

Testimony of Michael Gilsenan
Assistant Commissioner, Bureau of Environmental Compliance
New York City Department of Environmental Protection
before the
New York City Council Committee on Environmental Protection
concerning
Oversight - Enforcement of NYC Idling Restrictions and
Intros. 325 and 771 - in relation to engine idling
250 Broadway
September 27, 2016

Good afternoon, Chairman Constantinides and Members of the Committee. I am Michael Gilsenan, Assistant Commissioner of the Bureau of Environmental Compliance at the New York City Department of Environmental Protection (DEP). With me are Geraldine Kelpin, Director, Air/Noise Permitting and Enforcement, and Rick Muller, Director of Legislative Affairs. We are also joined by colleagues from the Police Department, who will answer any questions you may have for them.

Thank you for the opportunity to testify on the enforcement of idling restrictions in New York City and Introductions 325 and 771 that address aspects of reducing motor-vehicle idling in New York City.

As you know, New York City's prohibition on idling resides in Section 24-163 of Title 24, Chapter One of the Administrative Code (Ad. Code) and in the Rules of the City of New York. Section 24-163 provides that with certain exceptions, no vehicle in the City is allowed to idle more than three minutes while parked, stopped or standing.

Working with the Council, we have already prohibited idling adjacent to schools for more than one minute, and extended the use of the citizen-complaint provision to allow citizen enforcement against idling buses by adding enforcement against idling trucks. Further, a rule promulgated by the Department of Finance (Finance) created a program code that allows the handheld devices employed by Traffic Enforcement Agents (TEAs) to issue tickets pursuant to the NYC Traffic Rules to those who violate the idling rules. Finally, authority to enforce idling restrictions is also exercised by the Police Department (NYPD), the Department of Parks and Recreation (DPR), the Department of Sanitation (DSNY) and the Business Integrity Commission (BIC).

Enforcement personnel of DEP, DPR, DSNY, and BIC are authorized to issue Office of Administrative Trials and Hearings (OATH) summonses returnable to the Environmental Control Board (ECB). Summonses written pursuant to 24-163 are adjudicated before ECB, which is now under OATH. Penalties on a finding of violation range from \$200 to \$2,000. Parking summonses issued pursuant to the NYC Traffic Rules by all TEAs are returnable to the Department of Finance and the penalty is \$100.

Intro. 230, which was introduced in 2014 in conjunction with the update to the Air Code, would address idling trucks that use secondary engines to idle indefinitely under the processing-device exception, as well as to clarify some of the other exceptions in the current law, including the timeframe to idle during extreme temperatures. DEP supports Intro. 230 and hopes to continue to work with the Council to pass this important piece of legislation.

Before I turn my attention to the specifics of Intros. 325 and 717, I would like to note that the Administration takes enforcement of engine idling very seriously. As a point of reference, 3,263 parking violations were issued for engine idling in 2014, and 3,284 parking violations were issued in 2015, which represents a 28% increase from 2013.

To increase the effectiveness of our efforts, we target enforcement by identifying or being informed of 'hotspots' where idling is a recurring problem. In addition to visiting locations along tour buses routes, unofficial layover stops, express van pick-up/drop-off locations, we have most recently focused on several areas where school bus companies house their fleets. We respond to complaints from elected officials and in fact have engaged in prolonged enforcement actions at their request. In one case we even had Council staff members observe our efforts. We also send idling fliers to bus companies and schools and pass them out to parents around the schools in May, which is Asthma Awareness Month, reminding everyone of the law and steps to take to reduce idling around schools. In conjunction with this effort we conduct enforcement actions at schools across the boroughs.

It is important to bear in mind that there are many instances when trucks and buses are operating within the law under certain exemptions, though citizens might not realize or understand that. Finally there are many cases in which the ticketing of one individual will lead to others in the area who are idling to shut their engine off.

I'll turn now to Intro. 325, which proposes to make the current handheld parking ticket devices used by the Police Department capable of issuing OATH summonses for violations of Ad. Code 24-163, which would be returnable to ECB. NYPD's primary enforcement of engine idling is performed by TEAs, as mentioned, through the issuance of a parking summons under the NYC Traffic Rules. Engine idling is prohibited under 34 RCNY § 4-08(p) of the Rules. Additionally, NYPD patrol officers may issue criminal court summonses for engine idling under the Ad. Code as well. The Police Department's handheld parking ticket devices, which are used exclusively by TEAs, are not technologically capable of issuing OATH summonses returnable to ECB.

I'll now turn to Intro. 717, which proposes to enable citizens to submit online video recording of an idling violation and to collect a reward therefor on a finding of violation.

The citizen's complaint provision has rarely been utilized in the past. However, after meeting with Council Member Rosenthal and her staff last spring, DEP committed to provide a more transparent process, a component of which includes citizen training. Since then, DEP staff met with interested citizens to teach them the requirements for preparing a complete citizen's complaint form that could lead to the issuance of an idling summons, including training on the law, what constitutes idling, the types of exemptions, and how evidence should be provided. The citizens provided several test cases and shared feedback with us. As a result of the test cases, and follow-up discussions and meetings, DEP has revised the citizen's complaint form, created an instruction sheet that is available on our website, and worked with OATH to formalize the transmission of citizen's complaints into the hearing process, as well as training interested citizens.

DEP is concerned about the requirement in the bill of no fewer than five training sessions a year. This number of required trainings would create a significant resource need. We agree that training to familiarize citizens with the law is necessary; therefore we would welcome the opportunity to discuss the best and most manageable options for training.

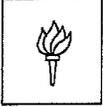
DEP has no objection to the submission of video, but it would be more useful as a record that encompasses salient aspects of the type of activity being captured. For example, there is an exemption for idling of buses to control cabin temperature for passengers, or for processing devices, such as a truck's lift gate. That is, this information would be more helpful as a video when used to show that the activity does not fall within one of the exceptions to the idling law. A picture, which is more of a tool to show that there is an actual vehicle present and its license plate number, provides the start and end time to determine if the vehicle exceeded the allowable timeframe. This information along with the affidavit will provide

more detail as to whether a violation of Section 24-163 has occurred. Finally, idling might not be evident if there are no visible emissions from the vehicle.

Section 24-182(a) of the Code only authorizes citizen's complaints for idling violations by buses and trucks as defined in the State Vehicle and Traffic Law (VTL); we believe expanding it to include passenger cars is both dangerous and impractical. DEP's inspectors will approach a passenger vehicle knowing police support is available. DEP also has a means to request information from the Department of Motor Vehicles (DMV) when engaging in an idling enforcement action. It is extremely difficult to obtain the registered owner's information from DMV even if the plate number is available. And it is extremely unlikely that a driver would provide a citizen who asked for identification information with it and could instead become violent or simply drive off. DEP strongly urges in the name of public safety that this bill not include citizen enforcement against passenger vehicles. Further, we are more concerned at this point with reducing emissions from diesel-fueled vehicles, which contribute to ozone formation.

DEP supports increased penalty amounts for idling, which is after all an unwarranted and unnecessary detriment to air quality and public health in New York City. While the Air Code update eliminated the distinction between gasoline (generally passenger cars) and diesel (commercial) vehicles with regard to penalties, the Council might now want to consider differing penalty levels for commercial and private vehicle idling.

Again, thank you for the opportunity to testify. I will be glad to answer any questions.



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Sep 27, 2016

Re: Hearing Int. 717

Good afternoon, Chairperson Constantinites and Council Members. Thank you for giving me the opportunity to testify today. My name is Karl Storchmann and I am an Economics Professor at NYU, where I teach and conduct research *Microeconomics* and *Urban Economics*.

Overview

As many others, I feel enormously bothered by excessively idling vehicles as they pollute the air with exhaust and noise. For many bus, truck, van, and automobile drivers, it seems to be common practice to let their vehicle idle for more than 3 minutes. In fact, idling times of 30 minutes and more are not uncommon. My testimony lays out the almost total lack of enforcement of NYC's idling law and how concerned citizens can be empowered to help with enforcement. Only consistent enforcement will convey the message to drivers that excessive idling is illegal in NYC. My testimony shows the importance of expanding the current policy of citizen's complaints to passenger vehicles and awarding certified and trained citizens with half the ticket price to compensate them for their time and expenses when gathering evidence on illegal idling behavior.

Current NYC Law and Federal Fines

New York City has a 3-minute (1-minute in school zones) idling law that is to be enforced by the *New York Police Department* and the *Department of Environmental Protection*. Penalties for violating the City's idling laws range from \$115 to \$2,000 depending on the Summons issued.

This policy is in concordance with projects on the Federal level. In fact, the EPA and the DOT have spent tens of millions of dollars to foster anti-idling technologies. In addition, the EPA has recently fined a school bus company \$480,000 for idling violations. On the local level, in 2012, the Inspector General for the MTA investigated "excessive idling of highway vehicles at Long Island Rail Road and Metro North Railroad" and found that their vehicles idle more than 20,000 hours every month. The report of NYC's MTA Inspector General even states that idling times of 50 minutes or more are not uncommon.

311 Complaints and Lack of DEP Enforcement

New York City has a 311-website where Idling Vehicles can be reported:

<https://www1.nyc.gov/apps/311universalintake/form.htm?serviceName=DEP+Air+Vehicle+Idling+O>

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In late 2015 and early 2016, I videotaped and reported 43 idling incidents on this page. I filled out the form on the website and also mentioned that I have video evidence. The 311-website forwards Idling Complaints to the *Department of Environmental Protection (DEP)*. However, the DEP has never contacted me. When tracking my complaints later, I have always found this message:

The Department of Environmental Protection did not observe a violation of the New York City Air/Noise Code at the time of inspection and could not issue a notice of violation. If the problem still exists, please call 311 and file a new complaint. If you are outside of New York City, please call (212) NEW-YORK (212-639-9675). Closed. (Complaint # 1-1-1180122001)

It seems as though the DEP copies and pastes the same responses to every single report. My 43 complaints alone would have amounted to fines worth at least \$15,000.

NYU Activities

In the Spring of 2016, I made *NYC Vehicle Idling* a class topic. My 280 students of the two *Urban Economics* I teach and I covered 6 street blocks near Washington Square from 9am-6.30pm for over two weeks and tracked every commercial vehicle that parked, stopped, or idled. That way we built a large database in order to analyze the determinants of idling.

We also videotaped several hundred idling trucks and buses and reported them to the DEP (via 311-website). My students supported their idling reports to the DEP with evidence by launching a *Youtube Channel* where footage of idling violations have been posted. They have also added the DEP case number to each posting. You will find the first videos under the Channel "Idle NYC" (or search for "Idle NYC Idling") https://www.youtube.com/channel/UCuKokj_rBNlIe9XwQjZ0K6g In the course of this semester (Fall) the Youtube Channel will be filled up to 500+ videos. ---

The result of the reports and postings? All of this has been to no avail. The DEP closed every single case with the same notice I posted above.

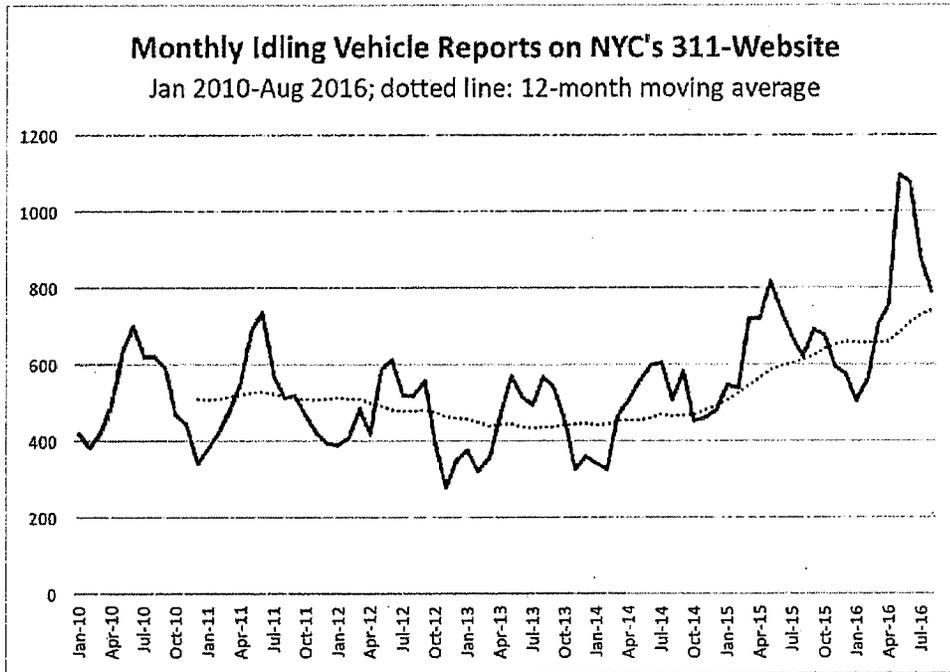
Meanwhile our activities have expanded to areas outside of my classroom. Many Professors of multiple departments at NYU have become involved and so have various student organization, from environmental science, over journalism to film departments. Documentary filmmaker George Pakenham has done several screenings of his film "Idle Threat." We are now in the process of getting CUNY professors and their students involved.

The larger picture

Yesterday, I downloaded the City's official 311-database which reports **43,753 idling complaints** made through 311 from January 2010 to Sep 20, 2016; 15,110 of these complaints were forwarded to the DEP.

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The Figure below shows Idling Vehicle complaints reported on the 311-website by month. Aside from pronounced seasonal patterns there is also a significant trend component. Average monthly reports have increased from about 500 to approximately 750. Note, these incidents were reported by regular citizens, not traffic enforcement agents or DEP employees.



According to the database, almost all cases were closed, just like and including my own and my students' reports. Had the violations been fined, the resulting income for the City would have been in excess of \$15 million and many tons of pollution would have been saved. -- Instead, it seems New York's citizens are being offered a platform to complain but nobody follows up, let alone enforces existing regulations. What is the purpose if the 311-Idling Vehicle Complaint page?

To me and my students it seems as if the DEP as well as the NYPD is either unwilling or incapable of enforcing any anti-idling regulation.

Bill 717 would give New York citizens the tools to overcome 45 years on non-enforced anti-idling laws and would set a signal also to other metropolitan areas.

Sincerely,


Karl Storckmann

Testimony before the City Council on Int. 717 and Int. 325 regarding

Enforcement of NYC Idling Restrictions

Isabelle Silverman, Environmental Attorney

September 27, 2016

Good afternoon, Chair Person Constantinides and Council Members, thank you for the opportunity to testify today.

My name is Isabelle Silverman and I am an environmental attorney. Illegal engine idling and the lack of enforcement thereof, was one of my projects while I worked at Environmental Defense Fund (EDF). After I left EDF, I continued working on the idling issue together with George Pakenham who is also here to testify.

Introduction -- Lack of Enforcement

Int. 717 and Int. 325 are both aimed at increased enforcement of New York City's anti-idling law (NYC Administrative Code 24-163) which has been on the books since 1971. I think we can all agree that the only way drivers will get the message that idling is spewing unnecessary, toxic pollution into the air and accelerating climate change, is by actually enforcing the idling law. If they get ticketed for idling, they will be more likely to turn off their engines next time they park.

Recognizing that unnecessary idling is a serious public health issue, we are here today to find a solution as to how City Council can get NYPD and/or citizens through citizen's complaints to enforce the idling law after 45 years of non-enforcement. As Committee Chair Constantinides pointedly said regarding the biofuel bills last year: "We are still in a crisis when it comes to the need to reduce asthma and the need to reduce emissions. Everything that we can do to reduce emissions, we will."

We thought we solved the enforcement problem, when in 2009, the New York Police Department (NYPD) gave all Traffic Enforcement Agents (TEAs) the authority to issue idling tickets. Before then, only general police officers could issue idling tickets.

Given how common idling is, we figured that 2,000 TEAs could each issue at least five idling tickets per day which would come out to about 2.5 million idling tickets annually and about \$280 million in revenues. However, NYPD later decided to allow only a certain number of TEAs to issue idling tickets. For example, Level 1 TEAs are no longer authorized to hand out idling tickets. As a result, since 2009, NYPD has only issued about 2,500 tickets per year. What

we need is about a 1,000 time increase in enforcement for drivers to get the message that idling is illegal in NYC.

Compare 2,500 idling tickets per year to about 10 million parking tickets or the fact that 2,500 tickets only comes out to 1-2 idling tickets per TEA per year. 2,500 idling tickets is the equivalent of non-enforcement in a city of 8 million people where a vehicle violating NYC's idling law can be found on almost every city block.

The Department of Environmental Protection (DEP) issues around 200-300 idling tickets per year (last year about 240 idling tickets were issued by the Department of Environmental Protection (DEP) based on information from OATH). The DEP has a limited number of enforcement agents which is why they can probably not issue more tickets.

This is my third City Council hearing on the idling topic and we keep complaining about the lack of enforcement. At each hearing, City Council is trying to get NYPD and DEP to enforce the idling law. The problem is that City Council, as the Legislative Branch of government cannot require that the Executive Branch of government enforce a certain law. Enforcement lies within the Mayor's, NYPD's and DEP's discretion. However, as described below, City Council might be able to require NYPD to force a special unit of TEAs that issue only idling tickets.

Pollution Created By Illegal Idling

So why is the enforcement of the idling law so important? As EDF's report "Idling gets you Nowhere" shows, illegal engine idling adds up contributing to tremendous amounts of pollution right at street level where children are even more exposed to it. For example, EDF's report calculated the following:

- 40,000 cars could drive from Midtown to JFK Airport with the gasoline wasted daily by NYC idlers.
- Every year, unnecessary idling in New York City causes as much smog-forming pollution as 9 million large trucks driving from Hunts Point in the Bronx to Staten Island.
- Curbside idling costs NYC drivers over \$28 million annually in wasted fuel.

Idling contributes to increased ground level ozone levels which are difficult to control by other measures. When older diesel vehicles idle, dangerous soot pollution gets released that lodges deep in our lungs contributing to cancer, asthma and other respiratory diseases. The NYC Department of Health attributes thousands of pre-mature deaths to elevated soot pollution levels in the city.

Curbing illegal idling is an effective way of reducing harmful ground level ozone, soot pollution and greenhouse gases. We need every bit of pollution reduction that we can get and that's what is important here. We know that we can save lives when reducing toxic pollution and slow down Climate Change.

Int. 325 (Authorizing all TEAs to issue more expensive idling tickets)

I am in support of Int. 325 which will allow all TEAs to issue the more expensive \$350 to \$2,000 tickets. These type of tickets are returnable to the Environmental Control Board (ECB). So far, TEAs have only been allowed to issue the less expensive \$100 tickets returnable to the Department of Finance (DOF).

As stated above, Level 1 TEAs are not authorized to issue idling tickets at all so Int. 325 would grant the authority to issue idling tickets to all TEAs. However, I have heard that TEAs don't like to enforce the idling law because the driver is usually inside or outside the vehicle. This makes idling enforcement more confrontational than expired meter enforcement. This might be the reason why Level 1 TEAs are no longer allowed to issue idling tickets and why TEAs give so few tickets in general. Int. 325 would not overcome the problem of confrontation. Int. 717, on the other hand, does not involve driver confrontation by the citizen.

I am recommending that City Council amend Int. 325 requiring that NYPD forms a special unit of about 500 TEAs who walk in pairs and who are specially trained on issuing idling tickets returnable to the ECB (hence the higher fine of \$350-\$2,000) as Int. 325 is already requiring. The way Int. 325 is written now, NYPD could counter that Level 1 TEAs cannot issue idling tickets because of the confrontation between driver and TEA plus it's in NYPD's discretion as to how many idling tickets they issue per year.

Adding a special unit of 500 TEAs that ONLY enforce the idling law and walk in pairs would ensure heightened enforcement and solve the confrontation problem. The revenue from the idling tickets would more than pay for those TEAs' salaries.

Int. 717 (Revisions of existing Citizen's Complaint)

Council Members have voiced concerns over Int. 717, so let's look at different ways we could amend Int. 717 to alleviate these concerns. We should also keep in mind that the amendments Int. 717 recommends, could also be set up as a pilot and then re-evaluated by the City Council after one year.

Required Evidence

First of all, we need to understand that Int. 717 is not a novel idea but merely expanding an already decades-old Section of the Administrative Code called "Citizen's complaint" (Section 24-182). Under the existing law, citizens already have been allowed to bring Citizen's Complaints for illegal idling behavior. In fact, since April George Pakenham and I have submitted about 50 Citizen's complaints for illegal idling to the DEP. Some of our Citizen's complaints have led to the DEP issuing Notices of Violation (NOV), some of which were paid even before the ECB hearing. We never had to confront the driver while collecting evidence.

For the illegal idling Citizen's Complaints, the DEP has required a notarized affidavit describing the exact location, time and date of the infraction together with a time/date stamped photograph that has to be submitted on paper to the DEP.

The DEP staff has been tremendously helpful and told us that they were trying to "make it work". However, I do believe that in the spirit of trying to minimize our environmental footprint, it would be much better if the complaint and photograph could be emailed to the DEP (time and date stamped photo and sworn Affidavit as an attachment to the email). That would eliminate the public notary signature.

More important than a public notary signature would be evidence that the engine was indeed idling for over 1 minute in front of schools and 3 minutes elsewhere. I am recommending that a screen shot of the smart phone stop watch was submitted to the DEP together with the photograph and affidavit.

Int. 717 could, however, require that the Citizen present video evidence to the ECB only in case of a hearing. Int. 717 now calls for video evidence to be submitted to the DEP when the Citizen's Complaint is filed but this has proven impractical because large amount of data cannot be emailed. So the Citizen could be required to bring his/her camera to the ECB hearing and simply show the 1/3 minute video to the ECB judge for evidence. Especially, when it's the driver's word against the Citizen's word that the engine was on/off. The emissions would have to be visible on the video so a heat sensitive camera would have to be used.

DEP Training/Certification

One of the biggest concerns people have about Int. 717 is that people would abuse Citizen's Complaint just to make money without having credible evidence. These type of people can be easily weeded out by requiring prior DEP training/certification and solid evidence. If it becomes time-consuming and cumbersome to bring these Citizen's Complaints, we will not see fly by night operations that are in it just for the money. Sincere people trying to improve air quality and quality of life will go through the trouble of filing these Citizen's Complaints.

Also, let's not forget that people bringing these complaints will have their name revealed at the ECB hearing. A lot of people won't be comfortable with that and won't bring Citizen's Complaints as a result. Only the sincere people that feel strongly about air quality will be left bringing these complaints. The pilot will show how it plays out.

I believe that, similar to DEP-certified smoke watchers or NYPD's auxiliary volunteer unit, DEP should train and certify New York City residents for idling observation. Only certified idling observers could submit Citizen's complaints for idling. Without proper training, DEP could get flooded with unsubstantiated Citizen's Complaints which would only waste DEP's precious resources. Training/certification must be a requirement here.

Int. 717 now calls for the DEP to offer at least five of such training courses per year to train idling observers. Idling observers would also have to be trained on how to behave when the driver starts questioning the person observing the idling. We believe that it's best to avoid confrontation and walk away. If Int. 717 ends up requiring video evidence for the ECB hearing only, the training should focus on how video evidence should be collected. If video evidence is not required and if emissions are not visible during warmer months, people would have to be trained on checking for heat emanating from the tailpipe and/or listening to the running engine to ensure that the engine is indeed running.

50% Proceed Sharing for Payment

The problem with the current Administrative Code is that Citizens submitting complaints only get paid for their efforts when the source of the violation is a manufacturing or industrial facility or the facility for the generation of steam. So there is already a precedent with Citizens getting paid a percentage of the penalty.

Int. 717 would allow Citizens to receive 50% of the penalties collected. Out of a \$350 ticket that would be \$175 which is actually not that much money given the hours people would need to spend attending DEP training classes, collecting evidence, fill out the Affidavit (have it notarized) and appear at an ECB hearing that requires the citizen's presence from 9am to 1pm.

Expand Citizen's Complaints to Passenger Vehicles

Lastly, Int. 717 would allow Citizen's complaints for all types of vehicles and not just trucks and buses as is the case under the current Administrative Code. It's important that DEP certified people can also submit Citizen's Complaints for passenger vehicles (e.g. limousines) because they are some of the worst offenders.

All of these suggestions require only small tweaks to the existing Section 24-182 that regulates Citizen's Complaints.

Anonymity for Complainant

To protect the anonymity of the complainant, the NOV issued by the DEP should not state the complainant's name or only the initials. At the ECB hearing, however, the driver would learn the complainant's name since the complainant would have to testify. Maybe there is an option where the complainant could remain anonymous to the driver if video evidence is presented to the ECB hearing judge. If the ticket gets paid before the ECB hearing, the complainant should remain anonymous to the driver accused of idling.

Suggested Changes to Int. 717

Make it a pilot for two years to be re-evaluated by City Council after that time.

Currently, Int. 717 calls for video evidence to be submitted to the DEP but our experience shows that video evidence is very impractical. I believe that video evidence should only be required to be shown to the ECB hearing judge if the judge request to see it. This way, the video stays on the camera with time/date stamp. Instead, Int. 717 should call for email submissions to the DEP of a sworn Affidavit/statement (not notarized), a time/date stamped photograph and a time/date stamped screen shot of the phone stop watch showing the idling exceeded the permitted idling time.

Mandatory DEP training classes/certification should be added. During the training classes, the person should have to sign a waiver acknowledging that they are doing the idling observation at their own risk and; as a result, may not bring an action against the City in case they get injured during idling inspection.

If the DEP decides to issue a NOV, such NOV should not list the name of the person bringing the complaint. However, such NOV should state a few sentences explaining that excessive idling is illegal in NYC to protect public health and fight Climate Change.

Law should specify that "Citizen's Complaints" can also be brought by permanent legal residents, not just U.S. Citizens.

Summary of Int. 717

Int. 717 would expand the existing Citizen's complaint under Administrative Code Section 24-182 to all vehicles (not just buses and trucks) and allow DEP-certified idling observers to receive 50% of proceeds collected. This is not a novel concept since 24-182 already allows Citizens bringing complaints to share in the proceeds but just not for illegal idling. Also the concept of offering courses to certify idling observers is not a novel concept: the DEP already has the practice of certifying "smoke watchers". Video evidence would be required only for the ECB hearing and could be presented to the judge on the camera itself.

Conclusion

As has been shown over the past 45 years, NYPD currently doesn't have enough TEAs focused on idling enforcement. As a result, I am recommending that City Council requires NYPD to add 500 TEAs that work in pairs and only issue idling tickets returnable to the ECB. In addition, let's tap into the resources of concerned, responsible New Yorkers to help with idling enforcement so that we can all breath cleaner air. This is the only path for City Council finally to have a hand in the enforcement of the NYC idling law.

Thank you very much for your attention to this important health and quality of life matter.

September 24th, 2016

Jeni Lin's Speech on Idling in NYC Final

Dear respected committee on environmental protection, the infrastructure division, and everyone else here today:

My name is Jeni Lin and I am here to share my thoughts on air pollution caused by idling in New York City. Throughout my life, I have had the privilege to live in 4 different countries and that has given me a very unique perspective on the opportunities that life offers. I think that through everything I've seen, the most valuable opportunity of all is the chance to live healthily and happily. I used to love playing outside and reading on random benches on the streets. However, if I go outside now, into the streets of New York, to read, I would probably end up coughing the entire time. Last year, my common cold turned into bronchitis and the doctors said it was a combination of tiredness and inhaling polluted air. That illness followed me for about 6 months and its aftermath effects are still with me today – whenever I get a cold, my lungs hurt when I cough and it lasts for over two weeks. You might be thinking, that's not so bad; it's just coughing. Imagine that you are writing an email or an essay, and you try to read it back to yourself but you can't, because you can't finish a sentence without coughing. Imagine that you see an adorable animal on the streets and want to squeal, but you can't, because your throat forces you to cough if you tried. Imagine that you had to take a bunch of medicine and not talk for the entire day today to ensure your ability to give a 5-minute speech without coughing – that's what I did today.

Yes, without a doubt, the aftermath of my bronchitis is awful. Yet still, I am one of the lucky ones. There are many people living in New York who are in far worse lung conditions than I am and we have the ability to help make their lives easier. New York is one of the most polluted cities in the United States and studies show that lives are shortened by up to two years because of poor air quality. Imagine losing two years with the ones you love because of air pollution.

Idling in New York City results in over 130,000 tons of carbon dioxide emissions each year and wastes more than 12 million gallons of gasoline and diesel. All of this

wasted fuel costs drivers over \$28 million annually. Imagine wasting about 30% of your gas money on idling.

If we do nothing now, we may not be able to make a change later, even if we want to. When I lived in Shanghai, everyone around me walked to school in facial masks. The PM2.5 particles in the air were so bad that I couldn't see two cars in front of my school bus, and I have seen what a struggle it was to combat air pollution of that severity. We have the privilege here in New York to reverse air pollution with much simpler efforts. Please, help give New York its clean air back.

Whether you look at it economically or socially, idling is detrimental to the wellbeing of our community. Therefore, I invite you to take action today by doing the following:

Communicate the negative impacts of idling to your friends and family, work with fleet managers and drivers to advance use of anti-idling practices, and simply turning off your own engine when waiting. These may seem like little things, but ultimately it's the little actions that accumulate to make a big change. Clean air is one of the fundamental qualities of our world that every human being should have the right to obtain. With clean air, people living in New York City will be able to work and live more healthily. As the European Commissioner for Environment said, "we wish to be wealthy and healthy and not sick and poor" – pretty difficult to disagree with, huh?

There is a lot that we cannot control, but we can control our own actions – turn off your engine. Encourage others to do the same. I wholeheartedly believe that if every single one of us here today did one thing to alleviate the issue, pollution in New York City will be reduced in no time. It doesn't take a lot of effort, but it will make all the difference. Change begins with an individual and we need your help. This is an issue we all need to take seriously and take action to change, starting today. Please join me in the movement to restore clean air in New York City. Thank you very much for your time.

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INTRO 325 AND 717

- Amend the administrative code of the City Of New York-Implementation of Technology to allow Traffic Enforcement Agents to issue idling tickets.

Those of us in the double decker sight-seeing business are subjected to rules and regulations in regards to the idling laws of New York City, but the major difference is that we are also a moving target for traffic agents, most of us are currently getting between 3 and 5 tickets per day during the busy season.

Giving traffic agents the authorization to issue idling tickets when they are already having problems with issuing regular traffic tickets.

If you want to put stricter regulation on sight-seeing, double decker buses then I would suggest amending local law 41, because this law was introduced to help promote a green environment in NYC.

The law was supposed to help companies with buses with engine built before 2006-2007 to be retrofitted with devices that stops a double decker bus from blowing out black smoke and adding to the already polluted air, the main reason being that double decker buses needed to idly at a longer period of time while loading and unloading passengers in a safe manner, especially during the winter months.

A double decker pulls into a stop and idly for 3 minutes while loading or off loading, the engine is turned off after 3 minutes, the bus loads or off loads, this is another 5 to 7 minutes at the stop, it takes approx.. 2 minutes for a double decker bus to be started, it's longer in the winter months, it will take another 3 to 5 minutes for the bus to pull safely into flowing traffic, (this will also depends on the experience of the driver) you are looking at approx.. 8-12-15 minutes that a bus will idle and stand at a location.

I can only assume while the agencies was monitoring for congestions, layover and stacking of the buses, no one bother to actually pay attention to this factor.

Fyi.....A Johnson Mattery retrofit cost between 12-15 thousand per vehicle and another 4-6 thousand to bake the system out....16thousand to 21thousand per vehicle to be up to code as per Local law 41 that is supposed to protect those whom require to idle longer than 3 minutes, 5 minutes or longer.

Open Loop has a fleet of 38 new buses with engines built 2014-2015-2016 and we are at EPA 4, the highest levels and surpass the standards of the environmental Committee.

Why introduce a law that is supposed to help and protect us against such fines and not increase our financial burden to operate our double decker sight-seeing business in NYC.

I ask that the committee should consider all factors before making a decision that could potentially create more problems, rather than a solution.

There are currently 5 new Laws being introduced this week, 529-1,713-a, 950,n325,717, and all of them directed to the double decker sight-seeing industry in NYC, I am beginning to wonder why the sight-seeing business went from 43 in 1992 to 8 in 2016. How many will there be in the next 20 years.

Thank you for this opportunity.



September 27, 2016

Testimony of Laura Rothrock on behalf of Twin America/Gray Line CitySightseeing New York, before the City Council Committee on Environmental Protection regarding Intro 717.

Good afternoon. My name is Laura Rothrock and I am

testifying on behalf of Twin America/Gray Line

CitySightseeing New York. Twin America provides hop-

on/hop-off, double-decker sightseeing tours throughout

New York City's boroughs to over 1 million visitors

annually.

Twin America takes issue with Introduction 717 and believes there is no compromise position to allow for its introduction.

The bedrock of every enforcement statute in our jurisprudence, is the reliability of the evidentiary submissions. In the context of transportation, enforcement measures are taken by the trained police force, trained traffic enforcement agents and other New York City or New York State trained regulatory personnel. Most significantly, these individuals have no financial stake in the outcome of their services.

On the other hand, this bill deputizes everyone and anyone, trained or untrained, to be the enforcer and

watchdog of the NYC idling laws. And to most of those that are deputized, the overriding motivation to participate, is the provision of a financial reward. The financial reward taints the entire process. Moreover, the evidence to be presented and relied upon is not otherwise reliable. Videos can be easily doctored by virtually anyone with a computer or smart phone. Is it not an unfair burden on operators to have to prove that the video evidence is not genuine?

Respectfully, Twin America is in favor of enforcing idling laws that are reasonably written. We believe that absent a different mechanism, traffic enforcement agents who

currently enforce the idling law provide sufficient protection.

We thank you for your consideration.

**Testimony before the City Council on Int. 717 and
Int. 325 regarding
Enforcement of NYC Idling Restrictions
George Pakenham, Concerned Citizen and Filmmaker
September 27, 2016**

Chair Person Constantinides, Council Members, and thank you for the opportunity to testify today.

As you just heard, Isabelle Silverman presented a thorough review of the legal issues surround bill 717. She is an attorney and those issues are her strengths. I fully support her testimony and want to share my experience submitting Citizen's Complaints to the Department of Environmental Protection (DEP) this spring and summer.

I am also the filmmaker who created the documentary film **Idle Threat**. The film explores my discovery in 2006, of the 1971 three minute idling law - only to find the law was not being enforced by NYPD. So, I began to enforce the law myself as a concerned citizen by asking drivers to turn off their engines and handing them the NYC idling law on a business card.

My documentary film has been screened over dozens of times at Film Festivals, public forums and colleges. Case in point -the film inspired several NYU student activists to attend this hearing in a form of civics lesson. An NYU professor will testify shortly as will an NYU student activist. The film has also helped create awareness on college campuses that now have become idle free and municipalities to pass more stringent idling laws.

When Council Member Rosenthal introduced Bill 717 eighteen months ago, media of all sorts, from radio, to print to TV covered the story. NBC news just aired a story about the bill last week.

The reason we are here today is because NYPD's Traffic Enforcement Agents (TEAs) are basically not enforcing the idling law. They have only issued 1-2 tickets per agent per year. Contrast this with 10 million parking tickets. Clearly, idling enforcement is not a priority for Chief Chan who is heading up the TEAs. City Council has no control over what NYPD deems a priority but City Council can amend **the existing** citizen's complaint law so that DEP-certified citizens can get compensated for the time spent submitting the complaint.

This spring, the Administration created a radio, billboard and bus ad campaign as to the perils of engine Idling. Such public outreach might convince some people to turn off their engines but **only** true enforcement will help spread the message that idling is illegal in NYC (*more than 3 minutes and more than 1 minute adjacent to schools*).

Pilot Program of Existing Citizen's Complaint Law

As stated before, Citizen's Complaints for illegal idling are already permitted by law. This spring Ms. Silverman and I submitted batches of Citizen's complaints to the DEP adhering to DEP guidelines. (*Hold up form*) The evidence included a completed form and a photograph of the license plate, which had to be time stamped and dated. (*hold up cell phone*)

The first few complaints we submitted resulted in the bus company paying the \$350 fine **before** the Environmental

Control Board hearing....so we never had to appear in court. Of critical importance is that throughout this process, Isabelle and I were never harmed nor spoken to about our observation activity and were probably never even noticed.

Video-taping for over three minutes would, however, be too obvious and could lead to confrontation. This is why required **video evidence** should be removed from Int. 717 and replaced with evidence such as a time/date stamped photograph and a notarized Affidavit.

However, in this pilot program, we thought we would receive a percentage of the \$350 fine. As it turned out that Citizens can only get up to 25% of the fine **if** the source of the violation is a manufacturing or industrial facility. Industrial sites are few in NYC and in sharp contrast to 1mm cars in NYC, 13,000 taxis and 6,000 buses.... all mini carbon polluters in their own right.

Int. 717

All Council Member Rosenthal's bill does is add ONE sentence that would allow Citizens to get 50% of the fine when the complaint is brought for idling violations. The bill stipulates citizens will be paid 50% of the 350-dollar fine as compensation for their time, effort and civic involvement.

Reduction of Greenhouse Gases

This bill will help NYC reduce its greenhouse gas emissions to achieve the ambitious goal of reducing emissions by **80% by 2050**.

I request that City Council duly consider Council Member Rosenthal's bill. Citizens will act on an environmental issue in

which the NYPD is more or less indifferent. Citizens will act because they care; they recognize **the senseless waste**, and the pollution they inhale. They will act because it's in their own best interest to do so. In Ms. Rosenthal's bill, NYers will be justly compensated for their efforts.

In addition, I request that the DEP recognize the importance of this effort and work with CM Rosenthal's office to implement Int. 717 if it becomes law. Citizen's complaints will only be effective with adequate training and manpower in order to create an orderly certification and processing system.

In closing, I remind all listeners here today that only two years ago 400,000 people marched from Columbus Circle to the Javits Center. They marched because they wanted to send a message to the UN, to this City, and the world that we, the people, demand a more sustainable and carbon free world.

I plead with you to pass bill 717 and then let concerned citizens, do our part to create a more healthy planet Let NYC shout out to the rest of the world thatwe care about clean air.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 325 Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Director Oleg Chernyavsky

Address: 1 Police Plaza

I represent: NYPN

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 325 Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Inspector Dennis Fulton

Address: 1 Police Plaza

I represent: NYPD

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Rick Muller

Address: Dir of Legislative Affairs

I represent: DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Geraldine Kelpin

Address: Dir. Air/Noise Permitting Enforcement

I represent: NYC DEP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Michael Gilson

Address: _____

I represent: NYC DEP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 7 Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Brandon Buchanan

Address: 111K Street NE, 9th floor Washington, DC

I represent: America Bus Association

Address: 111K Street NE, 9th floor Washington, DC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK CONRAN

Address: P 345 E 80 ST

I represent: PATCON ASSOCIATES LTD

Address: 345 E 80 ST NYC 10015

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shaimila Desarno

Address: 785 8th Avenue

I represent: Open Loop NY Doubleclicker

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KARA ROTROCK

Address: 28 W 44th

I represent: TWIN America

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: KARL STURCHMAN

Address: NYU 5 WASHINGTON PLACE

I represent: NYU

Address: NYU 5 WASHINGTON PLACE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: ISABELLE SILVERMAN

Address: 93rd + CPW NY NY 10023

I represent: ISABELLE SILVERMAN

Address: 93rd + CPW NY NY 10023

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: 09/27

(PLEASE PRINT)

Name: Khalil Hall

Address: 157 Ave C, 10009

I represent: Myself

Address: _____



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: George Palkenham

Address: 161 W. 74th St

I represent: Idle Threat Movie

Address: 161 W 74th St NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Sept. 27

(PLEASE PRINT)

Name: Jeni Amélie Lin

Address: _____

I represent: NYU, Net Impact Collaborative Experience

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Kinsey Crowley

Address: 16 Stuyvesant Oval

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 717 Res. No. _____

in favor in opposition

Date: 9/27/14

(PLEASE PRINT)

Name: ELLEN BURTON

Address: 35 FIFTH AVE, APT. 1102

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Fdliag Res. No. _____

in favor in opposition

Date: 9/27/16

(PLEASE PRINT)

Name: Jordan Valenzuela

Address: 264 W 19th ST

I represent: concerned citizen

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆