PROPOSITION NUMBER ONE

STATE OF NEW YORK, OFFICE OF the Secretary of State, Albany, July 21, 1911.—Pursuant to the provisions of section four of article seven of the Constitution of the State of New York, and section two hundred and ninety-five of the Election Law, and of section twenty-one of chapter seven hundred and forty six of the Laws of nineteen hundred and eleven, notice is hereby given that chapter seven hundred and forty-six of the Laws of nineteen hundred and eleven, of which the following is a copy will be submitted to the people for the purpose of voting thereon at the next general election in this State, to be held on the seventh day of November, nineteen hundred and eleven. EDWARD LAZANSKY, Secretary of State.

CHAPTER 746

AN ACT making provision for issuing bonds to the amount of not to exceed nineteen million eight hundred thousand dollars for the purpose of furnishing proper terminals and facilities for barge canal traffic, including the acquisition and interchange of property therefor, with a view to improving and fostering the commerce of the state, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and eleven.

Became a law July 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Definitions. The words "terminal" and "terminals" as used in this act shall mean and include lands, docks, dock walls, bulkheads, wharves, piers, slips, basins, harbors, structures, tracks, facilities and equipment for loading and unloading and temporarily storing freight transported upon the barge canals of this state. The word "land" wherever used in this act shall be taken to include lands under water as well as uplands.

§ 2. There shall be issued in the manner and at the times hereinafter recited, bonds of the state in amount not to exceed nineteen million eight hundred thousand dollars, which bonds shall be sold by the state and the proceeds thereof paid into the state treasury; and so much thereof as shall be necessary expended for the purpose of constructing barge canal terminals at the places in this act named and in the manner hereafter in this act described, and for the procurement of the lands required in connection therewith. The said bonds when issued shall be exempt from taxation.

§ 3. The comptroller is hereby directed, under the supervision of the commissioners of the canal fund, to cause to be prepared the bonds of this state to an amount not to exceed nineteen million eight hundred thousand dollars, the said bonds to bear interest at the rate of not to exceed four per centum per annum, which interest shall be payable semi-annually in the city of New York. Said bonds shall be issued for a term of thirty years from their respective dates of issue, and shall not be sold for less than par. The comptroller is hereby charged with the duty of selling said bonds to the highest bidder after advertising for a period of twenty consecutive days, Sundays excepted, in at least two daily newspapers printed in the city of New York and one in the city of Albany. Advertisements shall contain a provision to the effect that the comptroller, in his discretion, may reject any or all bids made in pursuance of said advertisements, and, in the event of such rejection, the comptroller is authorized to readvertise for bids in the form and manner above described as many times as in his judgment may be necessary to effect a satisfactory sale. The said bonds shall be sold in such lots and at such times as may be required for the purpose of making partial or final payments on work contracted for in accordance with the provisions of this act, and for other payments lawfully to be made under the provisions hereof.

There is hereby imposed a direct annual tax to pay and sufficient to pay the interest on each bond issued under this act as it falls due, and to pay and sufficient to pay and discharge the principal of each of such bonds within thirty years from the date thereof. The rate of such annual tax shall be six one-thousandths of a mill on each dollar of valuation of real and personal property in this state subject to taxation for each and every one million dollars, or fraction thereof, in par value of said bonds issued under this act, and outstanding or to be outstanding during the fiscal year during which the amount of such tax is computed. The tax imposed, as herein provided, shall be assessed, levied and collected in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of the state. The proceeds of such tax shall be invested by the comptroller under the direction of the commissioners of the canal fund and, together with the interest arising therefrom, any premiums received on the sale of said bonds, and interest accruing on deposits of money received from the sale of said bonds or from miscellaneous sources shall constitute a sinking fund which is hereby created. Said fund shall be used solely for the purpose of paying the principal and interest of bonds issued in accordance with the provisions of this act.

§ 4. The state engineer and the superintendent of public works are hereby directed to proceed, within three months after this law shall take effect, to construct the terminals that are to be constructed, in the manner provided in this act, and in accordance with plans that shall have been approved by the canal board.

At Buffalo, in a general way, the plans prepared shall contemplate the improvement of the entire Erie basin, in a manner that would provide twenty-three feet of water, mean lake level, and in addition, at least three piers shall be constructed to the warehouses, and such mechanical devices and machinery for loading and unloading boats as may be necessary and expedient to meet the conditions.

The entrance to slip number three shall be widened in such manner as will permit barges one hundred and fifty feet long and forty-four feet wide to pass from the present Erie canal into the Erie basin. Slip number two from the basin to River street shall be deepened to thirteen feet at mean lake level and shall have a clear head-room of at least fifteen feet and six inches. The Erie canal from Wilkeson street north to Black Rock harbor, as being improved by the government of the United States, shall be deepened so as to give thirteen feet of water at mean lake level. The section of the canal extending southerly from Wilkeson street to and including Commercial slip may, in the discretion of the canal board, be abandoned, closed and filled, but the same shall not be abandoned, closed or filled until after slip number three shall have been improved and the Erie basin terminals constructed as herein provided.

After this work shall have been completed, it shall be the duty of the state engineer to plan at Buffalo for the improvements by the preparation of plans for a terminal on what is known as the "outer harbor," which improvement shall consist of the building of slips and piers with a mean depth of twenty-three feet of water, to accommodate the largest lake vessels, with necessary railroad tracks, warehouses and mechanical devices for the loading and unloading of boats that may be necessary.

Four hundred feet of the southerly end of the Erie breakwater shall be removed, and the westerly end of the Delaware Lackawanna and Western coal trestle for a distance of one hundred feet beyond shall also be removed and the entrance from Buffalo harbor shall be deepened to twenty-three feet at mean lake level.

The Ohio basin including the Lackawanna slip as far as Miami street, Buffalo, shall be deepened to provide a depth of thirteen feet of water at mean lake level, pile and concrete docking walls of a permanent nature shall be built around the entire basin and the slip except across the outlet of the basin the property belonging to the state surrounding this basin and slip shall be cleared of private occupation and the dock wall on the Louisiana street side of the basin shall be located about twenty-five feet outside of the present dock line so as to permit of the erection upon the state property of a one story steel-reinforced concrete shed four hundred and fifty feet long by thirty feet wide which shed shall be erected upon such property. A power operated traveling crane of suitable power shall be provided and the necessary tracks therefor shall be laid along the entire Louisiana street side of the said basin. At said basin suitable facilities for the loading and unloading of freight shall be provided as may be recommended by the superintendent of public works and approved by the canal board. The entrance to the Ohio basin shall be widened to the limits of the state property and shall be dredged to a depth of thirteen feet at mean lake level and shall have unlimited head room.

The present Erie canal south of Wilkeson street, shall be maintained and the property belonging to the state lying along this canal shall not be sold, leased or otherwise disposed of. With a view of hereafter providing small local terminals at the most convenient locations to be selected by the superintendent of public works along this section of the canal, and when approved by the canal board, the state property lying back of the dock walls at such locations as may be selected shall be cleared of private occupation.

At North Tonawanda and Tonawanda the sections of concrete vertical wall lying on both sides of Tonawanda creek between Main street and the Lehigh Valley railroad bridge which have been constructed pursuant to the provisions of chapter one hundred and forty-seven of the laws of nineteen hundred and three shall be reserved for docking purposes. The land lying between Main street the Lehigh Valley railroad bridge the southerly boundary of Sweeney street and the creek shall be reserved and developed for terminal purposes in accordance with plans to be prepared by the state engineer and approved by the canal board and the land within said boundaries which is not now owned by the state shall be acquired by the state. There may be erected upon this property on the north side of the creek a steel reinforced concrete one story shed one hundred and fifty feet long by thirty feet wide. On the opposite or south side of the creek and back of the wall already constructed the land not now owned by the state lying between Main street the Lehigh Valley railroad bridge and the northerly boundary line of Niagara street shall be acquired by the state. All such land now owned or hereafter acquired by the state included within the above-named boundaries and the face of the dock walls shall be suitably paved and reserved for public terminal purposes. Adequate freight-handling machinery shall be installed at said terminals where required in the discretion of the superintendent of public works and with the approval of the canal board.

Upon the recommendation of the superintendent of public works, and in the discretion of the canal board, it is hereby provided that in addition to the land now owned by the state along Tonawanda creek sufficient land bordering on the south side of Tonawanda creek canalized be acquired by the state to form a strip five hundred feet wide and extending eleven thousand feet easterly from Hanover street in the city of Tonawanda and that on the north side of Tonawanda creek canalized sufficient land be acquired by the state to form a strip five hundred feet wide and extending eight thousand feet easterly from Division street in the city of North Tonawanda.

Upon the recommendation of the superintendent of public works, and in the discretion of the canal board, there shall be acquired by the state for terminal purposes, at an expense not exceeding seventy thousand dollars the lands lying between the present Erie canal and the Niagara river and extending from opposite the state ditch southwesterly about twenty-seven hundred feet to property now owned by the Grand Island Ferry Company.

At Rochester there shall be constructed in accordance with plans made by the state engineer and surveyor and approved by the canal board, a concrete wall along the east bank of the Genesee river extending southerly from a point four hundred feet south of the location of the new dam. Measuring from the face of the said dock wall there shall be acquired by the state enough land to give it possession of a strip of land one hundred feet wide, said strip to extend the full length of the dock wall and also to a point about three hundred feet from the Clarissa street bridge, between which point and the bridge the width of the reservation shall be narrowed enough to permit the new location of the railroad, hereinafter provided for, to connect with the present location at a point near the bridge. The tracks and structures of the Lehigh Valley railroad shall be removed from this strip for the full distance between the beginning of the dock wall and Clarissa street. Upon the area so acquired there may be built a suitable warehouse and mechanical devices for the transfer of freight. From the Clarissa street bridge the strip of land herein provided to be acquired by the state shall be reserved for its entire length for public use and shall be preserved free from private occupation. An approach shall be built to South avenue passing under the railroad tracks which shall be elevated for that purpose and sufficient land shall be acquired to the north of the proposed dock to permit of such approach. Upon the recommendation of the superintendent of public works, and upon the approval of the canal board, if they shall deem other approaches to the docks necessary, such approaches may be made from Mount Hope avenue over a grade crossing to be located between Hickory and Averill streets, and from Court street, or from either of said streets. The Genesee river canal feeder between the present Erie canal and Clarissa street shall be filled in.

The portions of the trackage, yards and other structures of the Lehigh Valley Railroad Company which it shall be necessary to remove from their present location as hereinbefore provided may be relocated upon the state lands which shall be reclaimed from the Genesee river canal feeder, and so much of such state lands as shall be required to give the Lehigh Valley Railroad Company at the new location an area equal to that taken from it at its old location may be ceded in payment or partial payment for the lands of the company acquired by the state to the said Lehigh Valley Railroad Company, and further provided, if the state land so to be ceded to the Lehigh Valley Railroad Company shall not be sufficient to give the said railroad company at its new location an area equal to that taken by the state at the said railroad company's old location, the state shall acquire and convey to the Lehigh Valley Railroad Company sufficient of the land adjacent to the state land, which together with the state land will equal the area taken from the said Lehigh Valley Railroad Company at its old location.

In the discretion of the canal board a concrete dock wall shall be constructed approximately five hundred feet long, and paralleling Plymouth avenue, to be located just northerly of the old state dam at the head of the Genesee river canal feeder, and the area now owned by the city of Rochester lying between the face of the said dock wall and Plymouth avenue shall be suitably paved. The improvement provided for shall be made by the state in the method herein provided as to other improvements authorized by this act when the city of Rochester shall have ceded to the state the land it now owns lying between the face of the said dock wall and Plymouth avenue, and further when the city of Rochester shall have entered into and executed an agreement with the state stipulating that the said city of Rochester shall not sell, lease or otherwise dispose of any of the property which it now owns adjacent to the property hereinabove provided to be ceded to the state and to reserve said land until needed for the future enlargement of this terminal. After the terminals hereinabove provided for shall have been completed such portions of the Genesee river canal feeder within the city of Rochester which are not necessary for such terminals may be abandoned and may be ceded to the city of Rochester.

At Lyons in the vicinity of the south abutment of the Geneva street bridge there shall be constructed a dock or terminal in accordance with plans drawn by the state engineer and surveyor and approved by the canal board, and in addition thereto a suitable warehouse to be constructed to meet the needs of traffic.

At Syracuse, there shall be constructed a harbor in accordance with plans prepared by the state engineer and surveyor and approved by the canal board at the southerly end of Onondaga lake between the Boulevard drive and Spring street. The plans shall provide the necessary docking facilities, warehouse, and mechanical freight handling machinery, and all parts of acts or laws inconsistent with this provision are hereby repealed.

At Oswego, a terminal shall be constructed at the junction of the Oswego river and Lake Ontario in accordance with plans prepared by the state engineer and surveyor and approved by the canal board such terminal to be located on lands to be acquired from the United States government if possible, between the prolongation of West Third street and the Oswego river or at some other location in this vicinity if so selected by the canal board. The harbor improvement shall provide the necessary piers, warehouse mechanical freight handling devices and machinery that may be deemed necessary for the proper entering of boats.

At Utica there shall be constructed a harbor in accordance with plans to be prepared by the state engineer and surveyor and approved by the canal board from a point approximately north of the west end of the river straightening channel so called down the old Mohawk river channel to a point at or near Lee street. The plans shall provide the necessary docks docking facilities warehouses and mechanical freight handling machinery and devices for loading and unloading of boats and the handling of canal traffic in a satisfactory manner, and the said state engineer may in his discretion subject to the approval of the canal board, for the purpose of providing additional terminals, build such other necessary locks docks and dams along the line of the river straightening channel, so called as he may deem necessary and proper.

At Rome there shall be constructed a harbor in accordance with the plans prepared by the state engineer and surveyor, and approved by the canal board, on the south side of the relocated street to be constructed by the state to take the place of the abandoned Whitesboro street near the junction of Mill street. The plans shall provide necessary docking facilities, warehouses and mechanical freight handling machinery. The present Erie canal between Rome and Mohawk shall be retained at not less than its present dimensions, and all structures, locks, bridges and docks thereon shall be maintained and operated by the state for terminal purposes.

At Troy there shall be constructed a harbor or terminal in accordance with plans prepared by the state engineer and surveyor and approved by the canal board on the east side of the Hudson river in the city of Troy, at a point approximately between Adams and Congress streets and the state engineer may in his discretion subject to the approval of the canal board for the purpose of providing additional terminals build a local terminal on the east side of the Hudson river between Congress street and Federal street. The plans for each of such terminals shall provide the necessary docking facilities, warehouses and mechanical freight handling machinery that may be necessary.

At Albany there shall be constructed a suitable harbor or terminal in accordance with plans prepared by the state engineer and surveyor and approved by the canal board at a location on the westerly side of the Hudson river between the entrance of the present Erie canal and the northerly end of the Lumber district (so called). The plans shall provide the necessary docking facilities, warehouses and mechanical freight handling machinery that may be necessary.

Canal terminals or harbors shall also be built upon plans prepared by the state engineer and approved by the canal board at Lockport, Herkimer, Little Falls, Fort Plain, Canajoharie, Schenectady, Rouses Point, Port Henry, Plattsburg, Whitehall, Mechanicville, Troy and Albany.

At each of the localities mentioned the plans shall provide for the necessary docks, warehouses and mechanical devices for the loading and unloading of boats and the handling of canal traffic in a satisfactory manner.

§ 5. With the view to providing a barge canal terminal at any of the following places, namely, Amsterdam, Fultonville, Clyde, Palatine Bridge, Port Gibson, Saint Johnsville, Constantia, Waterloo, Newark, Palmyra, Fairport, Ilion, Spencerport, Brockport, Holley, Albion, Frankfort, Medina, Cohoes, Waterford, Fort Edward, Seneca Falls, Ithaca and Geneva, and at any other places for which no terminals for barge canal traffic are in this act specifically provided to be built, the mayor or board of aldermen on behalf of any such city, the president or board of trustees on behalf of any such village, the supervisor on behalf of any such town, together with at least twenty-five citizens residing in such city, village or town respectively, as the case may be, may present a petition duly verified to the superintendent of public works setting forth the facts showing that there is no adequate terminal or suitable landing place for the handling of barge canal traffic at such place, and that the traffic there handled or to be handled would warrant and require in the interest of the merchants, manufacturers or farmers of such place and of those in its vicinity the construction of a dock wall or a suitable landing place, and the erection thereon of a suitable shed or storehouse and the installation of suitable machinery for loading and unloading freight, and stating the length of such wall and the dimensions of such shed or storehouse and the character of such freight handling machinery. Such petition shall also state as nearly as possible the character and amount of freight of all kinds shipped from or received at such place, whether by rail or water stating that by rail and that by water separately, the number of factories of all kinds at such place and the number of persons employed therein and such other information as would serve to enable the superintendent of public works to reach a proper decision on the petition. The superintendent of public works upon the receipt of such a petition shall investigate as to the requirements of the barge canal traffic at such place and within thirty days after the filing of such petition with him shall report the result of his investigation to and file the petition with the canal board. The canal board, within thirty days after the filing with it of the report of the superintendent of public works on any such petition shall determine if the terminal petitioned for shall be built. If the decision of the canal board shall favor the granting of the petition such decision shall be final, but if the superintendent of public works or the canal board shall favor a modification or rejection of the plan of the terminal petitioned for the canal board shall report to the petitioners through the first signer of such petition by communication mailed to him, the proposed rejection or modification of the plan petitioned for and if requested so to do within thirty days after the mailing of such communication the canal board within thirty days after such request shall give a hearing thereon to such petitioners. Within fifteen days after such hearing the canal board shall find and publish its conclusions and may grant or reject the petition as first filed with it or may adopt a modified plan and such decision shall be final, and if the decision is in favor of a terminal the one planned and adopted shall be constructed as hereinafter provided. For the purpose of constructing the terminals provided for in this section there shall be set apart from the funds to be raised by the sale of bonds under the provisions of this act the sum of one million dollars or so much thereof as may be necessary to be used exclusively for the terminals to be constructed under the provisions of this section.

The final plans for all terminals and structures to be built under the provisions of this section shall be made by the state engineer and the work shall be executed, inspected and paid for in the same manner as all other work in this act provided for.

§ 6. When the lands under water and the uplands which now belong to the city of New York and which shall be required for any terminal agreed upon by the board of estimate and apportionment of said city and the canal board shall have been ceded to the state of New York and the state shall have acquired such other lands now privately owned as shall be required for such terminal and further provided that when the city of New York and the state of New York shall have agreed upon the replacement value of existing improvements at the site of any terminal in this section provided for to be paid by the state for such existing improvements and such negotiations between the city and the state with reference to any such terminal including the conveyance of the land owned by the city and the payment by the state of the replacement value of existing improvements shall have been consummated such terminal shall be constructed. Lands under water and uplands now belonging to the city of New York shall not be taken by condemnation for terminal purposes but by agreement between the city of New York, acting through its board of estimate and apportionment and the state, acting through the canal board with the approval of the governor and such agreement may fix the compensation to be paid to the city if any fix the respective rights of the city and state to income derived from the use of the docks and the rates to be charged for such use but the state shall have sole title to the terminals lands under water and uplands, and the sole right to the management, regulation, construction and maintenance thereof.

The canal board may, subject to the foregoing provisions of this act construct in the city of New York at the several locations hereinafter in this section designated or at the alternative locations designated or at such other locations as near as possible to the locations and alternative locations hereinafter designated as may be agreed upon between the board of estimate and apportionment of said city and the canal board of the state of New York, to conform such locations to general plans of said city for the improvement of New York harbor. Agreement as to locations of terminals and their construction between said boards shall not be required in cases where the lands to be acquired by the state are not owned in whole or in part by said city. In case the location of terminals shall be changed pursuant hereto and such change shall make advisable in the opinion of the canal board changes in the structures herein provided for terminals or alternative terminals designated structures shall be constructed in accordance with plans to be prepared by the state engineer and approved by the canal board.

Wherever in this section it is provided that the state shall acquire lands or property and where such lands or property belong in whole or in part, to the city of New York, the manner of acquisition of the right, title and interest of the city of New York therein shall be by agreement between the canal board and the board of estimate and apportionment of the city of New York and not otherwise. Lands and other property of owners other than the city of New York shall be acquired as provided in section eight of this act.

A terminal to be known as The Port of Call may be constructed on the North river at the location beginning at a point about three hundred feet north of Dyckman street, borough of Manhattan, and extending northerly for a distance of approximately two thousand two hundred feet to or near the entrance to the Harlem ship canal. There may also be provided a suitable number of dolphins or pile clusters of sufficient stability, and timber booms shall be provided connecting enough of the outside row of dolphins to provide a breakwater behind which canal barges may lie, and such booms shall inclose the largest permissible area or such area as is required in the judgment of the state engineer, and this area shall be dredged where necessary to provide a depth of at least twelve feet of water at low tide. At the southern end of this area there may be constructed, in the discretion of the canal board, a pier fifty feet wide and extending from the shore to the pierhead line and the character of the said pier in general plan and in materials used shall conform to the piers generally constructed by the city of New York on the Manhattan water front. The city of New York shall open, properly pave and maintain a street to provide an outlet from the said pier to Dyckman street, in case said improvements are made.

At or near the foot of West One Hundred and Thirty-fifth street, borough of Manhattan, on the North river, there may be constructed, in the discretion of the canal board, a pier one hundred feet wide extending from the bulkhead to the pierhead line, and there may be erected upon this pier a steel-reinforced concrete shed three hundred feet long by sixty feet wide and two power-operated traveling cranes, with the necessary tracks therefor, may be installed.

At or near the foot of West Seventy-eighth street, borough of Manhattan, on the North river, there may be constructed a pier sixty feet wide and extending from the bulkhead to the pierhead line.

The state of New York may take over the canal basin located on the North river water front of the borough of Manhattan from West Fifty-first street to West Fifty-fourth street, or all the area now included in such basin and reserved as such, in the manner hereinbefore in this section provided, and there may, in the discretion of the canal board, be constructed a new pier eighty feet wide at or near the foot of West Fifty-third street extending from the bulkhead to the pierhead line and a steel-reinforced concrete shed forty feet wide and three hundred feet long may be erected upon the outer end of this pier and two power-operated traveling cranes, with the necessary tracks therefor may be installed on the pier. The replacement value of the existing improvements in this canal basin shall be allowed to the city of New York and shall be adjusted in the manner in this section before provided.

At or near the foot of Gansevoort street, borough of Manhattan, on the North river, there may be constructed a new pier at least sixty feet wide and extending from a new bulkhead to the pierhead line, and the necessary dredging or excavation shall be made to provide a depth of thirty-five feet of water at low tide. The state shall acquire, in the manner in this section before provided, the necessary land for the installation and proper operation of this new pier, and no replacement value shall be here allowed.

The state may acquire in the manner hereinbefore in this section provided all right, title and interest to a pier at the foot of Vestry street on the North river, in the borough of Manhattan, or as near thereto as possible as may be agreed to with the city of New York, and also the lands both north and south of such pier which shall be necessary for its operation, and the pier shall be extended to the pierhead line, and there may be constructed upon such pier located on the outer end thereof a steel-reinforced concrete shed at least four hundred feet long and not more than thirty feet wide, and a power-operated traveling crane, with the necessary tracks therefor may be installed. The replacement value of the existing improvements at this terminal shall be allowed to the city of New York and shall be adjusted in the manner in this section before provided.

The state may acquire in the manner in this section hereinbefore provided all right, title and interest in piers numbers five and six in the canal basin on the East river in the borough of Manhattan, together with half the bulkheads on the north and on the south of these piers and there may be constructed upon pier number six a steel-reinforced concrete shed at least four hundred feet long and thirty feet wide and a power-operated traveling crane with the necessary tracks therefor may be installed on this pier. The state may also require in the same manner all right title and interest in piers numbers four and seven on the East river in the borough of Manhattan, together with half the bulkheads on the north and on the south of these piers, and the existing leases covering these piers may be terminated as speedily as is reasonably possible and all of the said piers numbers four, five six and seven and the bulkheads between them and adjacent to them shall be a part of the barge canal terminal. The replacement value of the existing improvements at this terminal shall be allowed to the city of New York and shall be adjusted in the manner in this section before provided.

The state may acquire in the manner in this section hereinbefore provided all right title and interest in and to the lands under water at the foot of Grand street and at the foot of Broome street, on the East river in the borough of Manhattan, and all the land bounded by the easterly boundary of East street, the pierhead line and the above last named two parcels, and there may be constructed immediately south of Broome street a pier eighty feet wide and extending from a new bulkhead to the pierhead line and upon the recommendation of the superintendent of public works or upon the recommendation of the commissioner of docks of the city of New York, and in the discretion of the canal board, a new pier shall be constructed to the south of the Broome street pier herein provided for at a suitable distance therefrom and of such dimensions and with such equipment as the state engineer shall recommend and the canal board shall approve.

There may be constructed in Sherman creek a pier fifty feet wide and nine hundred and sixty feet long, said pier to lie parallel with and about one hundred and forty-seven feet distant from the crib bulkhead already there constructed by the city and the necessary excavation shall be made to provide a slip and approach channel twelve feet deep at mean low tide. The state may acquire in the manner hereinbefore in this section provided all right, title and interest in and to such part of Sherman creek as may be necessary for the construction and proper operation of this pier. The city of New York shall open, pave and maintain the streets necessary to provide an approach for this pier.

The state may acquire for the creation of a barge canal terminal in the borough of the Bronx, in the city of New York, the so-called Astor property, or so much thereof as may be necessary, lying above East One Hundred and Fiftieth street on the Harlem river.

If the canal board shall not acquire upon reasonable and satisfactory terms a site on the afore-mentioned Astor property above East One Hundred and Fiftieth street on the Harlem river, the state may acquire the land necessary for the creation of a barge canal terminal on the easterly side of the Harlem river in the borough of the Bronx at such location as may be agreed upon by the canal board and the board of estimate and apportionment of the city of New York, and a barge canal terminal upon the site determined upon shall be constructed upon plans to be prepared by the state engineer, subject to the approval of the canal board.

When the federal government shall have provided for the deepening of the channel through the Bronx kills to a depth of fifteen feet of water at mean low tide there may be constructed at the foot of East One Hundred and Thirty-sixth street on the East river, in the borough of the Bronx, a pier sixty feet wide and extending from the bulkhead to the pierhead line and the necessary excavation of the adjoining land under water shall be made to give a depth of at least twelve feet of water at mean low tide.

The state may acquire in the manner hereinbefore in this section provided such property lying at or near the junction of Newtown creek and the East river together with the adjacent land under water lying between such property and the pierhead or bulkhead lines, and on such property there may be constructed at least two suitable piers and on one of these piers there may be erected a steel-reinforced concrete shed extending the length of such pier and there may be installed at this terminal two power-operated traveling cranes with the necessary tracks therefor. The uplands acquired at this terminal shall be reserved for future developments and installations as the barge canal commerce may require. The location of the terminal and the lands to be taken shall be determined by the canal board, upon the recommendation of the state engineer.

There may be provided a barge canal traffic terminal at Gowanus bay or in its immediate vicinity, in the borough of Brooklyn, which shall comprise two piers each one hundred and fifty feet wide, with slips from two hundred to three hundred feet wide, the slips to have a depth of water of at least thirty-five feet, and these piers may be shedded for their entire length with steel-reinforced concrete structures seventy feet wide and they may be provided with the necessary power-operated traveling cranes and the necessary tracks therefor.

The state may acquire at Gowanus bay in the borough of Brooklyn such lands under water and uplands as may be deemed necessary for the barge canal terminal, whether the lands required are privately owned or owned by the city of New York. Such portions of the property acquired as shall not be immediately required for the construction of the piers and slips hereinabove provided for shall be reserved for the future development of this terminal as the barge canal traffic may require. The site of this terminal shall be determined by the canal board and, so far as practicable, they shall co-ordinate such improvements at the location that shall be selected with the improvements now being made and which are contemplated to be made by the city of New York on the Brooklyn water front of Gowanus bay and the East river. To this end the canal board in determining the location of the barge canal terminal at Gowanus bay shall take into consideration the relative advantages of sites available therefor and the cost of acquiring the land at such sites and the cost of equipping said sites, and shall also confer with the appropriate official or officials of the city of New York with reference thereto, but the decision of the canal board with reference to the location of the terminal and all other matters pertaining thereto shall be final.

When the state shall have acquired the necessary property the state engineer shall make plans for the development of a barge canal terminal upon the said property, which terminal in dimensions, capacity, availability and other respects and particulars requisite in a proper terminal for barge canal traffic shall correspond as nearly as practicable to the structures and equipment above proposed and described for the terminal, and such plans shall be subject to the approval of the canal board, and if so approved such terminal shall be constructed upon the property so acquired. Provided that nothing in the foregoing shall be construed to permit the construction of more than one terminal.

There may be provided a large and commodious barge canal traffic terminal at Jamaica bay, upon the recommendation of the canal board, with piers, slips, warehouses, tracks, machinery and appliances for the loading and unloading and transfer of freight. The site of such terminals shall be determined by the canal board after conference with the officials of the city of New York, and shall co-ordinate with the improvements now being made and contemplated to be made by the city of New York and the national government. When such improvements shall be determined upon and directed by the canal board the plans therefor shall be made by the state engineer and approved by the canal board, and a terminal in accordance with such plans shall be constructed when the legislature shall make an appropriation therefor. Provided, that no part of the moneys realized under the provisions of this act shall be appropriated for the construction of this terminal.

Such additional terminals in the city of New York shall be constructed as may be agreed upon by the canal board and the board of estimate and apportionment of said city, and such additional terminals shall be constructed in accordance with plans to be prepared by the state engineer and approved by the canal board.

§ 7. At the several places in this section mentioned there shall be expended from the proceeds of bonds which may be issued pursuant to the terms of this act, for the purposes of the terminals in this act provided, not to exceed at any such place the sum herein named to be devoted to such place, namely: At Buffalo, not to exceed two million eight hundred thousand dollars; at Tonawanda and North Tonawanda, not to exceed two hundred and seventy thousand dollars; at Lockport, not to exceed two hundred thousand dollars; at Rochester, not to exceed seven hundred thousand dollars; at Lyons, not to exceed ninety-five thousand dollars; at Oswego, not to exceed eight hundred and fifty thousand dollars; at Syracuse, not to exceed one million four hundred and twenty-five thousand dollars, at Rome, not to exceed one hundred and twenty thousand dollars; at Utica, not to exceed eight hundred and five thousand dollars; at Little Falls, not to exceed ninety thousand dollars; between Herkimer and Mohawk, not to exceed fifty thousand dollars; at Fort Plain, not to exceed thirty-five thousand dollars; at Canajoharie, not to exceed forty thousand dollars, at Schenectady, not to exceed three hundred thousand dollars, at Mechanicville, not to exceed sixty-five thousand dollars; at Whitehall, not to exceed ninety thousand dollars; at Plattsburgh, not to exceed one hundred thousand dollars, at Port Henry, not to exceed one hundred thousand dollars; at Rouses Point, not to exceed sixty-five thousand dollars; at Troy, not to exceed five hundred and thirty thousand dollars; at Albany, not to exceed three hundred and thirty thousand dollars; and at the city of New York, not to exceed nine million seven hundred and forty thousand dollars.

§ 8. The state engineer may, with the approval of the canal board and subject to the following conditions and subject to the other provisions of this act, enter upon, take possession of and use lands, structures and waters specifically described in this act, and such others, the appropriation of which for the barge canal terminals or for the utilization and full control by the state or for the purposes authorized by this act shall in his judgment be necessary. Accurate surveys and maps of all such lands, structures and waters shall be made by the state engineer, who shall annex thereto his certificate that the lands, structures and waters therein described are necessary for the barge canal terminals. If the same shall be approved by the canal board such maps, surveys and certificates shall be filed in the office of the state engineer and duplicate copies thereof, duly certified by the state engineer to be such duplicate copies, shall also be filed in the office of the superintendent of public works. The superintendent of public works shall thereupon serve upon the owner of any property so appropriated a notice of the filing and of the date of filing of every such map, survey and certificate in his office, which notice shall also specifically describe the portion of such property belonging to such owner which by the said approval of the canal board has been so appropriated for the use of the canal terminals of the state. If the superintendent of public works shall not be able to serve said notice upon the owner personally within this state after making efforts so to do, which in his judgment are under the circumstances reasonable and proper, he may serve the same by filing it with the clerk of the county wherein the property so appropriated is situated. From the time of the service of such notice the entry upon and the appropriation by the state of the property described for the purposes above described shall be deemed complete and such notice so served shall be conclusive evidence of such entry and appropriation and of the quantity and boundaries of the property appropriated. The superin-