



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: 000873847X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RELIABLE CARRIERS INC. Hearing Date: 06/16/2025 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
000873847X	Sustained	03/26/2024	INTERSECTION OF COLUMBUS AVE AND Manhattan

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

Findings of Fact & Conclusions of Law

Petitioner, NYC Department of Environmental Protection, issued a summons to Respondent, Reliable Carriers Inc., for violating NYC Administrative Code Section 24-163, Idling of motor vehicle engine for more than 3 minutes – 1st offense, when a Truck with MI Plate # RC30886 was observed idling on March 26, 2024, from 10:15 a.m. to 10:19 a.m., at the intersection of Columbus Avenue and West 68th Street, in New York, New York.

Section 24-163 states that “No person shall or permit the engine of a motor vehicle...to idle for longer than three minutes...”
Section 24-163(f) 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 one minute if such motor vehicle is adjacent, as determined by rule, to any

public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, 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, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred."

At the hearing, John McLaughlin represented the Petitioner, NYC Department of Environmental Protection. Michael Sargo, Esq., represented the Respondent, Reliable Carriers Inc..

Mr. McLaughlin relied upon the sworn statement of the Issuing Officer contained in the 3 summons and submitted an evidence packet containing 2 photos of the company name /address and license plate; redacted idling complaint, proof of service and the video (Petitioner's Exhibit 1). Mr. McLaughlin also stated that audible engine noise was heard on the video and there was no activity or work was taking place during the video.

In response, Mr. Sargo stated that the video was not dispositive of a processing device not being used.

I credit the testimony and evidence offered on behalf of the Petitioner and Respondent. I find that the Petitioner establish the violation of the cited Code contained in the summons and I do not find that Respondent established a valid defense.

Accordingly, this summons is Sustained and the 1st offense penalty is imposed.

Eva Marie Russo-Lane

06/24/2025

06/24/2025

Date

Eva Marie Russo-Lane, Hearing Officer