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MANUAL 500-2

SECTION 02.7

PERMIT AND LEASE ENFORCEMENT

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

## **1. Purpose**

The purpose of this procedure is to ensure consistency between Headquarters and Divisions with respect to: the enforcement of delinquent accounts receivables for permit fees and lease payments, expired insurance, or other violations of permit and lease terms and conditions, or unauthorized use of Thruway Authority (Authority) property (encroachment).

## **2. Applicable Law and/or Guidance**

New York State Public Authorities Law, Article 2, Title 9, New York State Thruway Authority, Article 9, Title 5-A

New York State Real Property Law

New York State Real Property Actions and Proceedings Law

21 NYCRR §106 Leasing of Facilities

Thruway Real Property Management Policy (25-6-02)

## **3. Introduction**

The Authority is responsible for the financing, construction, reconstruction, improvement, development, maintenance and operation of the highway system known as the Thruway. In accordance with the provisions of Title 9 of the Public Authorities Law, the Authority has the power to acquire and hold real property necessary for its corporate purposes and dispose of real property not necessary for its corporate purposes or whenever the Authority Board shall determine that it is in the interest of the Authority and thus, the interest of the State.

Violations of permits and leases may occur due to non-payment of fees, expiration of insurance or other violations of permit or lease terms and conditions.

All permits will contain a provision identifying them as revocable permits. All leases will contain language allowing the Authority the right to terminate the lease for failure of the lessee to perform under the terms of the lease.

#### **4. Procedure**

The Authority may need to take appropriate action based on non-payment, expiration of insurance or other violations of terms and conditions of permits and leases. Following notice, the appropriate response will be determined including removal of encroachments, subsequent permit revocation/lease termination, site visits, emergency action, collection of delinquent accounts, etc.

Work permits are issued, monitored and administered by the Divisions. The Division Director (DD) shall require the Division Permit Coordinator (DPC) or other staff under his/her direction to take appropriate action based on non-payment, expiration of insurance or other violations of terms and conditions of work permits in accordance with Division procedures.

##### **4.1. Delinquent Accounts for Non-payment**

- 4.1.1. Accounts Receivable (AR) sends annual invoices for permits to permittees one month prior to the permit billing date and invoices for leases per the terms and conditions of the lease. The PERMIT AND LEASE INVOICE<sup>1</sup> states the consequences of late payment (e.g., applicable interest, collection fees).
- 4.1.2. If payment is not received within 15 days after the due date shown on the original invoice, AR sends out a DELINQUENCY NOTICE<sup>2</sup> to the permittee/lessee and copies the DPC, the Office of Real Property Management (ORPM) and the Office of Investments and Asset Management.
- 4.1.3. For leases, if payment is not received within 15 days from the date of the DELINQUENCY NOTICE, ORPM, in consultation with the Legal Department, DPC and when applicable, the appropriate Project Manager, coordinates notices and actions in accordance with the terms and conditions of the lease and determines the appropriate response as described in Section 4.4.

<sup>1</sup> Exhibit 1

<sup>2</sup> Exhibit 2

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- 4.1.4. For permits, if payment is not received within 15 days from the date of the DELINQUENCY NOTICE<sup>1</sup>, the Office of Investments and Asset Management sends a 30-DAY REVOCATION NOTICE<sup>2</sup> to the permittee stating that the permit will be revoked in 30 days and the consequences of revocation. A copy is sent to the DPC and ORPM.
- 4.1.5. If payment is not received within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT<sup>3</sup> notifying the permittee that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPC, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, the Insurance Compliance Unit (ICU) and Legal (refer to Section 4.5).
- 4.1.6. In some cases the delinquent payment may be received prior to a determination being made to revoke the permit or terminate the lease.
- 4.1.6.1. For permits, if a delinquent payment (including interest and penalties) is received anytime prior to revocation of a permit, AR takes the account out of delinquency and notifies the DPC and ORPM. ORPM, in consultation with the DPC, and AR, may: (a) continue the permit revocation; (b) stop the permit revocation; or (c) take other action as needed. A record of the late payment is maintained by AR in the account file.
- 4.1.6.2. For leases, if a delinquent payment (including interest and penalties) is received anytime prior to lease termination, AR takes the account out of delinquency and notifies the DD, ORPM and the Legal Department. ORPM, in consultation with the DD, the Legal Department and AR, may: (a) continue the lease termination process; (b) stop the lease termination process; or (c) take other action as needed. A record of the late payment is maintained by AR in the account file.
- 4.1.7. If payment (including interest and penalties) is received after a permit has been revoked, AR notifies the ORPM, DPC, the Zone Sergeant for Troop T, ICU and Legal. ORPM, in consultation with the DPC, the Legal Department, ICU and AR as needed, may direct that a new permit be issued.

<sup>1</sup> Exhibit 2

<sup>2</sup> Exhibit 3

<sup>3</sup> Exhibit 4

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4.1.8. AR provides the Contracting Officer and ORPM with a monthly listing of delinquent permits and leases.

## 4.2. Expired Insurance

For the protection of Authority assets, it is critical that proper insurance coverage be maintained for all permits and leases. Failure of the permittee/lessee to maintain proper insurance coverage will result in the revocation of permits, and the possible termination of leases.

4.2.1. ICU identifies accounts for which insurance has expired or is due to expire within the next calendar month, and where the permit or lease is still active, and sends an INSURANCE EXPIRATION NOTICE<sup>1</sup> to the permittee/lessee.

4.2.2. If proof of insurance is not provided within 14 days of initial notification, ICU sends an INSURANCE EXPIRATION NOTICE - SECOND REQUEST<sup>2</sup>.

4.2.3. For leases, if proof of insurance is not received within 30 days of initial notification, ORPM, in consultation with the Legal Department, DD and when applicable, the appropriate Project Manager, coordinates notices and actions in accordance with the terms and conditions of the lease and determines the appropriate response as described in Section 4.4.

4.2.4. For permits, if proof of insurance is not received within 30 days of initial notification, the Office of Investments and Asset Management sends a 30-DAY REVOCATION NOTICE<sup>3</sup> to the permittee stating that the permit will be revoked in 30 days and the consequences of revocation. A copy is sent to the DPC and ORPM.

4.2.4.1. If proof of insurance is not received within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT<sup>4</sup> notifying the permittee that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPC, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, ICU and Legal (proceed to 4.5).

<sup>1</sup> Exhibit 5

<sup>2</sup> Exhibit 6

<sup>3</sup> Exhibit 3

<sup>4</sup> Exhibit 4

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4.2.4.2. If valid proof of insurance is received, ICU updates PERMITS Plus and places the proof of insurance in account folder. Procedure stops here.

4.2.5. If a cancellation notice is received directly from a permittee's/lessee's insurance company, return to 4.2.1.

### **4.3. Other Permit or Lease Violations**

4.3.1. The DPC or other staff, in consultation with the DD, may conduct site inspections to ensure adequate monitoring of the use of Authority property under permit or lease. Such inspections are documented using the THRUWAY SITE INSPECTION REPORT (TA-N5113)<sup>1</sup>.

4.3.2. Through site inspections or other notification, the DPC or other staff may identify conflicts between the permitted use of/work on the property and Authority operations, or may identify that the permittee or lessee is not complying with the provisions of the permit or lease including: (a) preventing Authority employees/agents/contractors access to the property; (b) exceeding the scope of the permit or lease; (c) the use and/or work obstructs the maintenance or operation of the Thruway System; or (d) for other reasons. The DPC notifies ORPM for both permit and lease violations and also notifies the DD for lease violations.

4.3.3. For lease violations, ORPM, in consultation with the Legal Department, the DD and when applicable, the appropriate Project Manager, coordinates lease violation notices and actions in accordance with the terms and conditions of the lease and determines the appropriate actions as described in Section 4.4.

4.3.4. For permit violations, the DPC, in consultation with the DD and when applicable, the appropriate Project Manager, notifies the permittee of the violation and establishes a timeframe for resolving the issue. If the violation is causing a health, safety, or environmental impact or other emergency condition requiring immediate action, the Authority may take any required steps to address the emergency immediately.

<sup>1</sup> Exhibit 7

- 4.3.4.1. The DPC, in consultation with the DD, may work with the permittee to resolve the issue. This may require the permittee to cure any defects (e.g., remove illegal structure, return the area to its pre-existing condition, etc.).
- 4.3.4.2. If the permittee fails to correct the violation within the established timeframe, the DPC contacts ORPM to determine the appropriate response as described in Section 4.4.

#### **4.4. Determining the Appropriate Response for All Lease Violations and for Permit Violations Other Than for Non-payment or Expiration of Insurance**

- 4.4.1. ORPM coordinates a review of the violation in consultation with the Legal Department, AR, ICU and others as needed to determine the appropriate action to be taken. This may include removal of encroachments, subsequent permit revocation/lease termination or referral of the account to collection agencies and/or the Office of the Attorney General (OAG). As needed, ORPM may request that the DPC or other staff conduct a site inspection to assist in determining the appropriate response. Removal of encroachments is discussed in Section 4.6. Collection of delinquent accounts will be handled as described in Section 4.7.
- 4.4.2. If an emergency situation exists which endangers life or the Thruway System, the Legal Department will be notified immediately for guidance on the appropriate actions.
- 4.4.3. For leases that are being terminated for non-payment, expired insurance or other lease violations, ORPM, in consultation with the Legal Department, the DD and when applicable, the appropriate Project Manager, coordinates the termination, including termination notices, and notifies the Contracting Officer, the DD, ICU, AR and the Zone Sergeant for Troop T of the proposed termination. The Authority Board is notified of the proposed lease termination by the Contracting Officer.
- 4.4.4. For permits that are being revoked for permit violations other than for non-payment or expired insurance, ORPM sends a 30-DAY REVOCATION NOTICE<sup>1</sup> to the permittee stating that the permit will be revoked in 30 days and

<sup>1</sup> Exhibit 3

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the consequences of revocation. A copy of the notice is sent to the DPC and the Office of Investments and Asset Management.

- 4.4.5. If the permit violation is not resolved within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT<sup>1</sup> notifying the permit holder that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPC, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, ICU and Legal (proceed to 4.5).
- 4.4.6. If site restoration is required to be conducted by the permittee or lessee, such restoration shall be conducted by the permittee or lessee under a work permit issued by the Authority, within the 30 day period preceding the date of termination of the permit or lease. If the permittee or the lessee fails to conduct such restoration in a timely manner, the Authority shall arrange for such restoration, in which case the permittee or the lessee shall be charged for the Authority's costs incurred in completing such restoration.
- 4.4.7. No refunds will be given for revoked permits or terminated leases unless the permit conditions or lease terms require otherwise.
- 4.4.8. Site inspections are conducted by the DPC or other staff within 30 days following the permit revocation or lease termination in accordance with Section 4.5 to determine any further action that may need to be taken.

#### **4.5. Division Final Inspections**

The DPC or other staff conducts a final site inspection following permit revocation or lease termination.

- 4.5.1. The DPC or other staff documents the final site inspection using the FINAL THRUWAY SITE INSPECTION<sup>2</sup> to verify the address and inspect the site to ensure that: (a) the property has been vacated; (b) no actions are required to rectify an actual or potential environmental or safety problem; and (c) the property has been restored to the same or better condition as existed prior to issuance of the permit/lease.

<sup>1</sup> Exhibit 4

<sup>2</sup> Exhibit 8

- 4.5.2. If the property has not been restored, the DPC or other staff identifies any remedial work required or structures that should be removed. If a building, structure or other personal property remains on the property, follow Section 4.6 for encroachments.
- 4.5.3. The DPC or other staff uploads a copy of the completed FINAL THRUWAY SITE INSPECTION<sup>1</sup> into PERMITS Plus, and notifies the ORPM Permits Program Manager if any follow-up action is required. This FINAL THRUWAY SITE INSPECTION, which documents the site visit, becomes part of the Transaction Record and may be used by ORPM, if necessary and in consultation with AR and the Legal Department, to determine any restoration costs to be included in appropriate collection responses and other required actions.

#### **4.6. Encroachments**

- 4.6.1. During the site inspection or through other notification (e.g., THRUWAY SITE INSPECTION REPORT<sup>2</sup>), the DPC or other staff may become aware of encroachments on Authority property. Encroachments exist in two scenarios: (a) a building, structure, or other personal property or parts of these erected, placed, maintained, or otherwise previously authorized to occupy Authority property pursuant to a permit or lease continue to occupy the Authority property after a permit has been revoked/cancelled or a lease has been terminated, or (b) such occupation has never been authorized by any legal instrument including a permit or lease.
- 4.6.2. If an emergency situation exists which endangers life or the Thruway System or if the Authority property has been damaged, the Legal Department will be notified immediately for guidance on the appropriate actions. If environmental degradation is observed or potentially could occur, then the DPC or other staff contacts the Division Environmental Specialist. Code Compliance personnel may also be contacted by the DPC to identify structural issues that may exist.
- 4.6.3. When the DPC or other staff becomes aware of an encroachment, they shall consult with the DD to determine whether the property occupied by the encroachment is needed for Authority purposes and whether the encroachment and its use are consistent with Authority maintenance or operations.

<sup>1</sup> Exhibit 8

<sup>2</sup> Exhibit 7

If the property is needed for Authority purposes or if the encroachment or its use is inconsistent with Authority maintenance or operations, the DPC or other staff attempts to cure the encroachment through site visits or certified letters sent to the encroachment party describing the encroachment and ordering its removal. If the property is not needed for Authority purposes and the encroachment and its use is consistent with Authority maintenance or operations, the DPC or other staff attempts to cure the encroachment by having the encroaching party apply for an occupancy permit, lease, easement or sale, as applicable.

All attempts to cure the encroachment shall be documented. After reasonable efforts have failed to cure the encroachment, the DPC shall prepare an ENCROACHMENT MEMO<sup>1</sup> and forward all relevant information and documentation including photos, letters and Division file to the DD.

- 4.6.4. In the event that attempts to cure the encroachment are unsuccessful, the DD, in consultation with the Director of ORPM, seeks assistance from the Legal Department. A memo to the General Counsel shall provide a recommendation and be accompanied by the ENCROACHMENT MEMO from the DPC to DD and all relevant photos and documentation including a copy of the Division file. The Legal Department shall take actions deemed appropriate.

#### **4.7. Collection of Delinquent Accounts and Other Costs**

- 4.7.1. When it has been determined by ORPM, the Legal Department and AR that an account should be referred for collection, AR prepares a collection file and works with ORPM to ensure all relevant documents are included. Collection may include delinquent amount as well as other costs (e.g., costs to remove encroachments, restore a site, etc.).

At a minimum, the collection file should contain:

- Copy of the terminated lease or revoked permit
- Total amount of the delinquency (rents/fees, interest, additional fines, restoration costs, etc.)

<sup>1</sup> Exhibit 9

- Most current contact information (name, address, phone number)
- Copies of invoices and letters sent
- Copy of FINAL THRUWAY SITE INSPECTION<sup>1</sup>
- Documentation of any other attempts or information regarding collection
- Other information pertinent to the permit/lease, such as environmental issues, encroachments or other structures, non-compliance or other issues

AR sends the collection file to the Legal Department.

- 4.7.2. Legal coordinates the collection of the delinquent account with a collection agency or OAG as applicable.
- 4.7.3. The Legal Department keeps AR informed as to the status of collection activity.
- 4.7.4. AR receives payments collected by collection agencies and OAG, and may also receive payment directly from delinquent account holders after the accounts have been turned over for collection. AR notifies the Legal Department and ORPM of any payment received. The Legal Department reviews the individual case and approves the payment, and notifies AR that the payment has been approved.
- 4.7.5. If the matter is deemed uncollectible by Finance and Accounts, in consultation with the Legal Department when applicable, AR is notified that the receivable can be written off.

## **5. Responsibilities**

Accounts Receivable is responsible for invoicing permittees and lessees and sending delinquency notices. AR processes payments, maintains the account files and prepares collection files for delinquent accounts. AR works with the Legal Department which coordinates the collection process with contracted collection agencies or OAG. Provides the Contracting Officer and ORPM with a monthly listing of delinquent permits and leases.

<sup>1</sup> Exhibit 8

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Contracting Officer notifies the Authority Board of proposed lease terminations.

Division Director coordinates with the DPC the resolution of permit issues and assists ORPM and Legal with the resolution of lease issues. Consults with the DPC, ORPM and Legal to cure encroachments.

Division Code and Compliance personnel assist Division staff to identify structural issues associated with an encroachment.

Division Environmental Specialist assists Division staff with environmental issues.

Division Permit Coordinator coordinates resolution of permit violations and in consultation with the DD and when applicable, the appropriate Project Manager, assists with all other permit and lease enforcement issues as directed. Prepares the ENCROACHMENT MEMO<sup>1</sup> and sends it to the Division Director. Conducts site inspections to ensure adequate monitoring of the use of Authority property under permit or lease and conducts final site inspections after permit revocation/lease terminations.

Insurance Compliance Unit determines if permittees and lessees have proper insurance coverage and sends insurance expiration notices. If valid proof of insurance is received, updates PERMITS Plus and places the proof of insurance in the account folder.

Legal Department assists ORPM, AR and ICU in determining the appropriate response to lease violations. Consults with the Division Director and ORPM and takes actions deemed appropriate to cure encroachments. Coordinates the collection of delinquent accounts with the contracted collection agencies or OAG.

Office of Investments and Asset Management sends the 30-Day REVOCATION NOTICE<sup>2</sup> for non-payment and expired insurance.

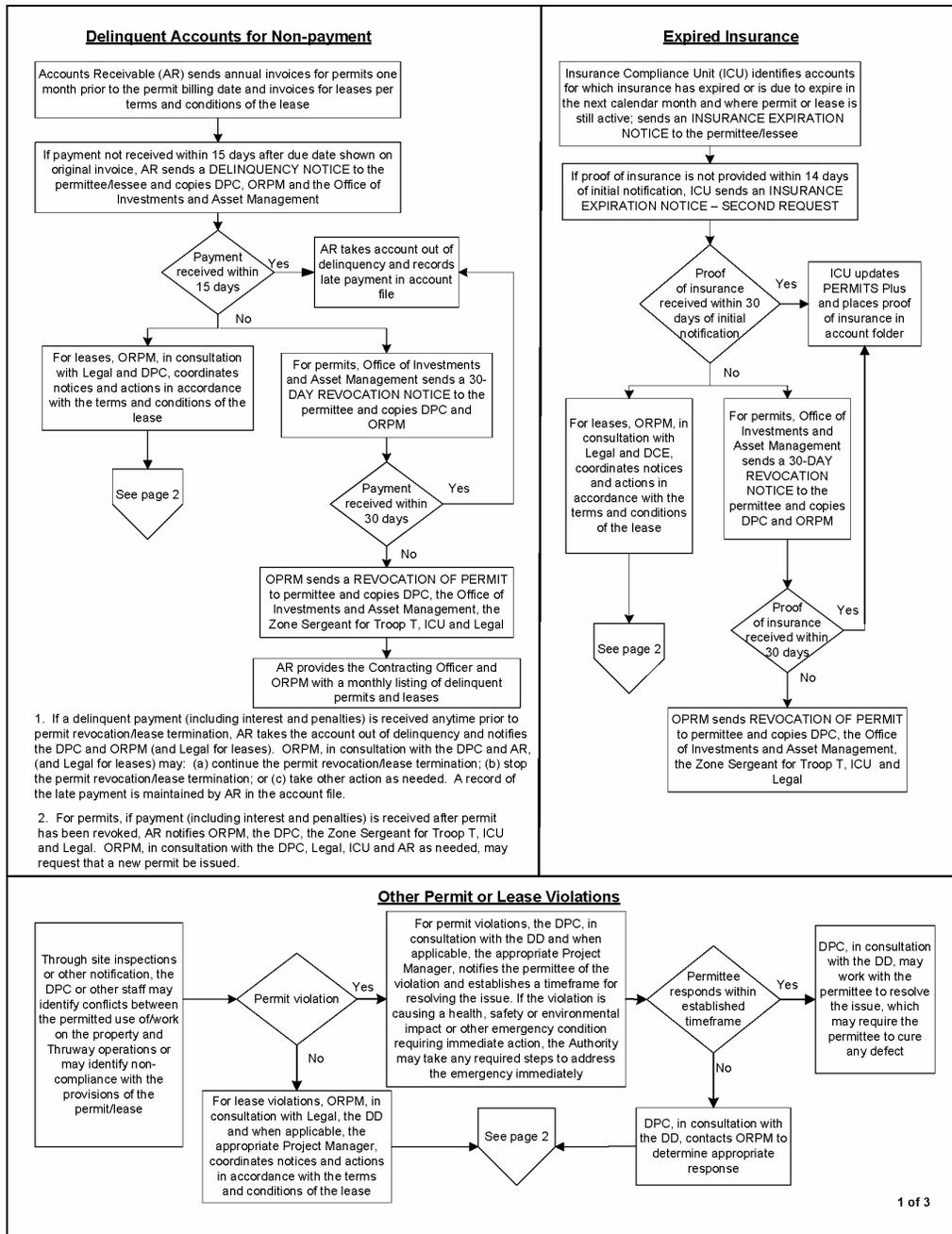
Office of Real Property Management sends the 30-Day REVOCATION NOTICE for other permit violations and sends the REVOCATION OF PERMIT<sup>3</sup> for non-payment, expired insurance and other permit violations. In consultation with Legal and the DD coordinates the termination, including termination notices, for leases being terminated for non-payment, expires insurance or other lease violations, In consultation with the DD, seeks assistance from Legal with regard to curing encroachments.

<sup>1</sup> Exhibit 9

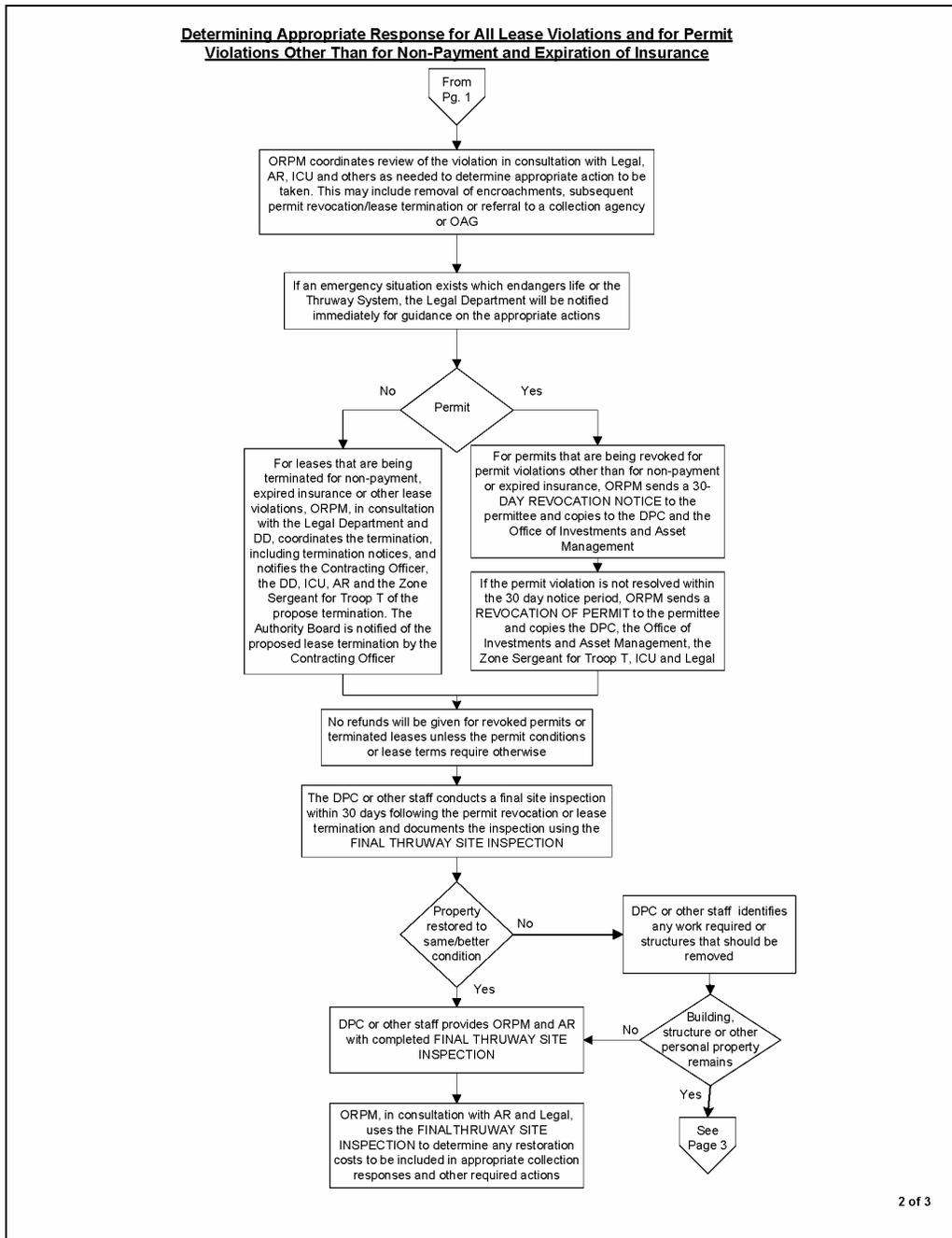
<sup>2</sup> Exhibit 3

<sup>3</sup> Exhibit 4

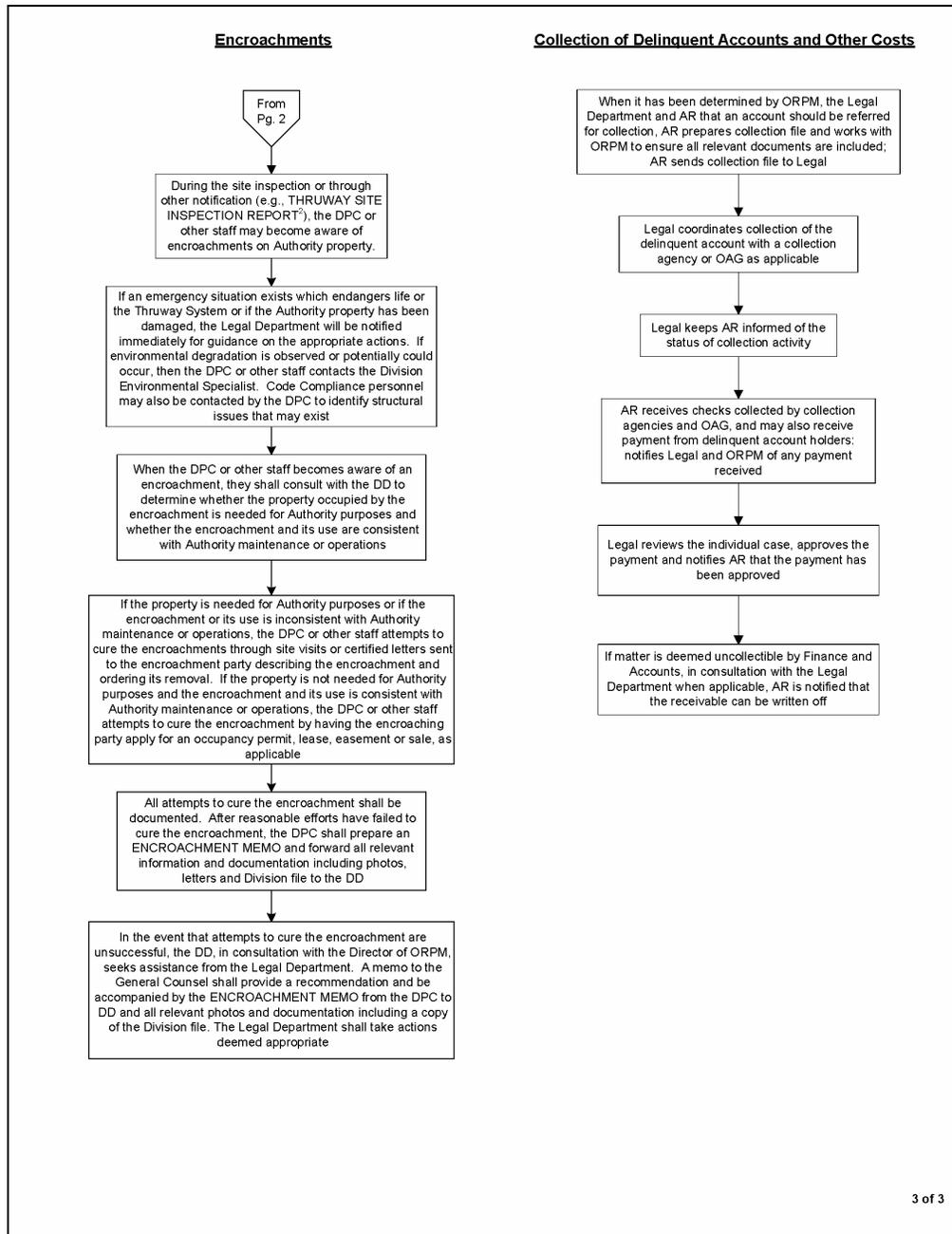
6. Flowcharts



Flowcharts (continued)



Flowcharts (continued)



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EXHIBIT 1  
SAMPLE PERMIT AND LEASE INVOICE

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Accounts Receivable sends this invoice for permits and leases.

	New York State Thruway Authority PO Box 189 Albany, New York 12201-0189	Phone: (518) 471-5985 FAX: (518) 471-5050	<b>Invoice</b>	
	<b>Invoice NUMBER:</b> TERMS:		<b>DUE DATE</b>	
<b>BILL TO:</b>		<b>PAGE</b>		

DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED PRICE
			Page Total:

REMITTANCE ADVICE WITH CHECK OR CREDIT CARD PAYMENT			
CUSTOMER NUMBER:	INVOICE NUMBER:	SUBTOTAL:	
Trx Type:		TAX:	
		SHIPPING & HANDLING:	
		INVOICE TOTAL:	
		DUE DATE:	
		AMOUNT DUE:	
		AMOUNT PAID:	
Remit to: <b>New York State Thruway Authority</b> <b>PO Box 189</b> <b>Albany, New York 12201-0189</b>		<b>Make Check Payable to</b> <b>New York State Thruway Authority.</b>  See reverse side to pay by credit card and other special notes, including details on finance charges for late payments.	

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EXHIBIT 1  
 SAMPLE PERMIT AND LEASE INVOICE  
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**Special Instructions:**

If your check is returned by the bank, a \$25 dishonored check processing fee will be charged. **Late payment penalties may be assessed at a rate of 2% per month for payments made after the due date. This amount may include unpaid penalties from previous periods.** For any questions regarding billing, please contact the accounts receivable unit at the number on the front side of this invoice.

**Notification Required Under Personal Privacy Protection Law:**

The information you are providing on this authorization form is being requested pursuant to New York State tax laws for credit card payment for goods and services received from the Authority/Corporation. This information will be provided only to the designated financial institution(s) and/or their agent(s) for the purpose of processing payments unless otherwise noted. The information contained herein will be kept in hard copies and/or computerized files, at the Authority/Corporation's discretion and will be maintained by the Supervisor of Accounts Receivable in the Office of Investments and Asset Management; New York State Thruway Authority/Canal Corporation, 200 Southern Boulevard, Albany, NY; 518-471-5356.

<b>BY CREDIT CARD: For your convenience, we now accept payment by MasterCard, Visa, American Express or Discover.</b>																													
<b>PLEASE CHECK ONE:</b>		VISA		MC		AMEX		DISCOVER																					
CARD NUMBER																													
<table border="1"> <tr> <td>NAME ON CARD</td> <td colspan="5"></td> <td>EXP. DATE</td> <td colspan="3">TELEPHONE #</td> </tr> <tr> <td>SIGNATURE</td> <td colspan="5"></td> <td>DATE</td> <td colspan="3"></td> </tr> </table>										NAME ON CARD						EXP. DATE	TELEPHONE #			SIGNATURE						DATE			
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<p><b>I authorize NYS Thruway Authority/Canal Corporation to immediately charge my credit card the total amount listed in amount paid or if left blank, then Amount Due.</b></p> <p>Change of Address:</p> <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>																													

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EXHIBIT 2  
DELINQUENCY NOTICE

Accounts Receivable sends this notice to a permittee/lessee when payment has not been received within 15 days from the date of the original invoice.



John L. Buono  
Chairman

New York State Thruway Authority  
New York State Canal Corporation  
200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189  
[www.thruway.ny.gov](http://www.thruway.ny.gov)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

[CUSTOMER\_NAME]  
[CUSTOMER\_ADDRESS]

[DATE]

Re: [PERMIT\_NUMBER]

**DELINQUENCY NOTICE**

On [INVOICE\_DATE] the Thruway Authority sent you invoice number [INVOICE\_NUMBER] in the amount of \$[BALANCE\_DUE] for permit fees as per the terms of your Thruway Occupancy Permit.

Attached is another copy of the invoice.

Please remit your payment in the amount of \$[BALANCE\_DUE] within 15 days of the date of this letter in order to keep your permit active and to avoid the assessment of interest charges. The failure to pay may result in your permit being revoked resulting in you being not authorized to access or occupy the permit area and any property on it.

For your convenience, the Thruway Authority accepts payment by MasterCard, Visa, American Express, or Discover. To make your payment by credit card, please call (518) 471-5051.

If you do not wish to renew your permit, please contact the Office of Real Property Management at the above address. You will also have to obtain a work permit to remove any and all of your property from the permit area and restore the permit area to a good condition satisfactory to the Thruway Authority as you are required to pursuant to your permit.

Thank you for your prompt attention to this matter.

Sincerely,

Lisa Nerf  
Supervisor, Accounts Receivable

cc: Division Permit Coordinator  
Office of Real Property Management  
Office of Investments & Asset Management

Office of Investments & Asset Management  
Lisa Nerf  
Supervisor, Accounts Receivable Phone: (518) 471-5951 Fax: (518) 471-5050

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EXHIBIT 3  
SAMPLE 30-DAY REVOCATION NOTICE

The Office of Investments and Asset Management sends this notice to permittees delinquent due to non-payment. Use the appropriate notice for expired insurance and other permit violations.



John L. Buono  
Chairman

New York State Thruway Authority  
New York State Canal Corporation  
200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189  
[www.thruway.ny.gov](http://www.thruway.ny.gov)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

[CUSTOMER\_NAME]  
[CUSTOMER\_ADDRESS]

[DATE]

Re: [PERMIT\_NUMBER]

**30-DAY REVOCATION NOTICE: VIA CERTIFIED MAIL OR  
OVERNIGHT DELIVERY; RETURN RECEIPT REQUESTED**

This letter serves as 30-day written notice of the revocation of your above referenced Thruway Occupancy Permit due to non-payment of the annual fee as per the General Conditions of the permit.

On [DUNNING LETTER 1 DATE] we sent you a delinquency notice regarding the above referenced permit. To date, the permit fee has not been received. In addition, we have not been successful with our attempts to contact you by telephone or e-mail.

After thirty days from the date of this letter, you will not be authorized to enter or occupy the permit area. Within this time you must remove any and all structures and personal items currently on the permit area and restore the permit area to a good condition satisfactory to the Thruway Authority as required under the provisions of the permit. Any and all property left on the premises after 30 days of this letter shall be deemed abandoned and may be removed by the Thruway Authority or its representatives. Pursuant to your permit, the cost of such removal and restoration will be at your sole expense and you will be billed accordingly.

Please contact your local Division Permit Office at [PHONE NUMBER] to arrange for the removal of any property.

Sincerely,

Michael Sikule  
Director of Investments and Asset Management

cc: Division Permit Coordinator  
Office of Real Property Management  
Office of Investments & Asset Management

Office of Investments & Asset Management  
Michael Sikule, Director Phone: (518) 436-2890 Fax: (518) 471-5050

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EXHIBIT 4  
SAMPLE REVOCATION OF PERMIT

ORPM sends this notice to permittees delinquent due to non-payment. Use the appropriate notice for expired insurance and other permit violations.



John L. Buono  
Chairman

New York State Thruway Authority  
New York State Canal Corporation  
200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189  
[www.thruway.ny.gov](http://www.thruway.ny.gov)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

[CUSTOMER\_NAME]  
[CUSTOMER\_ADDRESS]

[DATE]

Re: [PERMIT\_NUMBER]

**REVOCATION OF PERMIT VIA OVERNIGHT DELIVERY  
SIGNATURE UPON RECEIPT REQUESTED**

You are hereby notified that the above referenced Occupancy Permit has been revoked by the Thruway Authority effective [DATE] due to the non-payment of the annual fee plus interest. Pursuant to your permit, thirty (30) days written notice of revocation of the permit for non-payment was provided to you in a letter dated [DUNNING LETTER 2 DATE]. Notice of your delinquency for non-payment was first provided to you on [DUNNING LETTER 1 DATE].

You no longer have authorization to enter or occupy the premises unless you obtain a new permit from the Thruway Authority. Please contact the Division Permit Office at [PHONE NUMBER] to obtain a work permit to remove any and all of your property from the permit area, and restore the permit area to a good condition satisfactory to the Thruway Authority as required under the provisions of the permit.

In the event that you have not removed your property from the premises pursuant to the conditions of your permit, the Thruway Authority or its representatives may commence a site visit and, without further notice, remove any property left on the premises (to be billed to the permit holder) in order to restore the site to a good condition. Your failure to vacate the property, restore the property to a satisfactory condition, and/or make payment, if appropriate, may result in legal action against you.

Respectfully,

Anthony P. Kirby  
Director of Real Property Management

cc: Division Permit Coordinator  
Office of Real Property Management  
Office of Investments & Asset Management  
Zone Sergeant, State Police Troop T  
Insurance Compliance  
Legal Department

Office of Real Property Management  
Anthony P. Kirby, Director Phone: (518) 471-4357 Fax: (518) 471-4442

January 2011

500-2-02.7

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EXHIBIT 5  
INSURANCE EXPIRATION NOTICE

The Insurance Compliance Unit sends this notice to a permittee/lessee if insurance has expired or is due to expire within the next calendar month.

 John L. Buono Chairman	<b>NEW YORK STATE THRUWAY AUTHORITY</b> <b>NEW YORK STATE CANAL CORPORATION</b> 200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189 <a href="http://www.nysthruway.gov">www.nysthruway.gov</a> November 19, 2010	 Michael R. Fleischer Executive Director TDD/TTY 1-800-253-6244										
Dear Sir or Madam:  The Policy or Policies below are due to expire:  <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Acct Type</th> <th style="text-align: left; border-bottom: 1px solid black;">Policy</th> <th style="text-align: left; border-bottom: 1px solid black;">Carrier</th> <th style="text-align: left; border-bottom: 1px solid black;">Ins Type</th> <th style="text-align: left; border-bottom: 1px solid black;">Expiration</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="padding: 10px 0;">                     Please provide an updated ACORD Form 25 (2001/08) Insurance Certificate accompanied by the NYS Thruway Authority's Supplemental Insurance Certificate (TA W51343-9) located on website (<a href="http://www.nysthruway.gov/business/forms/ta-w51343-9.pdf">http://www.nysthruway.gov/business/forms/ta-w51343-9.pdf</a>). For Worker's Compensation &amp; Disability Benefits insurance, please use forms C-105.2 and DB-120.1, respectively. Information on these forms are located at website (<a href="http://www.web.state.ny.us/content/main/Forms.jsp">http://www.web.state.ny.us/content/main/Forms.jsp</a>).                       Forms must be signed by an Authorized Representative of the insurer. All policies must provide for written notice to the Authority no less than 30 days prior to the cancellation, nonrenewal, or material alteration of any policy referenced on the ACORD certificate.                       All forms may be completed by your agent/broker, do not require notarization and will be accepted electronically when sent directly from your agent/broker to the following e-mail address: <a href="mailto:insurancecompliance@thruway.state.ny.us">insurancecompliance@thruway.state.ny.us</a>. Please have your insurance agent/broker use these forms in the future.                       If you require additional information, please call Bonnie Genovese (518) 436-3138.                 </td> </tr> </tbody> </table>			Acct Type	Policy	Carrier	Ins Type	Expiration	Please provide an updated ACORD Form 25 (2001/08) Insurance Certificate accompanied by the NYS Thruway Authority's Supplemental Insurance Certificate (TA W51343-9) located on website ( <a href="http://www.nysthruway.gov/business/forms/ta-w51343-9.pdf">http://www.nysthruway.gov/business/forms/ta-w51343-9.pdf</a> ). For Worker's Compensation & Disability Benefits insurance, please use forms C-105.2 and DB-120.1, respectively. Information on these forms are located at website ( <a href="http://www.web.state.ny.us/content/main/Forms.jsp">http://www.web.state.ny.us/content/main/Forms.jsp</a> ).  Forms must be signed by an Authorized Representative of the insurer. All policies must provide for written notice to the Authority no less than 30 days prior to the cancellation, nonrenewal, or material alteration of any policy referenced on the ACORD certificate.  All forms may be completed by your agent/broker, do not require notarization and will be accepted electronically when sent directly from your agent/broker to the following e-mail address: <a href="mailto:insurancecompliance@thruway.state.ny.us">insurancecompliance@thruway.state.ny.us</a> . Please have your insurance agent/broker use these forms in the future.  If you require additional information, please call Bonnie Genovese (518) 436-3138.				
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Sincerely,   Tom Dugan Supervisor of Insurance Compliance												
Lic # 98-0082335												
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Office of Investments &amp; Asset Management</td> <td style="width: 33%;">Phone # (518) 436-2891</td> <td style="width: 33%;">Fax # (518) 471-5050</td> </tr> <tr> <td>Tom Dugan</td> <td></td> <td></td> </tr> <tr> <td>Supervisor of Insurance Compliance</td> <td></td> <td></td> </tr> </table>			Office of Investments & Asset Management	Phone # (518) 436-2891	Fax # (518) 471-5050	Tom Dugan			Supervisor of Insurance Compliance			
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Tom Dugan												
Supervisor of Insurance Compliance												

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EXHIBIT 6

INSURANCE EXPIRATION NOTICE - SECOND REQUEST

The Insurance Compliance Unit sends this notice if a permittee/lessee has not provided proof of insurance within 14 days of the initial notification.



John L. Buono  
Chairman

**NEW YORK STATE THRUWAY AUTHORITY**  
**NEW YORK STATE CANAL CORPORATION**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189  
[www.nysthruway.gov](http://www.nysthruway.gov)

November 19, 2010



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

\*\*\* SECOND REQUEST \*\*\*

Dear Sir or Madam:

The Policy or Policies below are due to expire:

Acct Type	Policy	Carrier	Ins Type	Expiration
-----------	--------	---------	----------	------------

Please provide an updated ACORD Form 25 (2001/08) Insurance Certificate accompanied by the NYS Thruway Authority's Supplemental Insurance Certificate (TA W51343-9) located on website (<http://www.nysthruway.gov/business/forms/ta-w51343-9.pdf>). For Worker's Compensation & Disability Benefits insurance, please use forms C-105.2 and DB-120.1, respectively. Information on these forms are located at website (<http://www.wcb.state.ny.us/content/main/Forms.jsp>).

Forms must be signed by an Authorized Representative of the insurer. All policies must provide for written notice to the Authority no less than 30 days prior to the cancellation, nonrenewal, or material alteration of any policy referenced on the ACORD certificate.

All forms may be completed by your agent/broker, do not require notarization and will be accepted electronically when sent directly from your agent/broker to the following e-mail address: [insurancecompliance@thruway.state.ny.us](mailto:insurancecompliance@thruway.state.ny.us). Please have your insurance agent/broker use these forms in the future.

If you require additional information, please call Bonnie Genovese (518) 436-3138.

Sincerely,

Tom Dugan  
Supervisor of Insurance Compliance

Lic # 134131238

January 2011

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EXHIBIT 7  
THRUWAY SITE INSPECTION REPORT

Used by Division staff to document a site inspection.

TA-N5113 (01/2011)		<b>THRUWAY SITE INSPECTION REPORT</b> New York State Thruway Authority		<a href="#">Clear Form</a>
<p><b>Purpose:</b> This form is used by the Division Permit Coordinator (DPC) to document site inspections and to report a potential permit/lease violation and/or encroachment.</p> <p><b>INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>• <i>DPC:</i> Complete Sections I and II and send Report and all supporting documentation (e.g., photos) to the Division Director.</li> <li>• <i>Division Director:</i> Review Report and supporting documentation and complete Section III. Return Report and all supporting documentation to the DPC with a copy to HQ Permit Manager/Office of Real Property Management (ORPM).</li> <li>• <i>ORPM:</i> Review report and complete Section IV. Send copy to DPC for the Division file and Report becomes part of the Transaction Record.</li> </ul>				
<b>Section I Inspection Results</b>				
<input type="checkbox"/> In compliance with provisions of permit/lease <input type="checkbox"/> Violation (must provide Comments below) <input type="checkbox"/> Encroachment (must provide Comments below)				
Comments and any noted issues/impact on Authority operations and maintenance activities:				
Permit/Lease No.	Location/Milepost	Photos included?		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Section II Division Permit Coordinator Review and Recommendation</b>				
Recommended Action:				
<input type="checkbox"/> Removal <input type="checkbox"/> Occupancy Permit <input type="checkbox"/> Disposal <input type="checkbox"/> Other (provide explanation in Comments below)				
Comments:				
_____ _____ _____ _____				
Division Permit Coordinator Signature			Date	
<b>Section III Division Director Review and Approval</b>				
<input type="checkbox"/> Approve Recommended Action <input type="checkbox"/> Disapprove Recommended Action (provide explanation in Comments below) <input type="checkbox"/> Other (provide explanation in Comments below)				
Comments:				
_____ _____ _____ _____				
Division Director Signature			Date	
<b>Section IV ORPM Review and Approval</b>				
<input type="checkbox"/> Approve Recommended Action <input type="checkbox"/> Disapprove Recommended Action (provide explanation in Comments below) <input type="checkbox"/> Other (provide explanation in Comments below)				
Comments:				
_____ _____ _____ _____				
ORPM Signature			Date	

January 2011

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**EXHIBIT 8**  
**FINAL THRUWAY SITE INSPECTION**  
Used by Division staff to document a final site inspection.

01/2011

**FINAL THRUWAY SITE INSPECTION**

Inspected By: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Permit/Lease #: _____	Mile Post: _____
Description: _____ _____	
Name: _____	Phone Number: _____
Street Address: _____	E-mail: _____
City: _____	

Yes \_\_\_ No \_\_\_ **Has the area been vacated?** If no, what visual evidence was observed to indicate the property was in fact being used?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes \_\_\_ No \_\_\_ **Are actions required to rectify an actual or potential environmental or safety problem?** If yes, provide details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes \_\_\_ No \_\_\_ **Was the property restored to the same or better condition as existed prior to the issuance of the permit/lease? (i.e., trash, debris or structures that need to be removed, encroachments etc.)?** If no, provide details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes \_\_\_ No \_\_\_ **Was anyone observed on the site?**

Yes \_\_\_ No \_\_\_ **If yes, did you speak to that person?**

If yes, Contact Name \_\_\_\_\_ Relationship to the Permittee/Lessee: \_\_\_\_\_

Other Comments:

\_\_\_\_\_  
\_\_\_\_\_

Inspector's Signature: \_\_\_\_\_ Title \_\_\_\_\_

January 2011

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EXHIBIT 9  
ENCROACHMENT MEMO

This checklist is used by the Division Permit Coordinator to prepare an encroachment memo to the Division Director.

**ENCROACHMENT MEMO FROM DIVISION PERMIT  
COORDINATOR TO DIVISION DIRECTOR**

The ENCROACHMENT MEMO from the Division Permit Coordinator to Division Director shall contain the following information about the encroachment.

- Encroachment type (i.e. store, residence, vehicles, shed)
- Full or partial encroachment
- Thruway Parcel #
- Permit/lease history
- Location of encroachment: Milepost, city, county,
- Encroacher: Name, mailing address
- Use of property: residential, agricultural, commercial, governmental, industrial
- Environmental concerns
- Liability concerns
- Interference with Thruway maintenance or operations
- Staff site visits: Who, when
- Representation by counsel
- Recommendation: Permit, lease, easement, sale, removal

Attached to the memo shall be:

- Photos of encroachment
- Correspondence to/from encroacher
- Correspondence to/from other governmental entities