



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000959752K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EAGLE BUS INC Hearing Date: 03/27/2026 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
000959752K	Sustained	10/17/2024	300 WEST 31 STREET Manhattan

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

Findings of Fact & Conclusions of Law

A remote phone hearing was held on this summons on 3/27/2026.

Senior Inspector John P. McLaughlin appeared for the Petitioner, the Department of Environmental Protection ("DEP"). Ilma Babu, from the Nacimias Law Firm, appeared on behalf of the Respondent, "Eagle Bus Inc."

The DEP charges Respondent with a violation of A.C. 24-163 on 10/17/2024 at 8:55 am. The narrative on the sworn-to-summons states that the "Respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped". According to DEP records, a "...citizen observed BUS with MA License Plate # 1AD13A idling at a terminal point

from 10/17/2024 8:53:55 AM to 10/17/2024 8:55:12 AM at 300 W 31st St."

Sr. Inspector McLaughlin relied on the narrative on the sworn-to-summons. He also submitted into evidence several exhibits in support of the narrative. The exhibits included two (2) photos of the bus. The first photo shows the Respondent's name and company information on the side panel of the bus next to the open luggage compartment door. The second photo is of the license plate number (1AD13A) on the Respondent's bus. Also submitted was a Google Street Map, Registration Information for the bus as well as a National Weather Service report for 10/17/2024 showing that the temperature in the geographic area where the bus was observed on 10/17/2024 was not below 40 degrees. A 1:17 minute video clip was also submitted. The video clip shows the Respondent's vehicle at a bus terminal point. The vehicle's engine could be heard in the video clip for the entire 1:17 minutes. Petitioner's evidence was marked into and was made part of the record.

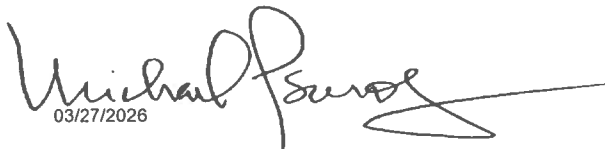
Sr. Inspector McLaughlin argued that idling at a terminal point is strictly prohibited.

Ms. Babu, Respondent's representative, argued that the Respondent was unloading passengers and was not on the street. She seemed to argue that this was an exception to the idling rule.

Inspector McLaughlin disagreed and submitted the Appeals Decision in **DEP v. Astoria Transport Corp.**, Appeals No. 2600091 (February 26, 2026), which states that idling at a terminal point is prohibited, unless the temperature is below 40 degrees Fahrenheit, and even then the rule only allows for idling up to three minutes for buses at a terminal point.

Respondent's representative's argument that idling was permitted because the bus was in the process of unloading passengers and not on the street is a misreading of the law.

I find that the Petitioner has established a prima facie case for a violation by Respondent of Adm. Code rule 24-163 for "idling". Respondent failed to rebut the Petitioner's prima facie case with a valid defense to the charge and/or contrary evidence. Accordingly, the charge of Administrative Code 24-163 is sustained, and a standard penalty is imposed.


03/27/2026

03/27/2026

Michael Psaros, Judicial Hearing Officer

Date