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; April 26, 2002 as emergency measure; July 2, 2002. Amended opening para., added (a)(3).

### **§ 150.3 The navigation season**



The opening of the navigation season depends upon natural conditions. Notice of official opening and closing dates will be announced by the Canal Corporation annually.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

#### **§ 150.4 Unauthorized operation of locks**

Neither the lock gates, valves, paddles, capstans, nor any part of the machinery on or connected with a lock shall be operated by any person other than the duly appointed lock officials; nor shall any mechanical part of any lock be handled or interfered with by any other person. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.4, Title 17, Jan. 1997.

#### **§ 150.5 Propelling float against gate**

Any person who propels a float to or against any lock gate, or, being in control of such float, permits it to be propelled against any lock gate, buffer beam or other structure, for the purposes of opening, closing or otherwise operating the same, shall be deemed guilty of violating the foregoing section and shall be subject to the penalty therefor.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.5, Title 17, Jan. 1997.

#### **§ 150.6 Prohibited activities**

The activities and uses enumerated in this section shall be absolutely prohibited on any canal system land.

(a) Alms. No person shall solicit alms or contributions.

(b) Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

(c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.

(d) Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life.

(e) Disorderly conduct. No person shall do any of the following:

(1) disobey a lawful order of any officer or employee of the Canal Corporation or any sign erected by or at the direction of the Canal Corporation;

(2) throw stones or other objects or missiles which may inflict bodily injury or damage to property;

(3) obstruct vehicular or pedestrian traffic;

(4) climb upon any wall, fence, structure or monument;

(5) throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose;

(6) operate any vehicle or equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance;

(7) commit an act which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;

(8) operate a snowmobile, motorbike or any other motorized vehicle, provided however, the Canal Corporation may, in its discretion, issue a revocable permit to a snowmobile club that is a member of the New York State Snowmobile Association for snowmobile use after each municipal governing board located within the permit area has passed a Resolution approving of such snowmobile use; such permit shall require liability insurance through a blanket insurance policy administered by the New York State Snowmobile Association and funded by the Office of Parks, Recreation and Historic Preservation. The permit shall also require that signing be placed in accordance with the New York State Snowmobile Trail Signing Handbook and that all operations be consistent with laws, rules and regulations governing the use and operation of snowmobiles. Minimum snow cover for snowmobile operations, trail opening and closing times and dates, and a maximum speed limit shall be specified;

(9) dumping of garbage or refuse;

(10) horseback riding; and

(11) carrying of firearms.

(f) Property closed to public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the Canal Corporation.

(g) Use of established ways. No person shall use other than trails, overlooks, roads and other ways established and provided for public use by the Canal Corporation. No liability shall attach to the State, the authority or the Canal Corporation, or any officer, employee or agent of said State, authority or Canal Corporation, for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.

(h) Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 50.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (e)-(g).

### **§ 150.7 Canal officials not to be freight agents**

No Canal Corporation official or employee shall act as agent for shippers, boat owners, or freighting firms engaged in canal commerce, or receive directly or indirectly any compensation from any shipper, boat owner, firm, or any person for procuring freight on freight boats. Such information as may be available as to freight to be shipped or as to freight boats will be furnished by the Canal Corporation to all applicants without charge of any kind.

Historical Note: Sec. added by renum. 50.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.8 Misconduct; taking of gratuities**

Any person employed on the canal locks or any other post on the canal who shall report for duty in an intoxicated condition, or who becomes intoxicated while on duty, or who is absent from duty during working hours without permission, or who shall demand or receive, under any pretense or any form or manner whatsoever, any gratuity, valuable thing or what is commonly known as "scale money" from boatmen or others, or who unlawfully takes or receives any merchandise or other articles from floats navigated on the canals, shall be subject to dismissal.

Historical Note: Sec. added by renum. 50.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.9 Prohibiting movement of explosives**

The movement of explosives through the New York State canals is prohibited. The term explosives as used in this Subchapter includes liquid nitroglycerine, dynamite, nitrocellulose fireworks, black powder, smokeless powder, fulminate, ammunition, bombs, fuses, squibs and other articles of like nature.

Historical Note: Sec. added by renum. 50.9, Title 17, Jan. 1997.

### **§ 150.10 Seizure of obstruction**

The Canal Corporation may cause to be seized and removed any object, article, float or sunken thing found within the limits of the canal system not under the care or charge of any person. The Canal Corporation shall sell, or offer for sale all seized objects, articles, floats or sunken things either before or after their removal, as the Canal Corporation deems essential for maintenance of the canal system. The sale shall be at public auction after giving 10 days' notice of such proposed sale conspicuously posted at two public places in the city or town where such object, article, float or sunken thing is found unless before the time of such sale the owner thereof appears and claims same and pays to the Canal Corporation the cost and expense which it has incurred in connection with the seizure, removal and proposed sale. The owner thereof shall be liable for the cost and expense of such seizure, removal and sale of the said object, article, float or sunken thing, which cost and expense may be recovered by the Canal Corporation in an appropriate action or proceeding brought in the name of the Canal Corporation in any court of competent jurisdiction. The avails of such sale shall be accounted for by the Canal Corporation which may, on the application of the owner and upon due proof of ownership, pay over such proceeds to the owner after deducting all costs, expenses and reasonable charges of the seizure, removal and sale thereof. Whenever, in the opinion of the Canal Corporation, the navigation or operation of any part of the canal system is interrupted or endangered, the Canal Corporation may cause to be cut up, destroyed or otherwise removed, any object, article, float or sunken thing in or partly in the waters of the canal system which may, in its judgment, be causing such interruption or damage. The Canal Corporation may enter into an agreement with the owner or owners of any property so cut up, destroyed or otherwise removed, covering the amount of damage sustained. Such agreement shall become an obligation of the Canal Corporation and paid from moneys available therefor. In case no agreement is consummated, the amount of damages sustained may be determined as provided in section 120 of the Canal Law.

Historical Note: Sec. added by renum. 50.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.11 Swimming, diving, fishing and hunting at canal structures**

Swimming, diving or fishing in the lock chambers or from the lock walls or any other canal structure is prohibited. Hunting on, at or near canal locks or any other canal structure is prohibited. Any person violating this section shall be subject to a penalty of not to exceed \$ 25 for each offense.

Historical Note: Sec. added by renum. 50.11, Title 17, Jan. 1997.

### **§ 150.12 Hunting and fishing permits not authorized**

No Canal Corporation employee has any authority or shall be allowed to grant any person, hunting permits or permits to fish in any of the canals of the State or in the State

reservoirs. (See section 150.11 of this Part.)

Historical Note: Sec. added by renum. 50.12, Title 17, Jan 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.13 Aircraft on canal waters**

The taking off from or landing upon the surface of waters of the canal system by aircraft is prohibited, except under conditions specified in a revocable permit or when a landing and subsequent take-off is necessary under actual distress conditions. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense. (See section 156.3 of this Title.)


Historical Note: Sec. added by renum. 50.13, Title 17, Jan. 1997.

## **PART 151. NAVIGATIONAL RULES**

Historical Note: Part (§§151.1-151.34) repealed, new (§§151.1-151.41) filed Oct. 2, 1972; renum. Part 182, Title 17, filed Nov. 5, 1979; new Part (§§151.1-§§151.30) added by renum. Part 51, Title 17, Jan. 1997.


### **§ 151.1 Equipment**

Every float navigated on the canal shall be properly staffed and equipped and shall comply with all applicable provisions of the New York State Navigation Law. Additionally, each float shall have bow and stern lines, and fenders securely fastened to the float to prevent the float from breaking concrete or damage to the lock and approach walls. Tires, hay bales, or other devices which in the opinion of the lock operator pose a risk to canal equipment, are forbidden for use as fenders. Vinyl ball or cylindrical style fenders are acceptable.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 182.1, Title 17, filed Nov. 5, 1979; new added by renum. 51.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 


### **§ 151.2 Floats in bad condition**

The Canal Corporation may prohibit from entering the canals any float which, in the opinion of the Canal Corporation or its representative, is in such condition that it may jeopardize canal structures, or is likely to become a source of damage or delay to navigation. If such a float is already in the canal, it shall be prohibited from proceeding. If the operator of the float refuses or fails to obey such prohibition, such operator and the owner shall be subject to a penalty not to exceed \$ 100 and may have privileges to utilize the canal system suspended.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.2, filed Nov. 5, 1979; new added by renum. 51.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 

#### **§ 151.4 Canal officers may examine floats**

The Canal Corporation or its representative officers shall, at all times, have full authority to stop any float at any point on the canals, and to board and remain on such float as long as deemed necessary for the purpose of examining the same. Every effort shall be made to provide any information as is requested. Any person obstructing such officer in the execution of the officer's duty shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.4, filed Nov. 5, 1979; new added by renum. 51.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 

#### **§ 151.5 Dimensions and design of floats**



(a) The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43 1/2 feet wide.

(b) The maximum height above water of floats navigated on the canal system shall not exceed the vertical overhead clearance of canal structures.

(c) All floats passing through the locks shall be free from projections or sharp corners that may damage the lock walls or other lock structures.

(d) Any float not conforming to the provisions of this section may be refused passage through the locks.


(e) The owner or operator of any float navigating the canal in violation of the provisions of this section shall be subject to a penalty not to exceed \$ 100.

Historical Note:  Sec. repealed, new filed Oct. 2, 1972; amd. filed Aug. 31, 1976; renum. 182.5, Title 17, filed Nov. 5, 1979; new added by renum. 51.5, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a), (c), (e). 

#### **§ 151.6 Draft marks on commercial floats**


All commercial floats operating on the canal shall have legible, properly sized, and properly spaced draft marks that comply with Section 97.40-10 of Title 46 of the United States Code of Federal Regulations.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.6, Title 17, filed Nov.

5, 1979; new added by renum. 51.6, Title 17, Jan. 1997; repealed, new filed Feb. 15, 2005 eff. March 2, 2005. 


### **§ 151.7 Number of units in tow**

Without special permission of the Canal Corporation, no fleet shall consist of more units than may be passed through a lock in two lockings.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.7, Title 17, filed Nov. 5, 1979; new added by renum. 51.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. 

### **§ 151.8 Formation of tows**

Fleet formation of two loaded barges abreast is permitted in the canalized river and lake sections of the canal. Such formation shall not be used in other sections of the canal without the written permission of the Canal Corporation. Where difficulty is experienced in holding light fleets within the buoyed channels, the Canal Corporation or its representative may order such formation and devices for control as in its judgment will best protect the buoys. Failure to comply with such orders will subject the operator of the towing tug to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.8, Title 17, filed Nov. 5, 1979; new added by renum. 51.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 


### **§ 151.9 Propulsion of barge by pushing**

(a) No barge may be pushed in canal waters, unless:

- (1) The construction and make-up of the fleet is such that the steersman has an unobstructed view of the full outline of the deck at the bow of the forward barge and of the water surface 400 feet in advance of such bow.
- (2) When under way, there is at all times on the deck of the first pushed barge a deckhand to signal directions to the steersman.
- (3) When entering or leaving a lock, deckhands shall be stationed at the forward end of the first pushed barge to signal directions to the steersman and to handle fenders as required.

(b) All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,\* as published and amended by the United States Coast Guard, relative to lights to be carried on floats, except as otherwise provided herein.

\*NB Not filed with the Department of State.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.9, Title 17, filed Nov. 5, 1979; new added by renum. 51.9, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.10 Mooring**

(a) Each float moored in the canal shall be made fast to secure moorings, at bow and stern, with good and sufficient lines so as to prevent such float from breaking away under the ordinary strain caused by passing floats, current, etc.

(b) No float shall be moored or anchored in the canal channel at any point where its presence will interfere with navigation, and no float shall be moored or anchored at any point in the canal for a period in excess of 24 hours without the authorization of the Canal Corporation or its representative.

(c) No float shall be moored at any Canal Corporation owned dock or terminal in excess of 48 hours in any calendar month, without first obtaining an official permit.

(d) No mooring is allowed in the "Waterford Flight" between the foot of Lock E-2 and Guard Gate No. 2, without authorization from the Canal Corporation.



(e) No float shall tie by or be moored at the head or foot of any lock except with the consent of the lock operator.

(f) The operator of a float shall comply with all directions given by the lock operator.

(g) Except as directed by the lock operator, the use of ladders in the lock chambers for mooring purposes is prohibited and no float shall be tied or fastened to the same. In no event shall any line be tied or made fast to any ladder or mooring device within the lock chamber.

(h) No float shall moor to or attach a line to any buoy, light or channel marker in the canals. Floats moored within or along the edge of the canal channel at night shall comply with the Inland Navigation Rules\*, as published and amended by the United States Coast Guard.


(i) A violation of this section shall subject the owner or operator of the offending float to a penalty not to exceed \$ 100.

Historical Note:  Sec. repealed, new filed Oct. 2, 1972; renum. 182.10, Title 17, filed Nov. 5, 1979; new added by renum. 51.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 




### **§ 151.11 Obstruction of navigation**

The operator of any float who obstructs navigation of the canal by improper mooring, management or conduct of a float, or any person who obstructs navigation of the canal by placing any object in the waters of the canal or by placing any obstruction upon the bank thereof, shall be subject to a penalty not to exceed \$ 100 for each such obstruction.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.11; Title 17, filed Nov. 5, 1979; new added by renum. 51.11, Title 17, Jan. 1997; repealed, new added by renum. and amd. 151.12, filed Feb. 15, 2005 eff. March 2, 2005. 


### **§ 151.12 When canal levels are drawn**

In the event the Canal Corporation, in its discretion, determines it is necessary to draw down water from any canal level, all floats which may be upon such level shall be moved to such points as the Canal Corporation or its representative shall direct. The operator of a float who fails or refuses to comply with such direction from the Canal Corporation or its representative shall be subject to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.12, Title 17, filed Nov. 5, 1979; new added by renum. 51.12, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.11, new added by renum. and amd. 151.14, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.13 Buoys and lights**

No person in the canal shall move, alter or destroy any buoy or other aid to navigation; nor shall a float operator moor a float to any buoy or other aid to navigation or set out navigation markers, except in accordance with a duly authorized permit. Whenever a float operator strikes a buoy or light, notices that a buoy or light is out of position, its light is out or is otherwise in bad order, or encounters or observes some other hazardous physical condition, such float operator shall report the matter to the lock operator at the next lock through which the float passes with a written statement as to the location of the displaced buoy, extinguished light or other improper condition as appropriate, the time when the accident occurred, or the time when condition reported was noticed. Forms for such report may be obtained from the lock operator.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.13, Title 17, filed Nov. 5, 1979; new added by renum. 51.13, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 151.15, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.14 Assistance to floats**


(a) In case any float grounds, sinks or otherwise obstructs navigation on the canal, the

Canal Corporation may cause the same to be salvaged, destroyed or removed, subject to the provisions of section 83 of the Canal Law.

(b) The Canal Corporation will provide equipment and personnel to assist floats meeting with mishap on the canal as follows:

(1) Where a float is in the channel and in danger of obstructing navigation, or there is danger of loss of life or serious property damage, the Canal Corporation assistance will be as prompt and thorough as possible.

(2) Where a float is sunk entirely outside of the channel and there is no immediate prospect of such float coming into the channel or otherwise interfering with navigation, Canal Corporation equipment will ordinarily not be used in such salvage work. However, the division canal engineer may grant a request for such assistance when the division canal engineer determines that the equipment is available. In such cases, the fee established by this Chapter will be charged. Before the Canal Corporation will start work of this character, the owner, master or representative must deliver to the division canal engineer a guarantee in the form of a certified check for the estimated cost of the work.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.14, Title 17, filed Nov. 5, 1979; new added by renum. 51.14, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.12, new added by renum. and amd. 151.16, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.15 Speed on canals**


Every operator of a float is responsible for the wake of that float. In dug sections of the canal system, float speed shall not exceed ten miles per hour, except within 100' of a dock, pier, raft, float, anchored or moored, float speed shall not exceed five miles per hour.

In canalized rivers of the canal system, float speed shall not exceed the posted speed, or, if there is no posted speed, shall depend on the conditions of traffic but shall not exceed forty-five miles per hour, except within 100' of a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.

In lakes of the canal system, float speed shall depend on the conditions of traffic, except within 100' of the shoreline, a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.


So far as may be practicable, the rates of speed will be indicated for the various sections at each lock and in no event shall such rates of speed be exceeded. Any operator of a

float violating this section shall be subject to a penalty not exceeding \$ 100 for each offense and the lock or bridge at which the float first appears following such violation, may refuse such float passage for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.15, Title 17, filed Nov. 5, 1979; new added by renum. 51.15, Title 17, Jan. 1997; renum. 151.13, new added by renum. and amd. 151.17, filed Feb. 15, 2005; amd. filed April 9, 2009 eff. April 29, 2009. 


### **§ 151.16 Speed when passing**

Every float, when passing any float underway or while passing a moored float, shall slow down to a speed and exercise proper control so as to prevent damage to such other floats. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note:  Sec. repealed, new filed Oct. 2, 1972; renum. 182.16, Title 17, filed Nov. 5, 1979; new added by renum. 51.16, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.14, new added by renum. and amd. 151.18, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.17 When passing stationary or slow-moving floats, etc**

When two floats, going in opposite directions approach each other in the vicinity of a float which is stationary or moving at a slow rate of speed, in such manner that they would, if both should continue their headway, meet by the side of such third float, the float which shall be going in the same direction as the third float is going, or is headed, shall stop until the float going in the opposite direction has passed. In canalized rivers where a current exists, however, the float which is proceeding with the current shall have the right of way past the stationary or slow-moving float and the float which is proceeding against the current shall wait until the float proceeding with the current has passed. The float proceeding with the current shall indicate to the approaching float its intention to proceed. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.17, Title 17, filed Nov. 5, 1979; new added by renum. 51.17, Title 17, Jan. 1997; renum. 151.15, new added by renum. 151.19, filed Feb. 15, 2005 eff. March 2, 2005. 


### **§ 151.18 Preference of floats in passing**

(a) Floats in passing shall be governed by the whistle signals as prescribed in the Inland Navigation Rules,\* as published and amended by the United States Coast Guard.

(b) When in a navigable channel, every float shall, when it is safe and practicable, keep to that side of the channel which lies on the starboard side of such float.

(c) When approaching or exiting a lock, no float within 1,000 feet of the lock shall pass another float.

(d) Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.18, Title 17, filed Nov. 5, 1979; new added by renum. 51.18, Title 17, Jan. 1997; renum. 151.16, new added by renum. and amd. 151.20, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.19 Locks**

(a) Passage. (1) When approaching a lock, float operators must stop at a safe distance and follow specified signals provided by the lock operator. Operators of floats intending to enter a lock can contact the lock operator via marine band radio channel 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Lock operators will reply with navigation lights. Green indicates that the lock is ready and the float may advance. Red indicates that the float must wait.

(2) A float approaching a lock which is not ready to receive it shall come to a full stop at a safe distance from the lock and await the signal of the lock operator to approach. If the lock is ready to receive the float, the float shall slow down at a proper distance from the lock to avoid damaging the lock structure or equipment.

(3) If no light is shown, the float shall stop, stay in place or tie up immediately to the approach wall, and await further instructions from the lock operator.

(4) A float which arrives at a lock and does not employ the first opportunity of passing through same, shall lose its preference if there is any other float ready to pass through the lock.

(5) No owner or operator of a float shall unnecessarily or unreasonably delay, hinder or detain its entry into, passage through, or exit from a lock or the passage through a lock of any other float awaiting locking. The lock operator may order any float engaging in such delay removed from the lock and the owner thereof shall pay all expenses involved in such towing or removal.

(6) Fenders shall be used as required to prevent damage to the lock structure. Floats leaving the lock shall navigate at a reduced speed until the stern of such float has reached a point of at least 150 feet beyond the lock chamber.

(7) Every float operator shall comply strictly with directions or orders of the lock operator as to management of the float while awaiting locking, during locking or on entering or leaving a lock.

(8) (i) At Lockport operators of double-locking tows: eastbound, are required to have the power unit remain on the upper level until the first locking is complete; when westbound, the power unit shall enter the lock with the first locking of its double-locking tow, so as to provide power on the upper level for the floats comprising the first locking.

(ii) At the Waterford flight of locks double-locking tows are not allowed in either direction without special permission of the Canal Corporation or its representative.

(9) (i) No operator of a float shall allow the float to leave an approach wall, enter a lock, or leave a lock until the lock gates are fully open, and no red light is shown by the traffic control device on the lock, or operator of a float is directed by a lock operator to proceed.

(ii) Every operator of a float waiting to enter a lock shall give way to floats leaving the lock.

(iii) No operator of a float shall allow the float to pass through a lock unless the float is equipped with good and sufficient mooring lines and securely attached fenders; the float and any goods or equipment on the float are in a condition that permits passage through the lock in a safe and controlled manner; and the float is of a dimension, configuration or draft that permits safe passage.


(10) No person shall, while on a float that is passing through a lock of the canal, smoke or have or maintain an open flame, including a pilot light.

(11) The lock operator may require the removal of persons or perishable property from canoes, rowboats or personal watercraft during locking. The lock operator may prohibit the passage of such float through the lock if, in the discretion of the lock operator, such passage would create a hazardous condition or obstruction to navigation.

(b) Floats under control. To prevent any damage to the lock structure or its equipment, floats shall, at all times, enter each lock squarely and under proper control, at a speed that is consistent with navigation safety under the weather and water conditions prevailing in the vicinity of the lock at that time. Float personnel shall execute all specified and required navigation and safety measures to bring the float safely into the lock and to insure a full stop in the lock chamber without touching, hitting or damaging lock gates or any other vulnerable part of the lock structure or equipment. Lines shall be put out from the float to slow its final drift speed, bring it to a stop and hold it safely in the lock during locking operation.

(c) Penalties. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense and the lock operator may refuse the float passage through the lock for a period of not more than 6 hours.


Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Oct. 31, 1976; renum. 182.19, Title 17, filed Nov. 5, 1979; new added by renum. 51.19, Title 17, Jan. 1997;

renum. 151.17, new added by renum. and amd. 151.21, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.20 Signaling lift bridges**


(a) When approaching a lift bridge, float operators intending to pass under the bridge can contact the bridge operator via marine band radio 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Such contact or signal must be given at least 1,000 feet from the bridge. Bridge operators will reply with navigation lights, horn or whistle. Green lights indicate that the bridge is raised and ready and the float may advance. Red lights indicate that the float must wait. Where the bridge operator responds by horn or whistle, three distinct blasts indicate the float may advance. Six rapid blasts mean that the float shall come to an immediate stop and await further instructions.

(b) No float operator shall proceed under a movable bridge until the bridge is fully raised and the bridge operator has given the signal to proceed.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.20, Title 17, filed Nov. 5, 1979; new added by renum. 51.20, Title 17, Jan. 1997; renum. 151.18, new added by renum. and amd. 151.22, filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.21 Warning signal approaching bends**

Every float nearing a short bend in the channel where, from the height of the banks or other cause, a float approaching from the opposite direction cannot be seen, shall sound a long distinct signal at least one-half mile from such point. Any float that may be approaching in the opposite direction shall answer with a similar signal. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.21, Title 17, filed Nov. 5, 1979; new added by renum. 51.21, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.19, new added by renum. and amd. 151.23 filed Feb. 15, 2005 eff. March 2, 2005. 

### **§ 151.22 When traffic is congested**

In case of a delay to navigation causing a congestion of floats at any point, the floats shall take such places as shall be assigned to them by the Canal Corporation or its representative and they shall be passed through the lock or allowed to proceed along the canal in such order as in the judgment of the Canal Corporation, or its authorized representative, shall be deemed best for the interests of general navigation. In all such cases, floats must comply strictly with the directions of the Canal Corporation or its representative. Failure or refusal to comply with such directions will subject the operator of the float to a penalty not to exceed \$ 100.


Historical Note:  Sec. repealed, new filed Oct. 2, 1972; renum. 182.22, Title 17, filed

Nov. 5, 1979; new added by renum. 51.22, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.20, new added by renum. and amd. 151.24, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.23 Pilot rules**


All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,\* as published and amended by the United States Coast Guard, relative to the rules for floats passing each other, lights on floats and other matters consistent with the proper use of the canal, except as otherwise provided in this Chapter. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.23, Title 17, filed Nov. 5, 1979; new added by renum. 51.23, Title 17, Jan. 1997; renum. 151.21, new added by renum. and amd. 151.25, filed Feb. 15, 2005 eff. March 2, 2005.

\* As authorized by Public Laws 96-591; 33 U.S.C. 2001-2038, 2071-2073; 33 CFR 84, *et. seq.* See Appendix B attached hereto. (*Editor's note:* Appendix B was not filed with the Department of State.)

### **§ 151.24 Aids to navigation**

When entering canals at the Waterford entrance and traveling away therefrom, red buoys and red lights are located on the starboard side of the canal channel, while green buoys and green lights are located on the port side of the canal channel. When entering from any other location and traveling toward Waterford, red is on port and green is on starboard.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.24, Title 17, filed Nov. 5, 1979; new added by renum. 51.24, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.22, new added by renum. and amd. 151.26, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.25 Clearance**

(a) Every commercial float shall have a clearance. Clearances may be obtained from the operator of the first lock through which the float passes after taking cargo aboard. No float may proceed beyond the place for which it has clearance or unload any article before its arrival there. Float operators must obtain a new clearance whenever property is transferred from one float to another.


(b) A float operator shall display the clearance upon the request of any Canal Corporation employee. Unless the clearance has on it the signature of the issuing lock operator, the lock operators shall not permit the float to pass.

(c) A float whose clearance is lost may be detained until it is recleared or until the

operator of the float has procured a duplicate clearance from the lock where clearance is claimed to have been issued.

(d) The Canal Corporation, or its representative, may refuse clearance for a float against whose owner there is an unpaid penalty involving such float assessed under this Chapter, or against whose owner there is an unpaid bill rendered by the Canal Corporation for assistance to such float, or for repairing damage to Canal Corporation property caused by such float.

(e) The Canal Corporation may refuse clearance for any float, or further passage of any float already in the canal when, in the opinion of a Canal Corporation employee, its condition or equipment does not comply with this Chapter or its crew has navigated the float in a careless, reckless or inefficient manner.


Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.25, Title 17, filed Nov. 5, 1979; new added by renum. 51.25, Title 17, Jan. 1997; renum. 151.23, new added by renum. and amd. 151.28, filed Feb. 15, 2005 eff. March 2, 2005. 

#### **§ 151.26 Non-navigation season storage of floats**

The owner or operator of a float shall not leave such float in the canal system during the closed or winter season without first obtaining a permit from the Canal Corporation or its representative. Applications for such permits shall include a description of the proposed place of storage and must be submitted before the close of the navigation season.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.26, Title 17, filed Nov. 5, 1979; new added by renum. 51.26, Title 17, Jan. 1997; renum. 151.24, new added by renum. and amd. 151.30, filed Feb. 15, 2005 eff. March 2, 2005.

### **PART 152. SPECIAL RULES FOR PLEASURE BOATS**

Historical Note:  Part (§§152.1-152.23) repealed, new (§§152.1-152.3) filed Oct. 2, 1972; renum. Part 183, Title 17, filed Nov. 5, 1979; new (§§152.1-152.3) added by renum. Part 52, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended Part title.

#### **§ 152.1 Regulations for pleasure boats**

In addition to the regulations governing general traffic on the canals, the following regulations shall apply to pleasure boats:

(a) Pleasure boats will not be permitted to enter or navigate any of the canals when, in the judgment of the Canal Corporation or its representative, they may become a source of danger or of delay to navigation.

(b) Pleasure boats shall be operated in such a manner on the canal as not to interfere with




the use of such waters by commercial floats.

(c) During any period of low water, the locks will be operated for pleasure boats at such hours and at such intervals as will, in the judgment of the Canal Corporation or its representative, conserve the water supply for the locking of freight carriers.


(d) The Canal Corporation may, from time to time, establish definite time schedules for the operation of locks and lift bridges.

(e) Pleasure boats are required to come to a stop at each lift or swing bridge. The Canal Corporation will operate such bridges with due regard to street traffic and public convenience.

(f) Any float operator violating any of these rules and regulations shall be subject to a penalty not to exceed \$ 100 for each offense and the lock or bridge operator at which the float first appears following such violation may refuse the float passage for a period of not more than 6 hours.


Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 183.1, Title 17, filed Nov. 5, 1979; new added by renum. 52.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 

## **PART 153. TERMINAL USE**

Historical Note:  Part (§§153.1-153.3) repealed, new (§§153.1-153.4) filed Oct. 2, 1972; renum. Part 184, Title 17, filed Nov. 5, 1979; new (§§153.1-153.11) added by renum. Part 53, Title 17, Jan. 1997.


### **§ 153.1 Points for float receipt and discharge of cargoes**

Terminals are provided for the receipt and discharge of canal freight at the principal points of shipment. The loading, unloading or storage of commodities at points on the canal system other than these terminals shall not be allowed without first obtaining a permit therefor from the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.1, Title 17, filed Nov. 5, 1979; new added by renum. 53.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 

### **§ 153.2 Payment of charges**


A float owner or operator shall promptly pay to the Canal Corporation all charges, fees and penalties in connection with the use of a canal terminal or terminal facilities. In case of delay in payment of any charge, fee or penalty, the Canal Corporation may withhold clearance for a float or floats registered under the name of the defaulting person.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 27, 1976; renum. 184.2, Title 17, filed Nov. 5, 1979; new added by renum. 53.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005. 

### **§ 153.3 Dockage and wharfage for canal floats**

(a) There are no docking or wharfage charges for canal floats while receiving or discharging canal freight.

(b) Charges will be imposed for the use of cranes or derricks, including operators, fuel and oil. For canal freight only, the charge for a crane or derrick shall be \$ 150 per hour. There will be an additional charge if the crane requires transportation to the point of operation. Cranes ordinarily operate on an eight-hour per day basis. Special arrangements will be necessary for service beyond the eight-hour period.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.3, Title 17, filed Nov. 5, 1979; new added by renum. 53.3, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (b). 

### **§ 153.4 Storage charges for canal freight at all canal terminals**

(a) Outgoing canal freight delivered at any canal terminal during the non-navigation season will be allowed a free storage period from February 15th to 15 days after the official opening of the canal. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing before and after such free period, during which such freight remains at the terminal.

(b) Outgoing canal freight delivered at any canal terminal during the navigation season will be allowed a free storage period of 20 days. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing after such free period.

(c) (1) Incoming canal freight delivered at any canal terminal during the navigation season will not be charged a storage fee if such freight is entirely removed from the canal terminal within 20 days from delivery.

(2) If any part of such freight remains at the canal terminal longer than 20 days, the regular storage rate for one 10-day period will be charged against the entire cargo. This charge will cover the first 20 days of occupancy of the canal terminal. Thereafter the regular storage rates will be charged for each 10-day period, or fraction thereof, with such rates applied to the amount of freight as remains at the terminal at the commencement of each 10-day period. All of the terminals shall be cleared of such storage by February 1st, unless the Canal Corporation grants a permit to extend such storage period.

(d) Any freight delivered to and placed at a canal terminal for shipment via the canal

system which is, after such delivery, diverted to shipment by means other than the canal, will be charged twice the regular storage rates for each 10-day period, or fraction thereof, elapsed from date of delivery at the terminal to time of removal therefrom.

Historical Note: Sec. filed Oct. 1972; renum. 184.4, Title 17, filed Nov. 5, 1979; new added by renum. 53.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 5, 2005. Amended (a)-(d).

### **§ 153.5 Storage rates for canal freight**

(a) The Canal Corporation shall determine the basis of storage charges, which shall be by weight, as far as practicable. The Canal Corporation shall also determine the manner of storing all such commodities.

(b) Outdoor storage charges shall be at the rate of one-quarter cent per hundredweight for each 10-day period, or fraction thereof, that freight remains at the canal terminal, in accordance with section 153.4 of this Part.

(c) Any materials, supplies or equipment maintained or stored at a canal terminal will be subject to a storage charge for each 10-day period of occupancy at the rate specified under subdivision (b) of this section.

(d) When, in the opinion of the Canal Corporation, it is not feasible to determine the weight of any commodity subject to storage charges under this Part, the charge shall be based on the area occupied with one square foot of such area to be considered as representing 200 pounds.

Historical Note: Sec. added by renum. 53.5, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.6 Special storage provisions at all terminals**

The Canal Corporation may issue special storage permits when, in its opinion, the circumstances are such that it is impractical to apply the general regulations. Such permits will be issued pursuant to section 156 of this Title.

Historical Note: Sec. added by renum. 53.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 153.7, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.7 Stevedoring**

The Canal Corporation will not provide stevedoring or handling service, or insurance. All freight storage is at the owner's risk and expense.

Historical Note: Sec. added by renum. 53.7, Title 17, Jan. 1997; amds. filed: March 30,

1999 as emergency measure; June 2, 1999; renum. 153.6, new added by renum. and amd. 153.8, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.8 Abandoned property**

In the event that any property of any name or nature is left at any canal terminal or in any storehouse connected therewith beyond the period authorized, or in the event the owner of property abandons same at a canal terminal, the Canal Corporation may notify the owner of such left or abandoned property, if the name and address of such owner be known, and direct that it be removed. But if the name and address of such owner be not known or if the owner fails to comply promptly with the notice of removal, the Canal Corporation may cause such property to be removed from the canal terminal site. If the name of the owner is known, such removal shall be at the owner's risk, cost and expense.

Historical Note: Sec. added by renum. 53.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.7, new added by renum. and amd. 153.9, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.9 Mooring facilities during closed season**

(a) Floats which have actually transported freight on the canal system at some time during the immediately preceding navigation season, including tugs which have supplied motive power to such floats, will be afforded free mooring facilities at the canal terminals for a period not to exceed one year insofar as space is available. The Canal Corporation shall assign such mooring space by issuance of a revocable permit pursuant to section 156 of this Title.

(b) Preference will be given to loaded floats over light floats, and the operator of any float or floats may be called upon to shift such float or floats from time to time to a different berth, or to another terminal, when in the opinion of the Canal Corporation, such change of berth is desirable. When adequate space for loaded floats is not available, the light floats may be required to vacate the terminal. If such order for change of berth or to vacate a berth is not accomplished promptly, the shift may be made by the Canal Corporation and the cost of such shift will become a charge against the float and its owner.

(c) Floats which have not transported freight on the canals during the immediately preceding navigation season, may be allowed to moor at the canal terminals under a revocable permit and at a mooring rate to be determined by the Canal Corporation.

(d) Floats used in the repair of the active canal floats described in the above subdivisions may be assigned mooring facilities at a mooring rate to be determined by the Canal Corporation when, in the discretion of the Canal Corporation, space is available.

Historical Note: Sec. added by renum. 53.9, Title 17, Jan. 1997; amds. filed: March 30,

1999 as emergency measure; June 2, 1999; renum. 153.8, new added by renum. and amd. 153.10, filed Feb. 15, 2005 eff. March 2, 2005.

**§ 153.10 Refusal to obey directions**

(a) In case the operator of a float moored at any terminal fails or refuses to obey this Part, or in case the Canal Corporation is unable, after reasonable inquiry and effort, to communicate with the master of such float, the Canal Corporation may cause the float to be moved away from said terminal, or from place to place at the said terminal, as may in the Canal Corporation's discretion be necessary. The cost and expense incurred in moving the offending or obstructing float shall be chargeable to the owner of said float or the operator.

(b) The owner of a float or the operator who fails or refuses to obey any of this Part, including any directions given by the Canal Corporation or its representative pursuant to this Part, shall be subject to a penalty not to exceed \$ 100 per day for each and every day's failure, or refusal to comply therewith.

Historical Note: Sec. added by renum. 53.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.9, new added by renum. and amd. 153.11, filed Feb. 15, 2005 eff. March 2, 2005.

**PART 154. FEES AND CHARGES FOR SALVAGE WORK AND FOR USE OF DRY DOCKS**

Historical Note: Part (§§154.1-154.12) repealed, filed Oct. 2, 1972; new (§§154.1-154.2) added by renum. Part 54, Title 17, Jan. 1997.

**§ 154.1 Salvage work**

(a) The following rates will be charged for the use of Canal Corporation equipment:

- (1) Tug ..... \$ 35 per hour
- (2) Tender tug..... \$ 20 per hour
- (3) Buoy boat (with operator and supplies) ..... \$ 9 per hour
- (4) Derrick boat (without propulsion)..... \$ 35 per hour
- (5) Derrick boat (self-propelled)..... \$ 50 per hour
- (6) Self-propelled scow..... \$ 15 per hour  
(with personnel or equipment)
- (7) Steel flat scow (150-ton)..... \$ 35 per day or  
(without personnel or equipment) fraction thereof
- (8) Steel flat scow (450-ton)..... \$ 45 per day or  
(without personnel or equipment) fraction thereof
- (9) Dump scow..... \$ 50 per day or  
(without personnel or equipment) fraction thereof
- (10) Dipper-dredge..... \$ 55 per hour

- (11) Hydraulic dredge..... \$ 60 per hour
- (12) Gasoline pump..... \$ 8 per hour  
(with operator and accessories, but gasoline and oil to be furnished by the user)

(b) The basis for applying daily rates will include the entire period from the time when such equipment is taken from its headquarters or its normal station location to the time that such equipment is returned thereto. The basis for applying hourly rates will be the actual hours that the equipment is worked or operated, including transit time for movement of such equipment from its normal station location and its return thereto.

(c) Use of equipment and personnel will be limited to salvage work on floats sunk in the canal channel or those in danger of obstructing navigation.

(1) Division director will determine with the Director of Canal Maintenance and operations as to necessity for use of Canal Corporation equipment.

(2) Division director will determine what personnel and equipment will be needed and probable length of service.

(i) Division director will bill owner or person responsible for estimated cost of assistance at established rates and make request for immediate payment.

(ii) Copies to the Director of Canal Maintenance and Operations and the Authority's Office of Investments and Asset Management.

(3) Canal Corporation equipment will be operated as directed by the person in charge of salvage operations but the Canal Corporation shall assume no responsibility therefor.

(4) On completion of work and return to Canal Corporation location, Division director will prepare revised invoice in quadruplicate, and disperse all copies as follows:

(i) Owner.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management. This copy to show payroll and voucher reference on detail sheet.

(iv) Division director.

(d) Reimbursement for damages to canal structures. (1) Division director estimates the cost of the work and submits original estimate invoice as follows:

(i) Owner -- with request for payment of 75 percent.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management.

(iv) Division director retains copy.

(2) Division director prepares revised invoice when work is completed. If final invoice exceeds the 75 percent, request is made by the division director for the difference; if it is less than 75 percent, refund is made by the Authority's Office of Investments and Asset Management. The division director disperses invoices as follows:

(i) Owner.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management.

(iv) Division director retains copy.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 154.2 Use of dry docks**

(a) The following rates will be charged for the use of Canal Corporation owned dry docks:

(1) Minimum charge for docking for any type of float will be \$ 100 for 24 hours or portion thereof.

(2) Charge for lay docking for any type of float will be \$ 50 for 24 hours or portion thereof.

(b) Invoices. To be submitted by the division director.

(1) Credit may be extended to regular operators on canal.

(2) Other transactions shall be on a cash basis.

(c) Canal Corporation's services. Shall consist of labor required for receiving and discharging float from dock. No labor shall be available for repair work.

(d) Payrolls. Time will be submitted on regular payrolls at approved rates. Distribution shall show time and amount in receiving or discharging float and reference to invoice number.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (a)-(c).

## PART 155. DIMENSION REQUIREMENTS AND MILEAGE DATA

Historical Note: Part (§§155.1-155.10) filed Aug. 31, 1976; renum. Part 185, Title 17, filed Nov. 5, 1979; new (§§155.1-155.6) added by renum. Part 55, Title 17, Jan. 1997.

### § 155.1 Floats

The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43-1/2 feet wide.

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.1, Title 17, filed Nov. 5, 1979; new added by renum. 55.1, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

### § 155.2 Channel

(a) Waterford to Oswego route. Minimum bottom width, land line,  
earth section ..... 104 feet  
Width of channel, water surface, land line, earth section..... 160 feet  
Minimum bottom width, land line, rock section..... 120 feet  
Bottom width of channel in canalized rivers, generally..... 200 feet  
Design depth..... 14 feet

(b) All other routes. Minimum bottom width, land line, earth section..... 75 feet  
Width of channel, water surface, land line, earth section..... 123 feet  
Minimum bottom width, land line, rock section..... 94 feet  
Bottom width of channel in canalized rivers, generally.....200 feet  
Design depth..... 12 feet

(c) Change of depth notices are published by the Canal Corporation and can be obtained from the Canal Corporation, P. O. Box 189, Albany, New York, 12201 or by accessing the Notices to Mariners posted on the Canal Corporation's website.

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.2, Title 17, filed Nov. 5, 1979; new added by renum. 55.2, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a)-(b), added (c).

### § 155.3 Bridges

Limiting clearances under bridges: Erie Canal, Waterford to Three Rivers Point,



and the Oswego Canal.....	20 feet
Erie Canal, Three Rivers Point to Tonawanda, Cayuga and Seneca Canal, and the Champlain Canal.....	15 1/2 feet

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.3, Title 17, filed Nov. 5, 1979; new added by renum. 55.3, Title 17, Jan. 1997.

**§ 155.4 Locks**

Built of concrete, operated by electricity:

Average time of locking.....	20 minutes
Length between lock gates.....	328 feet
Available length inside lock chambers.....	300 feet
Width of lock chambers .....	45 feet
Available width of lock chambers.....	43 1/2 feet
Depth of water on lock sills: Waterford to Oswego route.....	13 feet
All other routes.....	12 feet
Total Number of Locks.....	57

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.4, Title 17, filed Nov. 5, 1979; new added by renum. 55.4, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

**§ 155.5 Mileage**

Erie Canal, Waterford to Tonawanda .....	338 miles
Oswego Canal, Three Rivers Point to Oswego .....	24 miles
Cayuga and Seneca Canal, junction with the Erie Canal to Ithaca and Watkins Glen, including Cayuga and Seneca Lakes and the spur to Montour Falls .....	92 miles
Champlain Canal, Waterford to Whitehall .....	60 miles
Canal harbors at Utica, Syracuse and Rochester .....	<u>10 miles</u>
Total canal mileage .....	524 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.5, Title 17, filed Nov. 5, 1979; new added by renum. 55.5, Title 17, Jan. 1997.

**§ 155.6 Distance between certain points on canals and connecting waters**

New York City, Pier 6, East River to Waterford .....	154 miles
Tonawanda to Buffalo .....	12 miles
Lockport to Tonawanda .....	18 miles
Waterford to Three Rivers Point .....	160 miles
Junction, Erie and Cayuga and Seneca Canals, to Lock 1, C. and S. ....	4 miles
Junction, Lock 1, Cayuga and Seneca Canal, to Lock 4, C. and S. ....	8 miles
Whitehall to Rouses Point .....	110 miles
Albany to Whitehall .....	70 miles

Waterford to Oswego ..... 184 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.6, Title 17, filed Nov. 5, 1979; new added by renum. 55.6, Title 17, Jan. 1997.

## **PART 156. REVOCABLE PERMITS**

Historical Note: Part (§§156.1-156.4) added by renum. Part 56, Title 17, Jan. 1997.

### **§ 156.1 Granting revocable permits**

The Canal Corporation or its representative may, in its discretion, issue revocable permits granting certain limited privileges whenever the same can be done without detriment to canal navigation or damage to the canal banks or other structures thereof. The Canal Corporation shall prescribe the terms and conditions by which such revocable permits may be issued for the temporary use of canal lands or facilities and for the diversion of canal waters for sanitary, farm purposes or industrial use. An application for a revocable permit may be obtained from the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, or any division office.

Historical Note: Sec. added by renum. 56.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 156.2 Occupancy and use of canal lands or waters**


(a) Canal lands or waters may not be occupied or used except under the terms and conditions prescribed in a revocable permit issued by the Canal Corporation or its representative.

(b) Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 56.2, Title 17, Jan. 1997; amd. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 156.3 Permits for aircraft on canal waters**

The Canal Corporation may, under certain limited and special conditions, issue revocable permits granting the taking off from or landing upon the surface waters of the canal system by aircraft whenever, in its judgment, the same can be done without detriment to canal navigation or without endangering the life or property of others. (See section 150.13 of this Title.)

Historical Note: Sec. added by renum. 56.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. 

**§ 156.4 Schedule of fees for revocable permits for the temporary use or occupancy of canal lands or facilities and for the diversion or use of canal waters**

The following fees shall be payable for canal work permits, for permits for the use and occupancy of canal lands or facilities and for permits for the diversion or use of canal waters:

(a) Canal work permits. Any party who plans to perform any work on the canal system must apply for and obtain a revocable canal work permit. Application, review and issuance of the permit will be administered by the Office of Canal Maintenance and Operations through the Division Office of Canals. Canal work permit applicants must pay the following fees:

(1) Application fee: \$ 25 (nonrefundable).

(2) Spoil removal: \$ 0.50 per cubic yard.

(i) Fee waived when removal is determined by the Canal Corporation to be advantageous to the Canal Corporation.

(3) Snow dumping: \$ 25.

(i) Fee waived for municipalities.

(4) An additional charge of \$ 250 per day will be imposed for any approved work on the canal system requiring an onsite inspection by Canal Corporation staff of one-half day or more.

(5) Insurance requirements for canal work permits:

(i) Insurance coverage must be provided to cover the People of the State of New York, the Authority and Canal Corporation, and all employees of the Authority and the Canal Corporation for all operations of the permittee. A permittee may provide insurance coverage as stated in either clause (a) or (b) of this subparagraph:

(a) Filing of a certificate of insurance which indicates canal work permit coverage, submitted to the Canal Corporation by permittee's insurance company or agent to insure the Authority and the Canal Corporation for all operations of the permittee under the permit.

(b) Payment under the departmental blanket policy of \$ 7.50 for insurance coverage.

(c) Utility companies and municipalities may furnish an undertaking in lieu of clause (a) or (b) of this subparagraph. An undertaking is a written agreement signed by a utility company or a municipality in which it agrees to faithfully perform the work under all canal work permits issued to them, comply with all the terms and conditions of such

canal work permits, restore the Canal Corporation property to a satisfactory condition, and pay all damages, costs and judgments which may be recovered against the Authority and/or Canal Corporation by reason of damages arising out of work done under such canal work permits. Undertakings must include the wording required by the Canal Corporation and must be executed through an insurance/bonding company. In some cases a private corporation may furnish an undertaking; however, each request must be reviewed independently.

(d) An applicant for a canal work permit shall obtain workers' compensation insurance and/or workers' disability benefits coverage in accordance with the Workers' Compensation Board requirements.

(b) Permit for use of Canal Corporation property. Any party who plans to use and/or occupy canal lands or facilities must apply for and obtain a revocable permit for use of Canal Corporation property. The application and issuance of this permit is administered by the Division Office of Canals for a fee as determined in accordance with this subdivision.

(1) Fees for use of canal lands and facilities.

(i) Permit fees for use of canal lands and facilities will be based on the property's fair market rental value as established by the Canal Corporation by an analysis, comparison and use of the most comparable rentals and sales found in the market, with the exception of permits described in subparagraph (ii) of this paragraph. The fee will be based upon a consideration of the use made of the permitted area, including placement of, but not limited to docks, ramps, slips and floats.

(ii) Permit fees for canal land used in conjunction with adjoining residences or camps for access to the canal waters or maintained as part of the permittee's property shall be \$ 50 per year. This type of permit is restricted to upland owners and includes only lands between an upland residence or campsite and the canal waters; the permitted area cannot exceed one acre of land and cannot contain any building improvements. The permit gives the permittee the right of exclusive access across the canal lands to the canal waters. An additional charge of \$ 50 will be imposed if the permittee elects to erect and/or maintain a dock, ramp, slip or float within the canal waters.

(2) Powerline, telephone and other communication crossings.

(i) Aboveground crossings. The annual permit fees for aboveground powerline, telephone and other communication crossings will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area necessary to accommodate the crossings will be computed by multiplying the required width of the corridor by the length of the corridor as measured along its centerline. The required corridor widths will vary based on the size and type of the bearing structure and the capacity of the transmission line. The minimum prescribed corridor widths are as follows:

<i>Powerline voltage</i>	<i>Minimum prescribed corridor width</i>
765kv .....	250 feet
500kv .....	175 feet
230 to 345kv .....	150 feet
115 to 138kv .....	100 feet
34.5 to 69kv .....	50 feet
23kv or less (includes telephone or other communication crossings) .....	25 feet

The corridor width of a multilane crossing will be determined by taking one-half the prescribed corridor width for each outside line and adding it to the distance between them. In no case shall the total corridor width be less than the required width for the powerline having the greatest voltage capacity. If more than one transmission line is attached to the same bearing structure, the corridor width will be that required for the transmission line with the greatest voltage capacity. The annual permit fee will be computed by multiplying the corridor area by 50 percent of the property's fair market rental value. If the area within the corridor is over water, it will be appraised using the value of adjoining canal upland.

(ii) Underground crossings. The annual permit fee for underground powerline, telephone and other communication crossings will be computed in the same manner as aboveground, except the corridor width will be a minimum 25 feet regardless of the line's voltage capacity.

(3) Pipeline crossings. (i) Aboveground (at grade). The annual permit fees for all aboveground pipelines will be based on 100 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate an aboveground pipeline crossing will be computed by multiplying the length of the pipeline by a 25-foot minimum corridor width.

(ii) Underground. The annual permit fee for an underground pipeline crossing will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate the underground crossing will be computed by multiplying the prescribed corridor width times the length of the pipeline. The minimum prescribed corridor widths for underground pipelines are as follows:

<i>Pipeline-diameter</i>	<i>Minimum prescribed corridor width</i>
Under 6 inches	15 feet
6 inches or more	25 feet

(4) Vendors. For temporary or periodic occupancy, \$ 5 per day, \$ 50 minimum or \$ 250 per year.

(5) Water usage. The fee will be based on a review of comparable prices of water available in the geographic area but will not exceed two percent of the cost per gallon charged by the nearest potable municipal water supplier.

(6) For uses not specified in this subdivision, the fee will be based on all relevant factors, such as nature and extent of use of canal property.

(7) Minimum fee. The minimum fee for a permit for use of Canal Corporation property will be \$ 50.

(8) Late charge. If the permit fee has not been paid in full by the 15th day after it has become due, an additional charge of two percent per month will be due and owing to the Canal Corporation.

(9) Canal identification plates. The Canal Corporation will issue canal identification plates to all approved holders of a permit for use of Canal Corporation property. These plates must be conspicuously posted on the property while the permit is in force and must be removed and returned to the Canal Corporation when the permit is no longer in force.

(10) Periodic review of permit fees. The Canal Corporation may revise fees for a permit for use of Canal Corporation property periodically to reflect fair market rental value. Written notice will be given to the permittee.

(11) Procedure for contesting determination of permit fees. (i) The permit applicant or permittee may dispute a permit fee determination within one month of being informed thereof by delivering or mailing, by certified mail, a request for a conference to the Division Office of Canals having jurisdiction. This request must specify and document reasons for disagreement with the fee. Such conference shall be scheduled and conducted in the Division Office of Canals. The permit applicant or permittee may have representation at the conference. After all relevant information has been presented and analyzed, the Division director shall within 14 days notify the permit applicant or permittee of the decision in writing.

(ii) The Division director's decision may be appealed by the permit applicant or permittee within 30 days of the receipt of the decision, in writing, to the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, by certified mail. The Director of Canals shall conduct an independent review of all the available information, and may also schedule a conference to allow the permit applicant or permittee, or a representative, to rebut the Division director's permit fee determination. Based on a full review of all the available data and within 14 days of receipt of a request for review, or of a conference, whichever is later, the Director of Canals shall decide the final fee determination. This determination shall be the final determination and shall be communicated to the permit applicant or permittee in writing.

(iii) Fees due the Canal Corporation are not waived either in total or in part during the appeal process outlined in subparagraph (ii) of this paragraph. Any overpayment which may result from a successful appeal will be refunded.

(12) Insurance requirements.

(i) Permit holders must provide the Canal Corporation with proof of general liability coverage issued by an insurance carrier licensed to do business in the State of New York naming the People of the State of New York, the Authority and the Canal Corporation as additional insureds.

(ii) The coverage must be single limit per occurrence for combined property damage and/or bodily injury, including death.

(iii) Minimum limits:

(a) Residential/Recreational	\$ 300,000
(b) Agricultural	\$ 300,000
(c) Vendors	\$ 500,000
(d) Industrial	\$ 2,000,000
(e) Commercial	\$ 2,000,000
(f) Utility corporations or private corporations transmitting natural gas, electricity or fluids of a hazardous nature	\$ 3,000,000
(g) Special events involving public participation	\$ 2,000,000
(h) For uses not specified in this subparagraph, the limits will be established by considering the limits listed in this subparagraph as well as the individual characteristics of the proposed use.	

(iv) The Canal Corporation reserves the right to periodically adjust the minimum limits of coverage as set forth in this section and to individually adjust the insurance coverage of a permit holder if, in the opinion of the Canal Corporation, such terms are beneficial to the People of the State of New York, the Authority and the Canal Corporation.

Historical Note: Sec. added by renum. 56.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

## **Part 157: Public Access to Canal Corporation Records**

### **§157.1 Records available for inspection and copying; fees**

#### **1. Subject Matter List**

The Canal Corporation will keep a reasonably detailed current list, by subject matter, of all records in the possession of the Canal Corporation, whether or not available under the Freedom of Information Law.

#### **2. Availability of records.**

The Canal Corporation shall produce its records for inspection by appointment during those days and hours that it is regularly open for business, as follows: Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.(excluding observed holidays). Written requests for copies of records should be directed to the Canal Corporation's Records Access Officer at 200 Southern Boulevard, Albany, New York 12209.

#### **3. Fees.**

- a. The fee for copies of records not exceeding 9 x 14 inches in size shall be 25 cents per page.
- b. The fees for searching the records of the Canal Corporation for an accident report, for furnishing a copy of an accident report, and for furnishing a copy of an accident reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law; provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of accident reports to be used for a public purpose.
- c. Except when a different fee is otherwise prescribed by statute, the fee for a copy of any other record shall be the actual cost of reproducing such record, as determined by the Records Access Officer in accordance with Public Officers Law section 87.
- d. The Canal Corporation Executive Director, or his or her designee may, at his or her discretion, waive all or any portion of the fees authorized by this subdivision.

§157.2 Rights of party denied access to records.

If access to a record is denied, such denial may be appealed to the Canal Corporation Executive Director, or his or her designee.