
Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000904660P	Dismissed	06/19/2024	300 W 31 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000904674X	Dismissed	06/25/2024	300 W 31 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Respondent Ace Travel Inc. was issued seven (7) repeat summonses alleging that its buses were idling at 300 W 31 St in Manhattan, a terminal point for Respondent, in violation of AC section 24-163.

On 6/8/26, the hearing was conducted by telephone. Respondent appeared by its authorized representative Ilma Babu. Petitioner DEP appeared by representative Michael Grosso.

In support of Petitioner's charge, Mr. Grosso submitted photographs of the cited vehicles, weather reports for each of the days in question showing the temperature was above 40° at the cited times and location, screenshots from the website of Flixbus Respondent showing a scheduled departure from NYC to Boston at 3:45PM at 300 W 31 St, a screenshot of Flixbus's website showing its address at 300 W 31 Street, NY, NY and videos captured by the citizen complainants, all less than 3 minutes long. Mr. Grosso explained that a terminal point is where the bus route starts and ends. He said that because the temperature was above 40°, buses were not allowed to idle for any length of time at a terminal point.

Ms. Babu denied the charge. She said that the cited location, i.e. 300 W 31 Street, NY, NY, is not a terminal point and there are no signs on the street indicating that it is. She moved to dismiss the summonses because the buses were idling for less than three minutes which is permitted.

Petitioner has the burden of proving by a preponderance of the evidence that Respondent's buses idled at a terminal point. See 48 RCNY § 6-12(a). See also DEP v. Go New York Tours Inc., Appeal No. 2501286 (December 18, 2025). Here, the IO affirmed on the summonses that Respondent's buses idled at a terminal point based on a review of departmental records. This was sufficient to establish Petitioner's prima facie cases. See DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019). Per 48 RCNY § 6-12(a), once Petitioner established its prima facie case for each violation, the critical inquiry became whether any credible evidence in the record refuted its case or otherwise established an affirmative defense for Respondent "by a preponderance of the evidence." See DEP v. Citnalta Construction Corp., Appeal No. 2201191 (February 23, 2023). Ms. Babu said that the cited location is not a terminal point and there are no signs so indicating. The burden of proof then shifts back to Petitioner to establish that the cited location is indeed a terminal point. I find that Petitioner failed to do so. The only evidence it submitted in support of its claim that 300 W 31 St is a terminal point for Respondent's buses is a screenshot for FLIXBUS pick up schedule and a screen shot of Flixbus website which shows an address at 300 W 31 Street. However, Petitioner failed to establish what relation, if any, Flixbus has to Ace Travel, Inc., the Respondent. Accordingly, I find that Respondent rebutted the charge and dismiss the summonses as the buses were idling for less than three minutes.



06/22/2026

06/22/2026

Didi Skaff, Hearing Officer

Date