



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Chia-Han Lin - Nacmias Law Firm, PLLC 592 Pacific Street New York, NY 11217	Summons No: 000796000Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EAGLE BUS INC Hearing Date: 12/03/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000796000Y	Sustained	07/20/2023	ALLEN ST BTW HESTER ST & CANAL ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

A telephonic hearing was held on December 3, 2024.

Respondent was charged for causing or permitted the idling of motor vehicle with MA license plate #1792B for longer than three minutes on 07/20/2023 on Allen Street between Hester St and Canal St, MN.

Petitioner was represented by Micheal Grosso who relied on the summons along with 3 minutes and 15 seconds video; redacted complaint, screenshot of a weather report showing that the temperature was above 40 degrees, picture of Panda NY Bus storefront stating that the same is a terminal point, picture of the side of the bus with DOT information. Petitioner's

representative argued that idling is not permitted at all at a terminal point. Petitioner's representative conceded that passengers were getting on the bus in the video; however, because the bus is located at a terminal point, no idling is allowed.

Respondent was represented by Chia-Han Lin argued that there is no clear indication in the video that the bus was at a terminal point and passengers were getting on the bus.

The relevant law states, "when the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus... vehicle...to idle while parking, standing, or stopping...at any terminal point, whether or not enclosed, along an established route.

Here, I credit the summons and find that the same is sufficient to establish the charged violation. I find that credible contrary evidence or a valid legal defense was not presented. Accordingly, the summons is SUSTAINED.



12/09/2024

12/09/2024

Simone Archer, Hearing Officer

Date