



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000821701Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EAGLE BUS INC Hearing Date: 11/20/2024 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000821701Z	Sustained	11/21/2023	ON ALLEN ST BW CANAL ST & HESTER ST Manhattan

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

Findings of Fact & Conclusions of Law

The summons alleges that Respondent violated section 24-163 of the New York City Administrative Code.

Section 24-163, as relevant, states that "No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four

of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.”

John Lin appeared on behalf of Respondent. Michael Grosso appeared on behalf of the Department of Environmental Protection.

Mr. Grosso submitted a Citizen Idling Complaint form along with photographs of respondent’s vehicle and of the area where the bus was idling, the temperature that day and a video in support of the allegations.

Mr. Lin moved to dismiss, arguing that there was no clear indication that the bus stop is the terminal point.

Mr. Grosso argued that the evidence showed that the bus departs from there and that tickets can be purchased there. As such, he argued that it was the terminal point.

I credit the allegations contained in the summons as well as petitioner’s evidence. Respondent failed to rebut the allegations or argue a valid defense thereto. Respondent is found in violation.

Ricardo Luiggi

11/21/2024

11/21/2024

Ricardo Luiggi, Hearing Officer

Date