



Office of Administrative Trials and Hearings

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET
Brooklyn, NY 11217

Summons# : 000945405Z et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO LP

Hearing Date : 2/6/2026

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
000945405Z	Sustained	07/12/2024	51 WEST 42 STREET, Manhattan

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Insp. Datney Parks.

Respondent appeared by representative ILMA BABU - NACMIAS LAW FIRM PLLC.

This hearing was conducted via telephone on February 6, 2026.

405Z-

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

At the telephonic hearing, held on February 6, 2026, the representative for Petitioner relied on the Issuing Officer's affirmed statement on the summons and (1) and complaint (2), two photographs of the truck with Respondent's business and license plate depicted on the vehicle (3), and 1 video of the vehicle taken by the citizen complainant (4). See, Petitioner's Exhibits 1-4.

The complaint states, "Vehicle idled for more than THREE MINUTES without stopping. There was no use of a loading lift or lift gate observed during this time. There was no other equipment operating. There was no process work done that required the engine to idle. I personally observed this vehicle parked and idling for longer than three minutes with no valid purpose. The vehicle was idling before I arrived. The engine ran during the entire duration of the video, which was longer than three minutes. I could hear the vehicle idling; I could also hear and smell emissions from the exhaust. All of these are evidence that demonstrate that the engine was idling. The vehicle is not a passenger transport. It is a vehicle primarily intended for transporting products, goods, or equipment."

Petitioner states that the video depicted the vehicle idling with unloading activity for more than 3 minutes and that there was idling with hand unloading with no idling necessary.

DEP states that there was no processing device on the video and a clear engine noise and there was no start up of the vehicle as it drove away into the traffic.

The video was viewed by all parties at the hearing.

Respondent states that the video was hard to view as it was filmed upside down, the end of the video depicts that the lift was in active use with the sound depicted on the video.

DEP states that there are pulleys present and the lift gate was not depicted.

Respondent states that the engine was required for the lift gate and there are 2 employees depicted in the video at the rear of the vehicle.

Code § 24-163(a) provides in pertinent part:

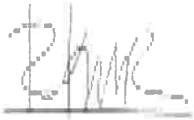
(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Based on the citizen video presented by Petitioner, I find that Respondent's vehicle was idling for more than three minutes while standing, there was active hand loading of the delivery as depicted in the video, in violation of Code § 24-163.

The video demonstrates that the vehicle engine was on, there was an audible sound of the engine idling, the name and plate of the vehicle were depicted, there was no vehicle activity other than the idling of the engine, and the hand loading/unloading was taking place with no lift gate operations visible in the video.

Respondent did not establish the lift gate was in use, requiring the engine to be engaged and on during the video/time of the violation.

Accordingly, the summons for violating Code § 24-163 is sustained and the standard civil penalty is imposed.



02/11/2026

02/11/2026

Rebecca Kramer, Judicial Hearing Officer

Date