



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000884557L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 12/23/2025 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
000884557L	Sustained	09/24/2024	ON E HOUSTON BETWEEN ATTORNEY STREET AND CLINTON STREET Manhattan

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

Findings of Fact & Conclusions of Law

The hearing on summons number 000884557L was conducted via telephone conference call on December 23, 2025.

Respondent PENSKE TRUCK LEASING CO LP appeared at the hearing through attorney Ilma Babu. Petitioner Department of Environmental Protection, by Michael Grosso, waived its appearance via email due to a lack of available representatives.

The Issuing Officer alleges in the summons that Respondent violated New York City Administrative Code 24-163 for idling a motor vehicle engine for more than three minutes. It is indicated as a first offense.

Respondent argues that the lift gate is down and there are workers present in the video. Respondent acknowledges the lift gate is not in use, but posits that workers may be waiting for something to be loaded onto the vehicle. Respondent imagines that the workers need to keep the engine running to keep the lift gate lifting up and down. Respondent states it seems as though the workers are waiting for a third person, and it would be impractical to stop and start the vehicle engine.

I credit the statements contained in the summons and find a violation of 24-163 as alleged.

The Board has found that vehicles may not run their engines in excess of three minutes in anticipation of, or preparatory to, activities that might be exempt from the idling restrictions. Rather, the vehicle must be "actually engaged" in the exempted activity in order to fall into one of the exceptions. See *DEP v. Academy Express LLC*, Appeal No. 2001409 (January 14, 2021).

Here, there is no evidence that the vehicle was engaged in any exempted activity. As Respondent has not alleged a recognized defense, the summons is sustained, and the standard penalty imposed.



12/23/2025

12/23/2025

Alexandra Saker, Judicial Hearing Officer

Date