

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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November 25, 2008

Start: N/A

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HELD AT: Hearing Room
 250 Broadway, 14th Floor

B E F O R E: G. OLIVER KOPPELL
 Chairperson

COUNCIL MEMBERS:
 Bill de Blasio
 Domenic M. Recchia, Jr.
 Melissa Mark-Viverito
 Thomas White, Jr.
 Mathieu Eugene
 Anthony Como
 John C. Liu

A P P E A R A N C E S (CONTINUED)

Roberta Avaltroni
Deputy Commissioner
New York City Department of Environmental Protection

Geraldine Kelpin
Director of Air/Noise Policy and Permitting
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Kizzy M. Charles-Guzman
Policy Advisor on Air Quality
Mayor's Office of Long-Term Planning and
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George Pakenham
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Christine Berthet
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A P P E A R A N C E S (CONTINUED)

Martin Treat
Resident, Hell's Kitchen/Clinton Hill

Kathleen Treat
Chair
Hell's Kitchen Neighborhood Association

Logan Welde
Resident

Paul Schubert
Community Advocate

Dahlia Du Perrior
Resident

CHAIRPERSON KOPPELL: Welcome. I'm Council Member Oliver, and I'm sort of pinch-hitting today. Although Chairing the Environmental Committee is not strange to me, since I did that 30 years ago in Albany. And it's a pleasure to be here. Jim Gennaro will be coming, but he is otherwise committed and so could not be here for the entire hearing, and so he asked me to stand in for him. I'm pleased that we're joined by several of our colleagues, John Liu, who is to my left; Domenic Recchia, to my right; and Andrew Como to his right. We may have other members who will be coming in the course of the afternoon. Today we're going to be hearing on the effectiveness of New York City's Vehicle Idling Law. New York City has had an idling prevention law since 1971, but we still have a vehicle idling problem and an air pollution problem, because we've never had sufficient measures to stop vehicle idling. Numerous studies have shown a direct relationship between increased traffic density, vehicle idling and respiratory disease. There's a strong association between increased combustion from traffic exhaust in and

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2 outside schools and decreased lung function,
3 wheezing and cough among children. Idling diesel
4 buses emit higher concentrations of pollution than
5 when they're moving, and air concentrations are
6 highest when buses line up. By contrast, air
7 quality improvements have been associated with
8 decreased asthma attacks in children. Idling also
9 costs money, wastes fuel and increases gashouse
10 gas emissions. Of all the types of air pollution
11 that we are challenged to address, idling is one
12 type of pollution that's completion preventable.
13 With stronger laws, improved enforcement and
14 better education about idling, New York City can
15 achieve the aims of the 1971 local law while
16 protecting the health of its most vulnerable
17 citizens and protecting the environment. Today
18 we'll hear from the administration as well as many
19 longtime activists about the effectiveness of New
20 York Idling Statutes, or the Statute, rather, and
21 the measures to reduce or eliminate idling. We
22 also are inviting testimony with respect to two
23 introductions. One is Intro 40, which would amend
24 the administrative code of New York City by
25 enhancing the City's ability to enforce idling

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2 violations by expanding the number of agencies
3 that are authorized to issue idling violations, to
4 include the Department of Parks of Recreation, the
5 Department of Sanitation, in addition to DEP, DOT
6 and the Police Department, which currently enforce
7 the law. The second proposed measure is Intro
8 631, which would strengthen idling education,
9 enforcement and reporting. That bill would
10 require new reporting by the Department, the
11 Police Department and DEP, the Environmental
12 Department. It would also narrow the exemption
13 for idling restrictions given to emergency
14 vehicles by limiting the idling exemption to
15 emergency service. It would also limit maximum
16 idling time to one minute when a vehicle is
17 adjacent to a school and also would require
18 applicants for driver's licenses to demonstrate
19 their knowledge of idling laws in addition to the
20 other things that you're supposed to know when you
21 get a driver's license. So those are the two
22 proposed bills and we'd like to have comments on
23 that and other suggestions, if people have any, to
24 deal with the problem of air pollution from
25 idling. Our first witness today is Deputy

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2 Commissioner Robert Avaltroni from The New York
3 Department of Environmental Protection, and we
4 look forward to hearing your comments,
5 Commissioner.

6 ROBERT AVALTRONI: Yes. Thank you
7 very much. First of all good afternoon, acting
8 Chairman Koppell, Council Member Liu, Council
9 Member Recchia and Council Member Como, and of
10 course I'll say hello to Chairman Gennaro if he
11 arrives. I'm Robert Avaltroni, as you said,
12 Deputy Commissioner of the Bureau of Environmental
13 Compliance at the New York City Department of
14 Environmental Protection. With me, to my left, is
15 Gerri Kelpin, Director of Air/Noise Policy and
16 Permitting at DEP, and to my right is Kizzy M.
17 Charles-Guzman, Policy Advisor on Air Quality in
18 the Mayor's Office of Long-Term Planning and
19 Sustainability. On behalf of Acting Commissioner
20 Steve Lawitts, thank you for the opportunity to
21 testify on the status of DEP's and other agencies'
22 and offices' work to reduce motor vehicle idling
23 in New York City. As you know Mayor Bloomberg's
24 PlaNYC 2030 outlines initiatives on many fronts to
25 improve air quality, and a number of them focused

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2 on reducing unlawful motor vehicle idling. In my
3 testimony, and with the assistance of the
4 colleagues here, I will describe DEP's and other
5 agencies' enforcement of the anti-idling law,
6 review the idling prohibition in relevant statutes
7 and our data on enforcement efforts, describe
8 initiatives by the Mayor's Office of Long-Term
9 Planning and Sustainability to reduce idling, and
10 finally comment on Intro 631 and Intro 40. New
11 York City's prohibition on idling exists in
12 Section 24-163 of Title 24, Chapter One of the
13 Administrative Code and in the Rules of the City
14 of New York Chapter One is also know as the Air
15 Pollution Control Code. Section 24-163 provides
16 that with certain exceptions, no vehicle in the
17 City is allowed to idle more than three minutes
18 while parked, stopped or standing. DEP
19 enforcement Personnel, NYPD officers and some
20 Traffic Enforcement Agents, are authorized to
21 issue notices of violations, returnable to the
22 Environmental Control Board. Personnel of the
23 Departments of Parks, Sanitation were delegated by
24 DEP to enforce 24-163 in 2003 and 2004,
25 respectively, and they too can write NOVs. NOVs

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2 written pursuant to 24-163 are adjudicated before
3 ECB, which is now under the auspices of the Office
4 of Administrative Trials and Hearings. Penalties
5 on a finding of violation range from \$220 to
6 \$1,000. With respect to Enforcement, New York
7 City also receives citizen complaints for idling
8 vehicles through 311: approximately 4,600
9 complaints in FY 07 and FY 08. Combined
10 enforcement efforts resulted in approximately
11 1,200 notices of violation in FY 07 and 08. There
12 are a number of different facts that account for
13 the difference between the number of complaints
14 received and the number of violations issued. For
15 instance, some complaints are one-time events,
16 meaning that the vehicle is there for a short
17 period of time and then moves on before an
18 inspector arrives. Another reason for the
19 difference is that the Air Pollution Control Code
20 creates exemptions for the three-minute idling
21 requirement. The first is for emergency vehicles,
22 which I will address in my testimony. The second
23 is for a vehicle whose engine is used to operate a
24 loading, unloading or processing device, which
25 includes refrigeration units for delivery trucks

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2 or food vendors. And a third exemption is for
3 buses, which are allowed to continue to idle when
4 the ambient temperature falls below 40 degrees
5 Fahrenheit. Follow-up on main of the idling
6 complaints will not result in the issuance of a
7 violation due to one of these exceptions.

8 However, once there, inspectors will check to see
9 that vehicles are in compliance with other
10 sections of the Air Pollution Control Code. Given
11 the transient nature of vehicle idling, and the
12 challenge of responding quickly enough to observe
13 individual violations, DEP has found that it is
14 more effective to take a comprehensive targeted
15 and collaborative approach to enforcement. We
16 focus on working with enforcing agencies such as
17 the NYPD, Parks, Sanitation or others to get at
18 the localized pollution, these hot spot
19 neighborhoods, suffering from the extended idling
20 of vehicles, especially trucks and buses. Using
21 the information we receive from 311, community
22 leaders, elected officials and after discussion
23 with other agencies, we have scheduled several
24 days or weeks of more aggressive enforcement in
25 these targeted areas. Coordinated efforts in

1 communities such as Chinatown, the Lower Manhattan
2 construction zone surrounding the World Trade
3 Center rebuild, and the Hunt's Point Terminal
4 Market in the South Bronx, have shown success at
5 mitigating the pollution generated at concentrated
6 vehicle traffic hubs. In another example,
7 community groups on the Upper West Side have
8 brought to the attention of DEP a problem with
9 out-of-state tour buses that stop on Central Park
10 West on Saturday mornings to bring tourists to the
11 Strawberry Fields site. Inspectors have visited
12 that location a number of times to issue
13 violations or speak with the drivers. Also, may I
14 get away from the testimony to say, we're always
15 receptive to a complaint or to a local official
16 bringing something to our attention, and work
17 collaboratively with that source or the community
18 itself. Further, the Office of Sustainability is
19 working with the City and state agencies to
20 increase the enforcement of existing anti-idling
21 laws in hot spots where polluting diesel vehicles
22 concentrate their idling activity, putting
23 vulnerable communities at risk of the health
24 impacts of air pollution. Because New York State
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2 Law prohibits idling of heavy-duty diesel trucks
3 for more than five minutes, state agencies can
4 assist in combating idling. For example, last
5 year an enforcement action in East Harlem
6 culminated in a November sweep in which DEP issued
7 33 tickets for idling trucks and the New York
8 State Department of Environmental Conservation
9 officers pulled over and inspected 361 diesel
10 trucks and issued 163 tickets for various
11 violations of State air and safety regulations.
12 The officers also issued ten tickets for excessive
13 vehicle idling. On October 31st of this year, the
14 partnership between DEC, DEP and the Office of
15 Sustainability was officially launched with a
16 second action in East Harlem. DEP and DEC,
17 working for two to three days issued 24 idling
18 tickets over four days. Section 4-08(p) of the
19 City's Traffic Rules also prohibits engine idling
20 in much the same manner as the administrative code
21 24-163 and can provide an alternative means of
22 enforcement for Traffic Enforcement Agents
23 authorized to enforce that provision. Finance,
24 the Department of Finance has started the process
25 of promulgating rules that will allow TEAs to

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2 write summonses for violation of the idling
3 provision contained within the Traffic Rules.
4 Approximately 100 TEAs would continue to be able
5 to issue notices of violation returnable to the
6 Environmental Control Board for violation of
7 Section 24-163, but this change would make all
8 2,300 TEAs available to write summonses for
9 violations of this Traffic Rule, returnable to
10 finance. With respect to PlaNYC, PlaNYC 2030
11 promises to improve compliance with existing anti-
12 idling laws through a targeted public awareness
13 campaign, which will be launched in 2009. To
14 expend compliance the Office of Sustainability is
15 partnering with advocacy organizations and the
16 private sector to launch a series of public
17 service announcements, signage, bus and stationary
18 media and other marketing strategies. The Office
19 of Sustainability is also working to increase
20 public access to information about the City and
21 State anti-idling laws via the City's 311 call
22 system. The Office of Sustainability is also
23 working to increase public access to information
24 about the City and State anti-idling laws via the
25 City's 311 call system. A possible enhancement to

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2 311 might enable reports of extended idling to
3 result in a letter to a properly identified bus or
4 truck company, reminding the business that
5 reducing idling is an integral part of good
6 corporate citizenship. We are exploring some
7 changes to 311 procedures and to DEP's website
8 that might help citizens and DEP persuade the
9 owners of idling trucks and buses to talk to
10 drivers about switching off their engines. Again,
11 this is the ability to educate. I would now like
12 to address the introductions that propose
13 amendments to the provisions on idling. With
14 respect to Intro 631; Intro 631 of 2008 would
15 require the Police Department to report on a
16 quarterly basis the number of NOVs issued for
17 idling, modify the exemption from the idling
18 prohibition of emergency vehicles, and prohibit
19 idling for more than one minute adjacent to a
20 school. DEP would also be required to submit
21 quarterly reports to the Council on violations of
22 the idling law. Finally, the bill would require
23 that instruction on idling laws be included in the
24 licensing of taxi, van and other drivers. Because
25 violations of 24-163 are returnable to ECB, they

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2 already enter, track, adjudicate and record paid
3 and unpaid penalty amounts on all violations. ECB
4 may already have the raw data to generate such
5 reports, and we can discuss with them the
6 possibility of generating an idling report. The
7 administration is opposed to limiting idling of
8 emergency vehicles as proposed in today's bill and
9 on the agenda. More specifically, we are
10 concerned with the addition of the qualifying
11 phrase, quote, while actually providing emergency
12 services; end of quote. FDNY/Emergency Medical
13 Service ambulances, as well as any 911
14 participating ambulance are assigned to cross-
15 street locations throughout the City. EMS
16 ambulances are then dispatched from these
17 locations. In contrast, the FDNY ladders and
18 engines respond from a stationary firehouse
19 facility. The EMS ambulances therefore are
20 essentially the offices on the road of the EMTs
21 and paramedics who must listen to their radios in
22 the trucks for dispatch information. Since EMS
23 ambulances are on duty at night and every season
24 of the year, the trucks must keep running to keep
25 the emergency medical technicians warm or cool.

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2 These members spend their shifts away from the
3 FDNY facilities so that they can respond quickly
4 to 911 calls throughout the City. Moreover, the
5 trucks contain a plethora of medications that must
6 be kept at constant temperatures, and the
7 ambulances are specifically equipped to store them
8 accordingly. In other words, EMS vehicles that
9 are idling while on duty awaiting a call are in
10 fact maintaining their readiness to respond to a
11 call. The need to idle is related to the way in
12 which EMS vehicles are deployed. And to the
13 extent that Intro 631 attempts to restrict idling
14 in this situation, the legislation would not serve
15 the City will. Likewise, NYPD must maintain
16 maximum flexibility in the use of its motor
17 vehicles, which must be in a position at any
18 moment to respond to emergencies. Such readiness
19 might necessitate parking, stopping or standing
20 with an engine running for an indeterminate period
21 of time. Again, to the extent that Intro 631
22 seeks to restrict the idling of NYPD vehicles
23 unless they are at the moment providing emergency
24 services, the legislation would be
25 counterproductive and could actually hamper public

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2 safety efforts. Finally, prohibiting more than
3 one minute of idling adjacent to a school is an
4 improvement over existing law. But the term
5 adjacent needs to be carefully defined in our rule
6 making. With respect to Intro 40; Intro 40 of
7 2006 grants issuing authority to DEP, NYPD, DOT,
8 Department of Parks and Department of Sanitation,
9 and extends the citizen complaint power to include
10 trucks as well as buses. As I have previously
11 mentioned, in 2003 and 2004 respectively, DEP has
12 delegated that authority to Department of Parks
13 and Department of Sanitation, and DEP and NYPD
14 currently have statutory authority to issue NOV's
15 for idling pursuant to Section 24-163. DEP's
16 experience with improving enforcement by
17 delegation is very positive, because it usually
18 occurs in the context of targeted enforcement
19 efforts. As part of the discussions preceding and
20 following delegation, the relevant agencies must
21 come to a consensus on the goals, procedures and
22 resources related to the enforcement. That kind
23 of inter-agency communication inevitability makes
24 the enforcement initiative more effective and
25 focused. For example, as part of the delegation

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2 discussions with Sanitation, they committed to use
3 their authority to enforce against violations at
4 commercial solid waste transfer stations. Parks
5 enforces against vehicles such as black cars and
6 tour buses that lay over o the periphery of City
7 parks. The Business Integrity Commission enforces
8 against idling trucks at the Hunt's Point Market.
9 All of these various targets or goals were defined
10 and committed to the in the course of implementing
11 a voluntary delegation agreement. We believe this
12 current system of delegate enforcement is
13 effective and allows flexibility for the multitude
14 of agencies that are involved. Language granting
15 statutory authority to additional agencies should
16 be carefully crafted to ensure continued
17 coordination between agencies. Finally,
18 particularly since 311 was created, this citizen
19 complaint provision has not been utilized most
20 effectively. In DEP's opinion it seems eminently
21 more sensible to emphasize and enhance 311 as the
22 best way to allow citizens to communicate with
23 enforcement agencies on idling problems. I thank
24 you all very much for the opportunity to testify,
25 and we will be glad to answer any questions.

2 CHAIRPERSON KOPPELL: Thank you for
3 your testimony. A couple of things, first of all,
4 I'd like to introduce Samara Swanston, Counsel,
5 who is to my right and then also Siobhan Watson,
6 who is the Policy Analyst for the Committee to my
7 left. I neglected to introduce them at the
8 beginning. Secondly, since we are specifically
9 dealing with Intro 631 and we're fortunate to have
10 the sponsor, Councilman Liu here, I'm going to let
11 him go first to make a statement and ask questions
12 concerning his proposal.

13 COUNCIL MEMBER LIU: Thank you very
14 much, Mr. Chairman. Thank you for letting me
15 audit this class, as I am not a member of this
16 Committee. But nonetheless, the work that this
17 Committee does is of critical importance to New
18 Yorkers. And I appreciate your testimony,
19 Commissioner Avaltroni, and I do have a few
20 questions as your testimony relates to Intro 631,
21 of which I am proud to sponsor. First let me say
22 that the main thrust of Intro 631 is to make
23 certain New York City blocks healthier for school
24 kids. And as a parent dropping my son off at
25 school, he's now in third grade, I put this

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2 introduction in when he was still in the first
3 grade, it's been a while. He has not skipped any
4 grades. And any parent can see the excessive
5 amount of idling that goes around schools, whether
6 it be from school buses to regular buses, regular
7 City MTA buses, delivery trucks, cars; you name
8 it, they are all idling. And that's why it's so
9 important to cut down the amount of idling.

10 Today-- you know, 20, 30 years ago when most
11 vehicles were run on carburetor systems, it was
12 more difficult to start the car. Nowadays with
13 fuel injection, it's an instantaneous start. And
14 so there's really no reason to idle cars very
15 often. And so what we need to do, well, we need
16 your support in passing 631 with the main intent
17 of curtailing significantly the idling on streets
18 around the schools. I'm happy to hear you say--
19 you seem favorable to that particular provision of
20 Intro 631. You say we need to define adjacent a
21 little better. Fine. I mean I think it's pretty
22 simple. It's just, you know, if you will work
23 with us on the language so that it makes sense,
24 fine. Adjacent generally means parking next to a
25 school, or parking next to a school yard, parking

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2 next to any school property. That's what we're
3 talking about here. So if you have suggestions on
4 how to make that language more precise, that
5 certainly would be very constructive and I'd be
6 happy to talk with you and work with you on that.
7 The intent of that rule is obviously to change a--
8 to number one, make it easier for enforcement
9 agencies to enforce the rule, because as you know,
10 there is a sharp drop-off between number of
11 complaints and number of actual violations issued.
12 It's also very difficult, and I can emphasize with
13 enforcement agents not really being able to hang
14 out for three minutes while timing a particular
15 vehicle before issuing the notice. I think one
16 minute will make it that much easier to enforce.
17 But even more so than that, it's the message that
18 we're sending to drivers that, you know, just shut
19 the engine off, is what we're telling people.
20 We're not even asking people to watch their
21 watches until 59 seconds or 60 seconds elapse.
22 The point is, just shut the engine as soon as you
23 get there, and then restart when you have to get
24 going. It's for the sake of the wellbeing and the
25 health of our schoolchildren, many of whom breathe

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2 at height levels not much taller than the height
3 level of exhaust pipes, especially on our school
4 buses. So, if you would help us and change the
5 rule with us on that particular front, that would
6 be wonderful. With regard to the EMS and other
7 emergency vehicles, there is no intent whatsoever
8 to make it more difficult for our emergency
9 services to fully protect and serve New Yorkers,
10 whether they be EMS workers or fire department or
11 police department personnel. That is certainly
12 not the intent here. And I would ask you to look
13 carefully, because I think some of these
14 statements could be perceived, at least perceived
15 to be overly broad. I think we will all see
16 instances of idling where to the general public;
17 it just seems unnecessary to idle. But perhaps a
18 compromise on the emergency vehicles would be that
19 we could include them in the provisions as they
20 relate to being adjacent to schools. That's
21 something that I think we should look at. Because
22 again, the idling police cruiser on a school block
23 is just as harmful to the lungs of the school kids
24 as any other vehicle. And to the extent that they
25 might be able to be moved over to the next block

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2 or down the street, maybe that's something we
3 should consider. Again, I'm thinking out loud
4 along those lines. But the main thrust of my bill
5 is to drastically curtail the idling that takes
6 place around schools. And I see it with my own
7 eyes every single day, whether they be in schools
8 in Queens or Manhattan or Brooklyn. There's just
9 too much idling. And in this day and age when
10 Mayor Bloomberg is looking to be the greenest
11 mayor on the face of this planet, we certainly
12 should make some changes with regard to these
13 idling rules. Thank you. So my question is, is
14 it possible to strike some kind of middle ground
15 with regard to the emergency service vehicles and
16 the rules with regard to being parked adjacent to
17 schools?

18 ROBERT AVALTRONI: Well, first let
19 me say and comment on your comments. We clearly
20 are in agreement that our intent is to cut down on
21 the number of idling vehicles we have. And I
22 think what we'd like to do, we speak about spirit
23 of partnership, and we need to be partners,
24 obviously. The Mayor, yes, will be recognized
25 as the green mayor in the United States. But that

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2 requires a partnership. And of course we always
3 look at the Council and this specific Committee,
4 one that I come before very often, as our partner
5 in dealing with quality of life issues. And this
6 one is very important to us. As I cited in my
7 testimony, we have taken measures to ensure that
8 our communication, not only at a hearing, and I
9 think we have a very good rapport and record, is
10 one that speaks to having a dialogue where we have
11 situations that exist, where we need, as I
12 referred to in my testimony, a hotspot type of
13 activity. That is going to go a long way, and
14 that would just require communication; I would
15 make myself available, for instance, to take a
16 call from any of you; and working with you and
17 your community, to deal with situations that are,
18 as you suggested, unacceptable. Because to
19 improve the health and ensure the health of
20 children, which you're alluding to with regard to
21 schools, as well as the health of people
22 throughout the City are imperative. And that's a
23 common goal we don't have competing interests
24 with, obviously. With respect to emergency
25 vehicles, that's something too where we're looking

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2 to preserve the public safety and health of
3 people. So, I think we are very much on common
4 ground with our intent; it's just how we get
5 there. And I think our ability to think outside
6 the box and have an open dialogue and open
7 communication where we are responsive to your
8 needs, we are certainly willing to do that, and
9 we're certainly willing to look at, you know, any
10 suggestions that you might have and any problems
11 that you might have that we can work
12 collaboratively to correct. Because, again, these
13 are not competing interests in any way, shape or
14 form. So my testimony is just designed to point
15 out to you from our perspective things that we
16 have in place already, things that maybe we need
17 to enhance and enhance the communication to go to
18 areas where we see the problems existing on a
19 constant basis. And also, I pointed out in the
20 testimony too, what we'll be doing in 2009 is have
21 an outreach to the public sector as well as the
22 involvement of any Council member or any public
23 official, elected official, to be part of a
24 process that's going to obviously increase our
25 ability to deal with this issue.

2 COUNCIL MEMBER LIU: All right. So
3 most of your testimony refers to how the emergency
4 vehicles get treated under current law and under
5 Intro 631. You have one sentence with regard to
6 the one-minute idling rule being adjacent to
7 schools. So can you clarify that a little bit?
8 Can you speak in support of that concept and say
9 that the only thing that holds up the
10 administration's support of that particular part
11 of the bill is the definition of the word
12 adjacent.

13 ROBERT AVALTRONI: I think we
14 should have a further dialogue, and I'll let my
15 expert in the field, our director Gerri Kelpin,
16 who is responsible for Air Policy among other
17 things, just speak a little bit to you as well.

18 COUNCIL MEMBER LIU: Okay. Well, I
19 think just from that comment, I guess I was overly
20 optimistic in my opening remarks. Again, you can
21 say all you want about emergency service vehicles,
22 but there would be, in my opinion, and I'll give
23 you a chance to give some excuses here, there's
24 just really no excuse to oppose this kind of one-
25 minute idling rule next to a school, especially

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2 when the main reason you give is that, oh, the
3 term adjacent needs to be more carefully defined
4 in rule-making. Give it a shot.

5 GERALDINE KELPIN: I think actually
6 you're misinterpreting us. We have no problem
7 with focusing or going ahead with a one-minute
8 reduction in the school zone. Adjacent, just from
9 my experience at ECB, adjacent could be the side
10 of the street that's next to the school but
11 wouldn't cover the other side. Someone could, you
12 know, challenge us; well adjacent doesn't mean the
13 other side of the street. So that's really in
14 terms of good enforcement-- a much more specific
15 definition would be helpful to anybody who goes
16 ahead to try to enforce it. So I think that's
17 where we're coming from. Our testimony pretty
18 much said the one-minute next to the school, we're
19 happy. We think it's great.

20 COUNCIL MEMBER LIU: My optimism
21 returns. So, what I take is that your department
22 and by extension the administration, would support
23 a one-minute idling rule around schools, we would
24 just have to clearly define what adjacent means so
25 that nobody could get off when they in fact have

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violated the spirit of the rule.

ROBERT AVALTRONI: Yes. I think that's what we said, and that's why I wanted you to hear it from the person who runs our enforcement unit, because it's just being very specific to what adjacent really means so we can enforce properly.

COUNCIL MEMBER LIU: Okay. Well Mr. Chairman, I think that's awesome.

CHAIRPERSON KOPPELL: Oh, okay.

COUNCIL MEMBER LIU: But I would also-- I look forward to working with you on what more we can do with regard to other vehicles, including emergency service vehicles.

ROBERT AVALTRONI: And we look forward to that.

COUNCIL MEMBER LIU: Thank you.

CHAIRPERSON KOPPELL: Thank you, Council Member Liu. We've been joined in the course of the last few minutes by Council Member Tom White, who could not stay very long. Council Member Eugene is here, to my right. And also to my right, Council Member Melissa Mark-Viverito is here. I would like to pursue a little bit further

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2 some of the issues that John pursued. With
3 respect to the emergency vehicles, I understand
4 that we cannot-- I don't know what that noise is.
5 Oh, I have a-- let me turn it off. It's on
6 vibrate but I'll turn it off, you're probably
7 right. With respect to the emergency vehicles, I
8 think that maybe we could define more closely what
9 is meant by involved in emergency service, so that
10 some of the examples you meant would be clearly
11 exempt where it's necessary to be exempt. But
12 other instances, it might not be. However, there
13 is an-- I think your testimony raises an important
14 issue that has disturbed me for some time. I
15 haven't frankly done anything about it, but I
16 think this bill suggests that the City should do
17 something about it. The placement of these
18 ambulances all around the City on streets with the
19 engines running at all times, is a serious
20 problem, I think. And I think that you need to
21 have the vehicle remain warm for the driver and
22 the aide, and you need to have a certain
23 temperature, as you point out, for perhaps some of
24 the supplies. But you don't need to have the
25 engine running for that. You could have a

1
2 supplementary heater of some sort that would be a
3 lot more environmentally friendly than running the
4 engine, which they do now. Now we're talking
5 about hundreds and hundreds of vehicles throughout
6 the City, 24 hours a day. I think this is
7 something for us to look into, but also for the
8 administration to look into, don't you think?

9 ROBERT AVALTRONI: Well we
10 obviously would look at anything that's going to
11 improve the environment. But I'm not going to
12 speak specifically about the police department and
13 the fire department at this hearing. And you
14 know, they want to be a good player as well in our
15 initiative to improve the environment in the City
16 of New York. What we want to do is we want to
17 make sure that we don't impede their ability,
18 because it is a health and safety issue, in
19 another respect to their responding to incidents
20 and being ready to--

21 CHAIRPERSON KOPPELL: [Interposing]
22 No, I understand that. What I'm saying to you,
23 you are the DEP. So you are the guardian of the
24 environment.

25 ROBERT AVALTRONI: Yes.

2 CHAIRPERSON KOPPELL: You're also
3 part as the administration of this New York 2030
4 initiative. And this is not something that
5 probably can be solved in a month. But in terms
6 of the planning for new vehicles and such and
7 outfitting, this should be part of it. And what
8 I'm suggesting to you that you or your department
9 talk with the police and fire department and those
10 agencies of the City responsible for procuring
11 vehicles and specifying how those vehicles should
12 be outfitted, this is something for you to look
13 into.

14 ROBERT AVALTRONI: We don't
15 disagree.

16 CHAIRPERSON KOPPELL: So I hope--
17 I'm going to ask specifically that you convey that
18 to the people who you work with and to get back to
19 this Committee as to what could be done about
20 that.

21 ROBERT AVALTRONI: We will have a
22 dialogue--

23 CHAIRPERSON KOPPELL: [Interposing]
24 Because the Committee, I think the Committee as
25 indicated by the legislation, is interested. And

2 I think this is something in the long term that
3 ought to be studied. I know it disturbs me and as
4 I said, I apologize for not having followed up on
5 it. But it disturbs me when I see the ambulance
6 that sits a couple blocks from my house sitting
7 there all day and night running the engine.

8 ROBERT AVALTRONI: Yeah. Maybe you
9 misunderstood me, and I apologize for that.
10 Certainly we will communicate with the fire
11 department, the NYPD, because we are always
12 looking to do things better. There's no question
13 about that. But I could not commit to you today
14 that your idea, for instance to put--

15 CHAIRPERSON KOPPELL: [Interposing]
16 No, no. I don't expect a commitment. And I just--
17 -

18 [Crosstalk]

19 ROBERT AVALTRONI: We will
20 dialogue.

21 CHAIRPERSON KOPPELL: This issue
22 should definitely be studied. And I know the
23 Committee, and we have staff here, will look into
24 amendment of the laws to meet some of your
25 concerns. I think also I'm not 100% clear on the

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2 distinction that you make with respect to the
3 assignment of limited responsibility of other
4 departments and the broad grant of jurisdiction
5 that the bill, the other bill that we have before
6 us today, provides. Do you think it's too broad
7 to give them such-- do you think it has to be more
8 limited, as you do now, with your regulations?

9 ROBERT AVALTRONI: Do you want to
10 speak to that?

11 GERALDINE KELPIN: Well one of the
12 things that we feel is, in being effective in
13 terms of actually idling, is to do sort of
14 targeted approaches, and also to merge it with the
15 mission of the agency that's going to be doing
16 additional idling. So as we had mentioned, Parks
17 has its regulations to enforce and the crossover
18 is the fact that vehicles often park, idle outside
19 or within the parks where the enforcement group
20 actually has excellent authority to merge what
21 their regulations are and to add on the idling.
22 To have them enforce all over the City is
23 debatable as to how effective it would be, because
24 their primary mission is still going to be the
25 regulations that they are charged with enforcing.

2 CHAIRPERSON KOPPELL: So you don't
3 think that the Bill 40, I guess it is, is
4 necessary?

5 GERALDINE KELPIN: I'm not sure how
6 much it enhances the process.

7 CHAIRPERSON KOPPELL: Well we'll
8 look at that with you, but thank you for calling
9 the other delegations that you currently have to
10 our attention. I appreciate that. Does anyone
11 else have any questions? I guess we have only one
12 other Council Member. Okay, thank you very much.

13 ROBERT AVALTRONI: Thank you.

14 CHAIRPERSON KOPPELL: Thank you for
15 your testimony. We'll follow up. We now have a
16 number of different individuals. I'm going to ask
17 people to come forward in panels of three to make
18 it more efficient, and ask each person to limit
19 their presentation to five minutes at the most so
20 that we can-- I think that's sufficient to let you
21 make the point. And that doesn't include
22 questions, if we have any. We have Veronica
23 Vanterpool from Tri-State Transportation Campaign;
24 Richard Kassell from NRDC; and Isabelle, it looks
25 like Silvesman.

2 ISABELLE SIVERMAN: Silverman.

3 CHAIRPERSON KOPPELL: Oh,
4 Silverman, from Environmental Defense Fund.

5 [Pause]

6 CHAIRPERSON KOPPELL: I'm glad to
7 see NRDC and EDF here, because I'm a member of
8 both, so I'm always happy to see them participate.

9 [Pause]

10 CHAIRPERSON KOPPELL: Whichever
11 order you want to go in is fine. Push the button
12 so the light goes on. Just speak into it; we'll
13 know whether it's working.

14 VERONICA VANTERPOOL: Good
15 afternoon.

16 CHAIRPERSON KOPPELL: Yes, it's
17 working.

18 VERONICA VANTERPOOL: Thank you for
19 the opportunity to speak before the Committee on
20 Environmental Protection. My name is Veronica
21 Vanterpool, and I am associate director at Tri-
22 State Transportation Campaign, a policy watchdog
23 organization working to improve our region's
24 environment by advocating for more sustainable,
25 environmental and equitable transportation

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2 policies. I am here today to show our support for
3 Intro 40 and 631, legislation that would improve
4 enforcement of New York City's three-minute idling
5 rule and curb some of the deleterious health and
6 environmental impacts of increased truck traffic
7 in New York City. The three-minute idling rule
8 has been in New York City's rulebooks since 1971,
9 yet remains a partly enforced measure, despite the
10 much needed health protection it provides to
11 community residents and benefits for the
12 environment. Nearly two decades ago, former New
13 York City Mayor David Dinkins announced increased
14 enforcement of this relatively unknown statute in
15 an effort to comply with federal clean air
16 mandates. Yet over three decades later, New York
17 City is still battling lax enforcement despite the
18 proven health and environmental advantages of
19 idling restrictions. More strict enforcement for
20 instances can be a useful tool in mitigating the
21 impacts of increased truck traffic throughout the
22 City. Truck traffic is increasing in New York
23 City according to NYMTC's 2008 Truck Toll Volume
24 Trends. Annual truck traffic on major tolled East
25 River crossings grew 2.7 percent from 2006 to

2007. Over the same period, total truck traffic on the GW Bridge grew by .05 percent and by 4.1 percent in the Lincoln Tunnel. By comparison, in the same period, average daily vehicular weekday traffic on tolled East River crossings grew by only .6 percent, while car traffic on the GW Bridge and Lincoln Tunnel actually fell by .8 percent and .6 percent respectively. With truck traffic trending upwards, our communities will increasingly rely on better enforcement of rules like this to help mitigate the health and environmental impacts resulting from more trucks on our roads. This rise is unwelcome news for New York City residents battling truck violations in their neighborhoods. Throughout the boroughs, community groups are fighting incessant idling in violation of New York City's poorly enforced three-minute idling rule, off-route violations, oversized and overweight trucks and illegal parting and resting. We know that idling vehicles emit known carcinogens into the air that exacerbate asthma and other ailments. And we know idling trucks exacerbate air pollution, but pose a larger threat in communities with vulnerable

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2 populations including children, the elderly, low-
3 income residents and people of color. In light of
4 this well-documented information there is no
5 reason why this rule should not be more greatly
6 enforced. We are encouraged with the potential
7 for improvements suggested by both bills. Intro
8 40 expands enforcement authority beyond the New
9 York City DEP, the sole agency charged with
10 enforcing the three-minute idling rule, to include
11 the police department, the Department of
12 Transportation, The Department of Parks and
13 Recreation and the Department of Sanitation. It
14 is a monumental task for just one agency to
15 monitor this Citywide. Though a recent
16 collaboration between DEP and New York State DEC
17 recently announced a long-term strategy to improve
18 anti-idling compliance. By expanding authority to
19 these other departments, more violations can be
20 curbed with greater reductions in damaging air
21 pollutants. Examining and monitoring the efficacy
22 of this increased enforcement as proposed by Intro
23 631 will be a useful tool. Reports on the number
24 of violations issued by the NYPD for engine idling
25 are integral for monitoring improvement and

1
2 progress. This kind of reporting work. Think
3 TrafficStat, where traffic infractions and
4 violations are reported by each precinct of the
5 New York Police Department during regular
6 meetings. Precincts with low numbers of issue
7 violations for DWI tickets or off-route trucks,
8 for example, are encouraged to improve their
9 performance, which has a positive impact on
10 traffic safety. Given the harmful impacts of
11 idling vehicles, this same expectation should be
12 expected of those trusted to enforce this law. We
13 look forward to the passage of both Intro 40 and
14 641. Thank you.

15 CHAIRPERSON KOPPELL: Thank you.

16 While I don't intend to ask questions, before the
17 others testify, we'll say that in talking to
18 Counsel there seems to be considerable confusion
19 over the authority of various agencies to enforce
20 this law. Because Intro 40 would clarify that,
21 and we certainly want to make sure that it's clear
22 that all of the agencies do have the authority to
23 enforce the law. And we will look further into
24 that to make sure, because to some extent the bill
25 and your testimony is contrary to what the

1
2 Commissioner said. We'll have to try and figure
3 out what's required here. But thank you. Okay.
4 Next.

5 RICHARD KASSELL: Okay. Let's see
6 if I'm on now. Okay? Hi. My name is Richard
7 Kassel and I'm pleased to offer the National
8 Resources Defense Council's strong support for
9 Intros 40 and 631 and our offer to work with the
10 Council and the Administration on future idling
11 policy in New York. For more than 15 years I've
12 coordinated NRDC's work on diesel emissions issues
13 in New York City, at the federal level and in
14 projects in polluted mega-cities around the world.
15 In addition I advise the US EPA and the United
16 Nations Environmental Program on their vehicle
17 pollution programs. And viewing all these
18 experiences through the lens of New York City, I
19 think the two most important lessons that I've
20 learned are twofold. First, that vehicle
21 pollution and diesel pollution in particular pose
22 a very serious health threat to the residents of
23 our City, and second; that this is a fixable,
24 solvable problem. Now in my written testimony I
25 have a lot of information about the health risks,

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2 but just to quickly sum it up; of course we know
3 that New York City fails to meet both the EPA
4 health standards for ozone and fine particulate
5 matter. We also know that vehicles are the
6 largest source of emissions that contribute to
7 both of those non-attainment status points. We
8 know that more than half of the particulate soot
9 emissions on Madison Avenue come from a relatively
10 small number of diesel vehicles. We know that we
11 can't actually solve our vehicle pollution
12 problems without taking localized steps to reduce
13 vehicle pollution. Now there three ways to reduce
14 vehicle pollution. The first is of course cleaner
15 fuels, the second is cleaner vehicles. And
16 putting them together into a cleaner system is
17 what EPA does. But what we can do here is the
18 third piece, which is the behavioral piece,
19 teaching drivers in all different types of fleets,
20 from ambulances to school buses to people dropping
21 their kids off at school, that the way they drive
22 has impacts. Idling wastes fuel. It creates
23 greenhouse gases and it creates the emissions that
24 trigger asthma attacks, bronchitis, cancer,
25 emphysema, premature death, heart disease and all

1 the other pollution related health impacts.

2 Ironically, when a vehicle idles, the truck owner
3 or the ambulance owner or the vehicle owner, gains
4 nothing. But we all lose. The owner of the
5 vehicle loses because they're wasting fuel and
6 that costs money. The City loses because in many
7 cases, the City owns that vehicle and it's
8 spending money on fuel it doesn't need to burn.

9 People walking by lose because they're breathing
10 exhaust that's coming out right at tailpipe level
11 and right at their breathing level. And the City
12 loses on a macro level because all of that idling
13 pollution from neighborhood to neighborhood adds
14 up to part of the problem that we haven't been
15 able to figure out how to solve yet, which is our
16 chronic ambient outdoor air pollution levels. So
17 getting to the last two minutes I have, what about
18 these two Intros? We support these Intros. We
19 think that the City is in the right place in terms
20 of wanting to resolve these idling problems that
21 we have. But the reality is we have rules on the
22 books that have minimal enforcement over years,
23 and years. So Intro 40 is important because it
24 will clarify who in the City is responsible for
25

1 enforcing the Idling law, who can write a ticket
2 when and where. It's critical. We have 2,300
3 TEAs, some of whom can write tickets, some of whom
4 can't. We have other people who have authority
5 and even in the short time we've had today, we're
6 not sure exactly who some of those people are. So
7 we encourage you to pass Intro 40 and to certainly
8 clarify who can write a ticket, including all
9 TEAs. A second piece that's come out already this
10 morning is this idea of citizen complaints.

11 Citizen enforcement is at the backbone of a lot of
12 NRDC's litigation history over the years, and we
13 support it. But frankly I read the section, the
14 existing law and even with the slight amendment, I
15 still can't figure out where one goes to be
16 certified as a smoke watcher, and it seems like a
17 system that is guaranteed to assure that not many
18 tickets will be written, no matter how good the
19 intent of the original law is. If 311 is the
20 answer, it's been a great answer for many other
21 programs, then the City and the administration and
22 the Council, everybody, groups like NRDC, we all
23 have to work together to figure out how to
24 publicize that so people can call and make a
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2 complaint in a way that gets acted on. With
3 respect to 631, Councilman Liu is absolutely
4 right. We have to stop idling around school
5 zones. Remember the old signs; don't even think
6 of parking here? Well when it comes to idling
7 around schools, we need a policy of don't even
8 think about idling here. In California they
9 recently adopted laws and regulations that limit
10 the ability of Cities to build schools near busy
11 roads. Why? Because the health studies are
12 clear. There's a connection between traffic
13 pollution and asthma emergencies and other health
14 impacts that kids in our City suffer from. Well
15 in New York City all schools are on busy streets.
16 All schools would fail to meet the requirements of
17 this California law. Now we're not going to close
18 down the schools of course, but we should be able
19 to close down the idling. Can I take 30 seconds
20 on EMS?

21 CHAIRPERSON KOPPELL: Can you just
22 sum up? 30 seconds.

23 RICHARD KASSELL: 30 seconds on
24 EMS. Three letters, APU, auxiliary power units,
25 are being used in trucks in neighborhoods all

1
2 around the country to reduce idling emissions.
3 There is no reasons why cars, ambulances know
4 this, can't be turned on and off. But there's
5 also no reason why we can't look into APUs for our
6 emergency vehicles. It will save the City money
7 in the long run, will keep everybody warm or cold
8 depending on the time of year. And thank you for
9 the opportunity and the extra moments.

10 CHAIRPERSON KOPPELL: Thank you. I
11 think we will explore such a requirement because
12 as I said in talking to the Assistant
13 Commissioner, it really it outrageous to have
14 these ambulances sit there all day, 24 hours a
15 day, running their engines. And this is not just
16 a few. It's hundreds. Next? Before you testify,
17 I just want to introduce Council Member Bill de
18 Blasio, who has joined us.

19 ISABELLE SILVERMAN: Thank you, and
20 thanks to the two other witnesses. Of course I
21 always agree with what Rich Kassell says. So, I'm
22 just going to supplement because most of what he
23 said I was going to say as well. So my name is
24 Isabelle Silverman and I'm an Attorney with
25 Environmental Defense Fund. And thank you for the

1
2 opportunity to testify today. The American Lung
3 Association of New York and EDF jointly submit
4 these comments. We are strongly supportive of
5 efforts to reduce idling in New York City
6 including Intro 40 and Intro 631. And we have a
7 few suggested edits for these bills. First off,
8 we urge the City Council to press NYPD and the DEP
9 for increased enforcement of the idling laws that
10 are already on the books. I'm a little
11 disappointed, actually, that NYPD is not here to
12 testify today to let us know how many tickets
13 they're issuing and who is issuing the tickets and
14 how they are intending on enforcing the law that
15 the City Council passed, and the City Council even
16 in 2004 increased the penalties with Local Law 25.
17 So the City Council clearly has the intent to
18 reduce idling, but then they're not being held by
19 NYPD with enforcing the law. And of course DEP, I
20 understand, has limited resources and goes out
21 every now and then and does their job and issue
22 tickets, but it's really NYPD who is in the
23 streets every day and observes idling behavior.
24 And this brings me to my main point for NYPD, is
25 the traffic agents the TEAs that are already

1 walking up and down the streets looking for
2 parking violations, so they are ideally suited to
3 give idling tickets. And I have spoken to
4 countless traffic agents and asked them, do you
5 have the authority to give an idling ticket and
6 they sometimes don't even know that idling is
7 illegal. They consistently told me that they do
8 not have the authority to give idling tickets, and
9 we all know that they have these handheld
10 computers where they scan the barcode at the
11 windshield. This handheld computer doesn't even
12 have an option for them to give a ticket. So
13 that's why they are not giving tickets. And it
14 seems so easy. Give them the authority, please,
15 and let them give tickets. And I know there are
16 some concerns. For example, one of them is that
17 it's more confrontational to give an idling ticket
18 than a parking violation, because typically the
19 driver is in the seat. But you could pair up
20 traffic agents to resolve that. I know traffic
21 agents are not armed, and you probably also don't
22 want to shoot at somebody idling in their vehicle,
23 but that would help. And that would also of
24 course raise tremendous revenue for the City. We
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1
2 at Environmental Defense Fund we actually have
3 done in-field idling observations where we have
4 had consultants go in the streets of New York City
5 and observe idling vehicles. I have it in my
6 written testimony. We have observed over 800
7 incidences of idling over just 100 hours of
8 observations. And it's a real problem. And you
9 don't have to go far. Every block, probably, you
10 can find two to three idling vehicles. So traffic
11 agents that would give idling tickets could raise
12 a lot of revenue for the City. Our calculation
13 shows \$2 million per agent per year in ticket
14 revenues, because idling is so prevalent in New
15 York City. I mean it's shocking. And here we're
16 talking about cutting our budget. And this would
17 be such an easy solution. And some of our report
18 that is coming out in the spring has some
19 estimates of pollution coming from idling. And
20 one interesting point is that we've all heard
21 about the hybrid taxis and how hybrid taxis could
22 save drivers about \$60 million in fuel savings per
23 year, now our estimate shows, and this is based on
24 observations and our model, that \$53 million are
25 wasted by New York City idlers every year in

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2 wasted fuel. So it is very significant and it
3 should be taken very seriously. And it is a
4 problem that we can, as Rich Kassell pointed out,
5 easily solve. Just turn off your engine. So for
6 example, just to give you something, 40,000 cars
7 could drive from Midtown to JFK airport with the
8 gasoline wasted daily by New York City Idlers. To
9 absorb the annual carbon solution spewed out by
10 New York City curbside idlers, we would need to
11 plant trees on an area the size of Manhattan.
12 Every year unnecessary idling in New York City
13 causes as much diesel pollution as 2 million
14 trucks driving from Grand Central Station to JFK
15 airport. So we are urging the City Council to
16 work with the administration to pass these two
17 laws and also put in the law that traffic agents
18 in particular should be given the authority by
19 NYPD to enforce these laws and that maybe even a
20 certain number of traffic agents are designated to
21 solely give idling tickets. And I think then this
22 would be a step forward in the right direction.
23 Thank you very much.

24 CHAIRPERSON KOPPELL: Thank you.

25 You might be interested that the Mayor has

1
2 proposed adding 200 traffic enforcement agents to
3 enforce the don't block the box law.

4 ISABELLE SILVERMAN: Yeah, I know.

5 CHAIRPERSON KOPPELL: And exactly
6 the same analysis in a sense that you did, that
7 that would produce additional revenue as well as
8 stop people from obstructing traffic with also
9 some pollution consequences. But I think your
10 idea is a better one than the Mayor's actually, to
11 give these traffic enforcement tickets authority
12 over idling; not so sure about the don't block the
13 box legislation. But in any event, it's actually
14 a similar idea. So thank you. But, Council
15 Member Liu had some specific questions.

16 COUNCIL MEMBER LIU: Yeah. Thank
17 you very much, Mr. Chairman. I appreciate your
18 comments about the additional agents. I'm not all
19 that crazy about putting 200 more traffic ticket
20 issuing agents out there on the streets, but-- and
21 certainly the intent of my bill, Intro 631,
22 limiting idling to one-minute is not intending for
23 more tickets to be issued. I think the intent, if
24 this is done properly, will actually result in
25 fewer violations, both of the one-minute and the

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2 three-minute rule. Mr. Kassell, I wanted to just
3 pick your brain for a little bit. You mentioned
4 that the vehicles are the major source of the
5 pollutants in the air, whereas it's my impression
6 that it's really the buildings that were
7 contributing a great deal more to the greenhouse
8 effect than the vehicles were. Is there some
9 misinterpretation on my part about what I've read
10 and heard?

11 RICHARD KASSELL: There are many
12 different pollutants and many different problems,
13 unfortunately, that we all talk about. In
14 thinking about our local pollution problems that
15 are contributing to the health issues that we're
16 concerned about, principally that's ozone and
17 particulate matter. Particulate matter in New
18 York City is principally coming at street level
19 from vehicles and the subset that matters, the
20 diesel vehicles. Studies have shown that more
21 than half of the particulates at sidewalk level in
22 Midtown, on Canal Street, other places and other
23 cities have shown consistent data, are coming from
24 diesel vehicles, a smaller number of vehicles.

25 COUNCIL MEMBER LIU: Okay. So

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2 that's what I think is my second question. So in
3 other words, the air that most of us are breathing
4 when we're on the street and in low level
5 buildings which schools generally are, that kind
6 of pollution is mostly coming from vehicles.

7 RICHARD KASSELL: That's correct.

8 COUNCIL MEMBER LIU: I see.

9 Whereas, you know, the kind of pollutions that
10 cause smog, which is not necessarily the stuff
11 that we're breathing all the time, that's coming
12 from the building--

13 RICHARD KASSELL: [Interposing]

14 That's not quite correct.

15 COUNCIL MEMBER LIU: --or not even,
16 well let's just stick with the first point. Most
17 of the--

18 RICHARD KASSELL: [Interposing]

19 Smog and soot both, ozone and particulate matter,
20 more technically, are both principally caused by
21 vehicles in New York. Global warming is a much
22 more complex mix, and of that, transportation is
23 probably about a third. But when we talk about
24 schools and the kids, you know, your son, my
25 daughter, that's ozone, which is sort of chronic

1
2 pollution, and soot levels that are going up and
3 down on a daily basis. And the soot is the stuff
4 that's really triggering the asthma attacks.

5 COUNCIL MEMBER LIU: Okay. Yes.

6 ISABELLE SILVERMAN: Maybe you're
7 also referring to the number, that 79% of
8 greenhouse gases come from building and the rest
9 from vehicles. But of course the greenhouse gases
10 that come from the buildings' use of electricity,
11 heating and cooling, is produced in power plants;
12 whereas the vehicle emissions are right there
13 where we walk and breathe and play. And it's the
14 exposure issue.

15 COUNCIL MEMBER LIU: Okay. And so,
16 the sense I'm getting is the pollutants coming
17 from vehicles stay very localized. So if there
18 was a great deal of idling on one block versus the
19 next block, the people on that first block, where
20 the idling takes place mostly are going to be
21 much, much more harmed than the people on the
22 other block where there may be a lot less idling.
23 So, it would make sense to curtail the idling on
24 the streets adjacent to schools.

25 RICHARD KASSELL: Yeah, I think

1
2 that's right. You know, I'm a big believer in
3 targeting the policy to the problem you're trying
4 to solve. And the problem we're trying to solve
5 here is this pediatric asthma emergency, right?
6 And you've had many bills and Intros over the
7 years towards that. And if that's the problem
8 we're trying to solve, then reducing emissions in
9 that zone right around the school is an important
10 contributor to solving that problem. Obviously
11 asthma is much more complicated than just
12 emissions. If we're trying to solve global
13 warming, I'd give you a different solution. But
14 for this problem, I think it's the right solution.

15 COUNCIL MEMBER LIU: Okay. And
16 then finally, you mentioned something about the
17 APUs. What was that? Automatic Power?

18 RICHARD KASSELL: Auxiliary Power
19 Unit.

20 COUNCIL MEMBER LIU: Auxiliary
21 Power Units. Is there any kind of rough price tag
22 on those?

23 RICHARD KASSELL: Not off the top
24 of my head. I'm pretty familiar with the APU
25 usage in the--

2 COUNCIL MEMBER LIU: [Interposing]
3 would they be in the thousands or the hundreds of
4 dollars per unit.

5 [Off Mic]

6 COUNCIL MEMBER LIU: Thousands?

7 RICHARD KASSELL: EDF says
8 hundreds.

9 COUNCIL MEMBER LIU: Hundreds.

10 ISABELLE SILVERMAN: You know what,
11 actually let me just quickly-- I have it in our
12 report.

13 COUNCIL MEMBER LIU: I mean I guess
14 we can roughly guesstimate that the City has 5,000
15 vehicles. So even if it was \$1,000 per unit, I
16 mean that's \$5 million, which for an environmental
17 initiative is, I think peanuts. Hopefully it's
18 not \$10,000.

19 RICHARD KASSELL: I agree with you,
20 although I don't know what the numbers are. I'd
21 be happy to provide you and the Committee with
22 detailed information on the cost of these units
23 and I--

24 CHAIRPERSON KOPPELL: I think we
25 can get that, get that information to Chairman

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25

Gennaro and the committee would be--

ISABELLE SILVERMAN: [Interposing]

And just checking quickly we write in here, in our report that is coming out this spring: Such devices, APU can consume less than 1/8th the amount of fuel of an idling truck engine. And let's see.

CHAIRPERSON KOPPELL: You can get back to us. You can get back to us.

ISABELLE SILVERMAN: I can get back to you on that one. But I don't have--

CHAIRPERSON KOPPELL: That's all right. Get back to us.

ISABELLE SILVERMAN: Oh yeah. The estimated payback period, yeah, here it says four years.

COUNCIL MEMBER LIU: That's okay. But what you said about resulting in 1/8th less--

ISABELLE SILVERMAN: [Interposing]
Less fuel.

COUNCIL MEMBER LIU: 1/8th the amount of pollution than running a vehicle engine. I think that's a key point.

ISABELLE SILVERMAN: And can I just

1
2 add one thing? Could you maybe also put signage
3 around schools that say one-minute idling?

4 COUNCIL MEMBER LIU: Yes. In fact-

5 -

6 ISABELLE SILVERMAN: [Interposing]

7 Put that in the bill that the DOT must put signage
8 around schools within 500 feet of the school,
9 whatever number you pick.

10 COUNCIL MEMBER LIU: We have just
11 put in a request to draft that bill. I don't
12 think that bill is going to take more than five
13 lines of text. But that's a suggestion that
14 probably has come up before. It came up just last
15 Friday when I was out there with Asthma Free
16 School Zones and a couple of other organizations
17 including a research group at Columbia
18 Presbyterian at one of the nearby schools where
19 there is an anti-idling effort being undertaken,
20 but there is little to no signage. So the signage
21 issue is definitely-- it would be very helpful.

22 CHAIRPERSON KOPPELL: Thank you
23 very much.

24 COUNCIL MEMBER LIU: Thank you, Mr.
25 Chairman.

2 CHAIRPERSON KOPPELL: Thank you for
3 your testimony and your support of these bills.
4 We now have another panel, Rebecca Kalin, Asthma
5 Free School Zone; Dawn Philip, New York Lawyers
6 for the Public Interest; and George Pakenham,
7 representing himself as well as the Environmental
8 Defense Fund. Why don't we start with Ms. Kalin?

9 REBECCA KALIN: Thank you for this
10 opportunity to speak. Can you hear me?

11 CHAIRPERSON KOPPELL: No. I think
12 you have to push the button.

13 REBECCA KALIN: Is that it?

14 CHAIRPERSON KOPPELL: Yes.

15 REBECCA KALIN: Okay. Thank you
16 for this opportunity to speak. I'm sorry I don't
17 have copies. I wasn't sure I was going to speak.
18 My name is Rebecca Kalin and I am Director of the
19 Asthma Free School Zone and we are pleased to be
20 here. For eight years, the Asthma Free School
21 Zone has worked to keep New York City kids in
22 school by improving the air quality at school. We
23 have trained nearly 10,000 teachers and parents
24 about the link between health and environment and
25 the productivity costs of environmental pollution.

1
2 In partnership with the New York City DOT and
3 Hunter College we've done extensive air quality
4 testing at schools in three boroughs. We were the
5 instigators of the 2004, 2005 attorney general
6 agreement that limited idling of school buses to
7 one minute. And we were the instigator of the
8 2007 New York State law that gave zero tolerance
9 to New York City school buses idling near school
10 zone. You might say idling is our business. We
11 have also trained school crossing guards and
12 school safety agents who are directly linked to
13 police departments. And I almost think we haven't
14 met a school crossing guard or safety agent who
15 even knew there was an idling law. And they are
16 housed, who worked out of precincts. Why should
17 we care about the air at school zones? Why should
18 we care about it more than we care about the air
19 on your block or my block or the block near the
20 park or the block near the market? We should care
21 about it because school zones are top heavy with
22 children. The population of a block that has a
23 school is as much 75% children Monday to Friday
24 during the school day, where as on Saturday and
25 Sunday, that percentage will drop to 25%. So it's

1
2 very high. And I'd like to go back to Avaltroni's
3 testimony for a moment and to address the issue of
4 adjacent. We have a close relationship with 100
5 or more schools in New York City and adjacent is
6 not a word that can be tightly defined. It really
7 needs to be defined by the principal and by the
8 schools. Some schools are small and they're mid-
9 block. Some schools take up an entire block.
10 Some schools have all their egress, their entry
11 and their exit doors on one end and their
12 playground on the other end. It really is a
13 definition that needs to be determined by the
14 school. And I have to say, I do think that the
15 DOT bike lanes have been very successful where
16 they've been painted. We give schools signs that
17 say no idling, no smoking, these are City laws.
18 But also I do think that the paint on the ground
19 is very good. Here we go, why do we care about
20 children? We know they have immature immune
21 systems, they have behaviors and they have intake
22 of food, air and water that's much greater than
23 adults. Their vulnerability to pollution is much
24 greater than adults. Regarding localized
25 pollution, as Rich Kassell was talking about, many

1
2 of the research that we see about air pollution is
3 research that's not done in a urban canyon. Our
4 children do not attend school where the air is
5 refreshed by winds blowing across an athletic
6 field. That is not the case. Whatever comes out
7 of the tailpipe tends to go in the window of the
8 classroom. So they are really breathing what's
9 out there. Who engine idles? We've done
10 extensive-- we've done years of idling
11 observation. Everybody idles. John Liu is
12 correct. Parents idle until they know the reasons
13 that idling is injurious to health, air and the
14 pocketbook, and then they stop. School buses,
15 under attorney general agreement of 2004-05, have
16 pretty much stopped. They're doing pretty well.
17 Large trucks tend to be dealt with by large
18 companies. When an empowered 311 empowered public
19 phones in a complaint they are starting to make
20 policies. The vans are a problem. Idling ice
21 cream trucks; they're a warm weather 12 hours a
22 day problem; ambulances are a 24 hour, 12 month,
23 year-round problem. I want to talk about
24 ambulances for a minute. I want to also go back
25 for a second and just say in terms of the parents,

1
2 that when they get their trainings and when they
3 learn why idling is a bad idea, they stop idling.
4 And that's why education is the most powerful
5 anti-idling tool you can put in the public's
6 hands. And that's why a question about idling on
7 the driver's test puts the-- it cuts off the
8 problem. It's looking upstream and it stops it
9 before it begins. It will not involve enforcement
10 if people aren't breaking the law, because they
11 know the law is there. I'm going to talk a second
12 about New York City ambulances. Unlike delivery
13 trucks that deliver milk and run their engines for
14 ten minutes, ambulances run all the time. If an
15 ambulance parks for an hour, it idles for an hour.
16 If it parks for three hours, it idles for three
17 hours. All New York City ambulances have diesel
18 engines. And the diesel engines are designed to
19 operate at peak efficiency when they're running
20 wide open. When the ambulance, according to
21 Detroit Diesel, which is a major manufacturer of
22 diesel engines, they advise turning off a diesel
23 engine after five minutes, and here's why: Because
24 they have no spark plugs, diesel engines require
25 compressed air to raise the cylinder temperature

1
2 enough to ignite the fuel. When a diesel engine
3 is at low idle, it has incomplete combustion, and
4 that is the creation of carbon. Carbon goes on
5 the dome of the piston, the valve, all parts of
6 the engine, the crankcase, and it is emitted into
7 the air. Carbon build up is not only a major
8 cause of engine wear, and take a look at some of
9 these ambulances, they really look worn out, I'm
10 telling you; and they make noise when they sit
11 there; but it's also a major cause of carbon soot
12 in the lungs. You can liken the exhaust from a
13 vehicle like this to the secondhand smoke. The
14 secondhand smoker has a worse situation going on
15 than the smoker if the smoker is using a filtered
16 cigarette. The person who stands outside this
17 idling ambulance has a worse situation than the
18 driver that sits in the ambulance. Ultra fine
19 diesel particles, they lodge deep in the lungs and
20 the body is not able to do its natural sort of
21 cleaning. The lungs lose their elasticity, they
22 don't expand and contract. We have reduced lung
23 function forever. You can't undo that. That's
24 tissue remodeling. Every day of exposure to
25 diesel particles results in accumulation of

1 particles that restrict breathing. Is this what
2 our children need? It's not what our children
3 need. Let's talk about state idling laws that
4 address emergency vehicles. Almost every state
5 has an idling law that exempts emergency vehicles.
6 And almost every state says emergency vehicles in
7 emergency situations, emergency vehicles
8 performing operational duties, emergency vehicles
9 responding to an emergency. Delaware goes so far
10 as to include a definition of emergency, to say a
11 sudden, urgent, usually unforeseen circumstance.
12 I have about 20 more seconds here. In bold type,
13 the New York State Department of Health EMS policy
14 0501 says, and it addresses New York State and New
15 York City ambulances, and it says that they are
16 not exempt from the idling law. Intro 361 will
17 not undo the exemption for emergency vehicles in
18 emergency situations. Recognizing that New York
19 City ambulances have no base station and are
20 strategically pre-positioned within a grid, the
21 same New York State Policy, 0501, mandates that
22 EMS agencies must be flexible in repositioning
23 vehicles to limit environmental impact on
24 communities. 361 will not prohibit ambulances
25

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2 from idling anywhere at any time; it will prohibit
3 ambulances from positioning themselves next to
4 schools while waiting to be dispatched. Being
5 positioned away from schools will not impair the
6 ability of the ambulance to respond to an
7 emergency, but it will protect children. I want
8 to address one more thing, which is really almost
9 a question for Deputy Commissioner Avaltroni,
10 who's not here, and that is that most legislation
11 that says that idling is allowed below 40 degrees
12 is referring to the interior temperature of the
13 vehicle, not the exterior temperature. And he
14 said ambient. I believe it's inside air. And we
15 should just check that. I know that's true with
16 the school buses too.

17 CHAIRPERSON KOPPELL: I'm going to
18 have to ask to conclude.

19 REBECCA KALIN: Thank you. We urge
20 you to pass 631. Thank you very much.

21 CHAIRPERSON KOPPELL: Thank you.

22 DAWN PHILIP: Good afternoon.

23 Thank you for the opportunity to provide testimony
24 today. My name is Dawn Philip and I'm a Staff
25 Attorney at NYLPI, New York Lawyers for the Public

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2 Interest. It's a civil rights law firm in the
3 City formed to address legal unmet needs of New
4 Yorkers. In 1991 NYLPI formed its Environmental
5 Justice and Community Development Project, to
6 represent communities facing disproportionate
7 environmental burdens. NYLPI supports enhancing
8 the City's ability to enforce idling violation,
9 because idling is a major issue for the
10 communities with which we work. In low-income
11 communities of color where many truck intensive
12 industrial and manufacturing facilities are
13 located, emissions from idling trucks exacerbate
14 already poor air quality. Diesel admissions also
15 adversely effect the health of the residents of
16 these communities, who are already more likely to
17 suffer from respiratory problems and other
18 illnesses. A lot of what I'm going to say has
19 already been said, so I'm going to try to be
20 brief. The health effects of poor air quality are
21 most acutely felt by children, especially those
22 suffering from asthma and other respiratory
23 problems. Studies have shown a wide range of
24 health effects from vehicle pollutants. One
25 study, for example, found that one out of every

1
2 four children in Central Harlem has asthma, a rate
3 that is far greater than experts had previously
4 expected and one that is one of the highest rates
5 in the country. Other studies have found
6 relationships between traffic related exposures
7 and cancer and adverse reproductive outcomes such
8 as low birth weight and premature birth.

9 Community efforts to get anti-idling laws enforced
10 in these communities have had limited success.

11 Enforcement resources are limited. Moreover calls
12 to 311 are ineffective because idling trucks are
13 usually gone by the time the City responds. Given
14 these challenges, we support expanded enforcement
15 of New York City idling laws and stricter no
16 idling requirements in areas close to sensitive
17 populations, such as schools. To the extent
18 feasible, we also support as noted earlier efforts
19 to expand enforcement capability with in police
20 departments to include parking and traffic
21 enforcement officers, who we understand do not
22 currently have such authority. To the extent that
23 enforcement resources remain sufficient to address
24 this issue comprehensively, NYLPI recommends
25 focusing enforcement efforts on hotspots,

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2 something that's also been noted earlier, such as
3 areas with truck intensive land uses and high
4 volume truck routes, and areas with poor air
5 quality issues with high incidences of health
6 conditions known to be created or compounded by
7 diesel emissions. Finally, we support increased
8 reporting around efforts to address anti-idling
9 laws. To ensure that such reporting can enhance
10 the effectiveness of anti-idling measures, we
11 recommend that a participatory mechanism such as
12 an advisory panel be created, through which
13 community and enforcement can work together to
14 identify and help address problems related to
15 idling in New York City. Addressing engine idling
16 through expanded enforcement and increased
17 reporting of idling violations will help alleviate
18 its harmful health effects, especially in
19 communities suffering from inequitable
20 environmental burdens. Thank you.

21 CHAIRPERSON KOPPELL: Thank you
22 very much. George, is it Pakenham?

23 GEORGE PAKENHAM: It's George
24 Pakenham.

25 CHAIRPERSON KOPPELL: Pakenham.

1
2 GEORGE PAKENHAM: Thank you. Thank
3 you very much for the opportunity to testify
4 before your Committee. My involvement in the
5 anti-idling movement is I believe unique, and I
6 trust it will give you some insight into the
7 problem and will come to reinforce your decisions
8 to modify and strengthen the current laws. I'm a
9 graduate of the University of Arizona. I did
10 graduate work at NYU. I'm a 28-year resident of
11 Manhattan and currently work for a major European
12 Bank in their Latin American Lending Division.
13 I've been with this bank for seven years. But my
14 role as an activist in the environmental movement
15 is quite focused on idling, focused and personal.
16 It began more than four years ago when I we went
17 to war for a second time in the Middle East over
18 oil. And it became ever more aggravating for me
19 to watch fellow New Yorkers mindlessly at the
20 wheel idling their engines and wasting gas, or as
21 I saw it, oil. Besides, I felt it was disgraceful
22 on many fronts. It created bad air and health
23 issues and wasted money. One evening I became
24 particularly fed up with a stretch limo parked in
25 front of my apartment house. It was idling as his

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2 customers were inside a nearby restaurant. It was
3 spring at night, around 50 degrees outside. I
4 knocked on the window. The limo driver and I had
5 a ten-minute discussion and ultimately I convinced
6 him to shut his engine off. This first success
7 gave me courage and for the next six months I
8 would follow the same procedure on my way to and
9 from work on the weekends, and I found myself
10 becoming more and more successful. One evening I
11 asked someone who appeared to be a limo driver to
12 shut off his engine, and it was an undercover
13 policeman. I backed off. But the policeman said
14 to me, did you know that there's a law against
15 this and there are fines too, but I'm not sure how
16 much the fines are. But this was a catalyst
17 moment for me. I had been actually enforcing a
18 law as a vigilante, so to speak, not even knowing
19 it. And I did extensive research then and worked
20 with the state EPA to learn more about the laws
21 and the fines. Once I had a clear handle on the
22 laws and fines, I had cards printed up, as you can
23 see in the presentations that were handed out to
24 you, it's this card, which has the law on one side
25 and the fines on the other. This described the

1
2 law, as I said the law is on one side, the penalty
3 is on the other. This gave me a heck of a lot
4 more confidence with this tool in hand. But I
5 wanted to keep tabs on how successful
6 statistically I was. And so I created an Excel
7 spreadsheet as per my activity, which you also
8 have copies of. In my first year of record
9 keeping I had 823 encounters, 11% were females,
10 88% male. I was unsuccessful 23% of the time and
11 successful 78% of the time. And by success I mean
12 I would watch a violator shut his engine off.
13 Other interesting stats would be that 55% of my
14 populous is white; 25% knew the law but idled
15 anyway, and 53% were between the ages of 35 and
16 50, and 12% were limos. And the statistics were
17 basically the same in year two, but I had less
18 encounters. I only had 615 encounters. I was out
19 of the country a lot, quite frankly. I was less
20 productive, but more successful, at least with
21 limos, because I was 70% successful with limos the
22 first year and 90% the second year. I have
23 written a letter to Mr. Daus, who is the
24 Commissioner of the Taxi and Limousine Commission,
25 explaining the seriousness of the problem. I hope

1
2 to meet with him soon. You should have a copy of
3 that letter in your dossier there. I must add
4 that in the corporate world, ConEd is by far the
5 biggest offender. I'm in touch with the Director
6 of Environment, Health and Safety at ConEd and had
7 discussed this issue with him. On many levels
8 you'll see bits of correspondence there in the
9 dossier. As a matter of practical experience
10 here, when I'm in my encounter mode, I always
11 start my conversation off by saying, excuse me for
12 bothering you, but are you aware that it's against
13 the law to idle in New York City for more than
14 three minutes? And no matter what happens in
15 between, I always end the encounter with a mild
16 command. I say, well, then it would be great if
17 you could shut off your engine. We'd have a
18 better environment, you'd save money and you'd be
19 a good citizen, obeying the law. So in my two
20 years, I have 1,430 encounters. That's roughly 24
21 a month. I'm on track, the same track in year
22 three of record keeping. The key here is that 77%
23 will shut off their engines with only me asking
24 them to do that. Imagine how agreeable New York
25 City citizens would be if more knew about the law

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2 when roughly only 25% know about it, and how much
3 quicker they would know about it if police
4 enforced it and fines were imposed. The word
5 would spread very quickly. And a huge sum of
6 money could have been raised by my efforts if I
7 had been a police officer issuing tickets. I
8 could have raised \$316,360. I'll repeat that
9 figure, \$316,360 for the City of New York. And
10 that's just me walking to and from work--

11 CHAIRPERSON KOPPELL: [Interposing]

12 You'd better be careful. The Mayor may recruit
13 you.

14 [Laughter]

15 GEORGE PAKENHAM: Sign me in. So
16 that just gives you an indication. And that's
17 using a \$220 sum for the fine. And I have often
18 come upon three time losers. I have a bout a
19 minute to go, sorry. You should know that I'm
20 making a documentary film on this. You should
21 know that's being whittled down to three minutes.
22 Hopefully it will go on YouTube. I'm working with
23 Isabelle on that. Folks within Chief Scagnelli's
24 office, on the traffic side, have seen an 11-
25 minute demo I have done on this and they endorse

1
2 the work. But it's gotten me nowhere. It hasn't
3 urged them to move forward. I was very fortunate,
4 about 14 months ago, to have fallen into the
5 offices of the Environmental Defense Fund. And we
6 discussed my ideas and my research and my
7 statistics, and they encouraged me a great deal on
8 a very micro-level to press ahead. And we're
9 getting close, as we can see by this meeting
10 today. We're reaching the point where we're going
11 to be enforcing this law.

12 CHAIRPERSON KOPPELL: Well, I want
13 to thank you. I've limited everybody else, so I
14 really can't let you continue. But I do
15 appreciate and we appreciate your efforts, which
16 are quite remarkable actually as a citizen, a
17 volunteer enforcer. And I think your efforts
18 indicate how poor the City has been in enforcing
19 this law. Because you're doing probably more than
20 the whole traffic enforcement department together-
21 -

22 GEORGE PAKENHAM: [Interposing]
23 Perhaps so.

24 CHAIRPERSON KOPPELL: In your
25 efforts. And it's a shame. But we will certainly

1
2 follow up. And once you get the film edited,
3 maybe you can provide it to the Committee so we
4 could have it and maybe encourage its distribution
5 even.

6 GEORGE PAKENHAM: I could do that.

7 CHAIRPERSON KOPPELL: It could be
8 shown, you know, on public TV and perhaps as a
9 public service on regular TV as well. Or maybe we
10 could convince the Police Department or a DEP to
11 do a one-minute commercial, which could be shown.
12 Because the City does advertise quite a lot, and
13 this would be something the City could advertise.

14 GEORGE PAKENHAM: I mentioned to
15 John Liu that in the City of Hong Kong even right
16 now there's a 30-second commercial going on
17 alerting the populous about the situation of
18 idling and I'd like to share that with Mr. Liu
19 coming up after this presentation.

20 CHAIRPERSON KOPPELL: Fine.

21 GEORGE PAKENHAM: Because it's
22 already moving ahead on that front. And I'm
23 working with the Environmental Defense Fund on
24 that concept as well.

25 CHAIRPERSON KOPPELL: That's

1
2 terrific. I want to thank you on behalf of the
3 people of New York for doing what you've done.
4 Thank you.

5 GEORGE PAKENHAM: Thank you. One
6 last comment, I just sat there in disbelief
7 hearing the Environmental Protection Agency not
8 want to endorse the bill with the EMS.

9 CHAIRPERSON KOPPELL: Wait one
10 second. Mr. Liu wants to say something.

11 COUNCIL MEMBER LIU: Well I want to
12 thank this panel for all your input and I really
13 do especially want to acknowledge Rebecca Kalin
14 and the Asthma Free School Zones for advocating
15 this issue and for helping draft Intro 631. Thank
16 you.

17 CHAIRPERSON KOPPELL: Thank you.
18 The next panel of people representing, as I
19 understand it, the Chelsea Community or Hell's
20 Kitchen Community, I guess. So we have Christine
21 Berthet, Martin Treat and Kathleen Treat.

22 [Off Mic]

23 CHRISTINE BERTHET: Still
24 breathing.

25 CHAIRPERSON KOPPELL: Thank you.

Please proceed.

CHRISTINE BERTHET: Dear Chair Liu and Council Members. My name is Christine Berthet, I'm the Co-Founder of Chekped, a coalition of an advance pedestrian safety in the west of Manhattan. Chekped is an active member of the Mayor's Campaign for New York Future. I'm also the co-chair of Transportation Committee for Manhattan Community Board 4, but I will not speak to day in that capacity. Our district, 57th Street to 14th Street, 8th Avenue to the River, experiences the third highest rate of asthma, children with asthma hospitalization in Manhattan. We have the bus terminal, UPS, FedEx, USPS trucks, commuter vans, charter buses; which all contribute vastly to this issue. And we applaud the proposed strengthening of the enforcement of the law. We have the following suggestion. First, I didn't have-- it's in my testimony, but based on what I've heard, you know, to make enforcement easy we have to make the rules very simple. And if you were making one minute limit for everything, and I know it's important for the children, but why not for just everything? One minute would be a

1
2 simpler way. Because three minute and one minute
3 and proximity and all this is very complicated for
4 the enforcement of everything. So my
5 recommendation would go to one-minute for
6 everything. The reports you are suggesting for
7 Intro 631 should be provided not only for the
8 precinct, but more importantly by the traffic
9 division. Everybody has talked about Mr.
10 Scagnelli and the TEAs, and if only you know, the
11 police who is happy to give summons; there seems
12 to be kind of a reluctance to give summonses about
13 anything and everything. And it's time that we
14 tell the police that their job is to give
15 summonses and to enforce. So the people which are
16 out there, mostly the TA and the other one that
17 should be reporting the most, not jus the
18 precinct. The precinct are practically do not
19 have anybody that is walking the beat. All
20 officers should be trained, and I second everybody
21 said earlier, especially Environmental Defense,
22 especially about the TAs should be, everyone
23 should be entitled to give a ticket on that. It's
24 very simple. Considering the emergency cost of a
25 single asthma attack, which I think is rated as

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2 \$9,000 the fine amount should be increased
3 substantially so that the companies, the
4 corporations which have those trucks really feel
5 the pressure. And finally I saw an exception
6 about commuter vans to be exempted, the divers of
7 commuter vans to be exempted from the driver's
8 examination. And I don't understand that. In our
9 neighborhood we are totally overcome with commuter
10 vans, which really, really drive very old
11 vehicles, which are used by modest people, which
12 really inhale that exhaust in an extensive way.
13 And I think we should have those people passing
14 the test as well. On Intro 40, the section of
15 citizen complaint, I second what I heard before.
16 It seems very complicated. I am a bit of a
17 vigilante myself. On my way here I knocked on the
18 door of two people. And I do that all the time.
19 I say please, I've asked them, could you turn off.
20 People are very nice. So I had two on my block.
21 It's very easy. It happens all the time. But you
22 know, I wouldn't know how to go about calling.
23 And if I called 311, I mean the normal process is
24 311 and 911. If I call 311, by the time they come
25 the people have gone. So it doesn't work. So my

1
2 recommendation is use 911. These people are
3 literally choking us. If there was a person
4 taking you and choking you, you would be calling
5 911. What we have is a vehicle choking you. We
6 should call 911. They should be relaying someone,
7 sending you an emergency vehicle to give a ticket,
8 as far as I'm concerned. And finally though, I
9 think we should have a sign on every parking pole
10 which says don't even think about idling. This is
11 the amount. And more importantly though, in our
12 neighborhood, we have massive amount of tourist
13 buses. And you have heard about that earlier.
14 Probably 500 a day. And unless we create parking
15 for these buses, our economy, our tourist base
16 economy, we are not providing solutions. These
17 buses have to park in the street. And they have
18 nowhere to go. So we really need bus parking
19 there.

20 CHAIRPERSON KOPPELL: Thank you
21 very much.

22 MARTIN TREAT: Yeah. I'm Martin
23 Treat. I'm speaking as an individual citizen and
24 as a resident of Hell's Kitchen/Clinton
25 Neighborhood, although I am on every possible

1
2 conceivable Committee and organization to try and
3 control these vehicular emissions and to mitigate
4 the traffic in my neighborhood, for I live I the
5 center of Hell in my neighborhood of
6 Clinton/Hell's Kitchen, adjacent to the Port
7 Authority Bus Terminal and the Lincoln Tunnel.
8 Bus idling is a way of life for us. Every kind of
9 bus, from private charter to medium and small
10 shuttle buses to aging airport shuttles, and I
11 mean aging airport shuttles, is constantly idling
12 near my residence. By contrast, MTA and the New
13 Jersey Port Authority buses do not idle, but keep
14 moving, except in heavy traffic of course. In
15 addition MTA buses are entirely equipped with
16 clean engine technology, and there is a planned
17 Port Authority bus garage in the future-- kind of
18 far in the future, it looks like about five years
19 or more. But we do look forward to it. If you've
20 ever seen those New Jersey buses lining up on 10th
21 Avenue ready to get in, you know what I'm talking
22 about. That's idling in the line of congested
23 traffic. My neighborhood should be targeted. I
24 see some members of the DEP are here and have
25 waited this out. We did get a card from them

1
2 thanks to Christine. And it's a neighborhood that
3 should have always been targeted by DEP and it's
4 only recently that we have gotten some attention
5 for this terrible problem. But it's the huge
6 private charters and old airport shuttles and the
7 growing number of small shuttle buses of all sizes
8 that makes my community's air quality one of the
9 poorest in the City. As Christine said, Community
10 Board 4 is third highest in Manhattan's 12 boards
11 in reported respiratory illnesses and our school
12 aged children are ravaged by asthma. More
13 personally, my son has had asthma all his life.
14 We both look forward to our grandson acquiring the
15 disease. He's three years old. I fully support
16 the new changes proposed in the effectiveness of
17 New York City's idling law, your Intro 40, and
18 they will lead to increased enforcement in all
19 street bus idling, allow citizens more ways report
20 idling in their communities. I have a number on
21 my cell phone, a 212 number that I call
22 frequently. I get a nice person on the other end
23 and they say they will be there in a few minutes.
24 I have no idea who it is, but because I complain
25 so much, somebody gave me the number. It seems to

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2 work. And standing by, I do see enforcement
3 showing up. We should empower our citizens,
4 especially our community leaders, with these
5 special numbers. We should allow citizens to take
6 more advantage of their duties as good citizens,
7 especially in this area. I mean, we're not
8 reporting robberies, but it's just as serious.
9 Encourage Port Authority to garage more buses of
10 the private sector, not just to be isolated for
11 their own buses. They have a planned garage
12 coming up. They seem not to pay much attention to
13 us when we say, well why not just leave room for
14 the charter buses? You're the Port Authority.
15 You service all of us, why not service this
16 problem as well? Right now they could be taking
17 in more shuttle buses. Those little damn things
18 in the road on 42nd Street, on 43rd Street, on
19 39th Street, all around our neighborhoods these
20 little things could be garaged inside the Port
21 Authority. They have plenty of room in there. WE
22 can't get an answer why this can't happen right
23 away. I want to thank you for receiving our
24 testimony today, and we look forward to any
25 measures that will improve this life-threatening

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2 situation. And I must say, waiting all this time
3 to speak, it was very well worth it. I am so
4 encouraged on my pessimism and positive gauge to
5 come away from here with a more positive attitude
6 than I did when I first came in. So I want to
7 thank all of you very much for this testimony.

8 CHAIRPERSON KOPPELL: Well you
9 should know that you have a very persistent
10 advocate in Council Member Liu. I'm sure that
11 we'll move a head on this.

12 CHRISTINE BERTHET: We like that.

13 [Laughter]

14 CHAIRPERSON KOPPELL: Kathleen
15 Treat.

16 KATHLEEN TREAT: Hi. I'm Chair of
17 the Hell's Kitchen Neighborhood Association, and I
18 was going to talk about the need in our
19 neighborhood in a bus garage, but I don't think
20 that's necessary now. We are specific in our
21 issue with tourist buses, but please do what you
22 can to help us get that garage. I would like to
23 say also that I'm appalled, absolutely outraged
24 that these laws have been on the books since,
25 almost 40 years. In our neighborhood we have

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2 Graphic Arts High, St. Michael's Convent School,
3 PS 51, PS 111. We have an Intermediate School.
4 We have the schools of Holy Cross. We have Sacred
5 Heart School. I would like to see our goal be no
6 idling at all, anywhere. I don't think a one-
7 minute law is-- I think that's ineffective. I
8 don't see how it could be enforced. It's just
9 amorphous. It's relative. It's absurd. No
10 idling, not in schools, not near our senior
11 citizen homes, just no idling, please, at all. No
12 idling. Thank you.

13 CHAIRPERSON KOPPELL: Thank you. I
14 am sure you have been in touch with your local
15 representatives on the garage and keeping--

16 KATHLEEN TREAT: We could use all
17 the help we can get.

18 CHAIRPERSON KOPPELL: I understand.
19 But the most effective is local representatives at
20 every level of government, City, state and
21 federal.

22 KATHLEEN TREAT: We know.

23 CHAIRPERSON KOPPELL: Right. Thank
24 you. Thank you all. We now have one more panel.
25 Paul Schubert, Logan Welde and Dahlia Du Perroir,

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it looks like.

LOGAN WELDE: Sir, you stated in the beginning that we have an idling problem in this City. We actually have an idling addition in this City.

CHAIRPERSON KOPPELL: Wait. First you introduce yourself.

LOGAN WELDE: My name is Logan Welde.

CHAIRPERSON KOPPELL: Well, I called Paul Schubert first.

LOGAN WELDE: He said I can go first.

CHAIRPERSON KOPPELL: Oh, okay. Fine.

LOGAN WELDE: It doesn't matter to me though.

CHAIRPERSON KOPPELL: Go ahead.

LOGAN WELDE: As I just said, we have an addiction to idling in this City. Everyone who drives in this City idles. There are no exceptions. We have ambulance drivers, police fire department, Brinks [phonetic], Cars, ConEd, Verizon, Access-A-Ride, etcetera. The worst, in

1
2 my opinion, are the ConEd vehicles as someone
3 stated earlier. Why do people idle? Mostly the
4 reasons are that they're ignorant of the law.
5 Most people that I've stopped, and I stop around
6 three people to four people a day over the last
7 three years, they don't even know that there's a
8 law enforcing the idling. Another reason, they're
9 scared of getting tickets. When they stop a
10 vehicle, they leave their engines running, they
11 get out, they go into the store and they leave
12 their engine running because they think that if
13 they leave their engines running they're not going
14 to get a ticket. I've talked to countless people
15 who have said, hey, my engine is on, I'm not going
16 to get a ticket, that's why it's running. A lot
17 of people are waiting for street sweepers. When
18 we have alternate side parking, every other day in
19 this city, there are on every single block that
20 has alternate side parking, thousands and
21 thousands and thousands of vehicles that sit there
22 waiting for the street sweeper to go by. And they
23 are sitting there idling for an hour and a half
24 every single day there's alternate side parking.
25 People are eating--

2 CHAIRPERSON KOPPELL: [Interposing]

3 But do you-- well, I shouldn't interrupt you. Go
4 ahead.

5 LOGAN WELDE: People are eating,
6 they're sleeping, they're doing their business in
7 their vehicles. We have on our City streets
8 offices. We have traveling offices in the tens of
9 thousands number. Every single day people are
10 doing their business in their vehicles. They're
11 computing, they're text messaging. They're
12 talking on their cell phones. And I've stopped
13 about five Department of Environmental Protection
14 Agency trucks. They've been stopped. And I've
15 walked up to them and there are people sleeping in
16 the vehicle. I've knocked on it and I've said,
17 hey sir, you know that you're in charge of
18 enforcing this law and you don't do anything about
19 it, and you're sleeping in your vehicle. It's
20 happened many times, actually. The biggest
21 problem, no one can write tickets. I've stopped
22 probably about two officers a week, traffic and
23 regular officers, and I've asked them are you
24 allowed to give tickets. Most of them don't even
25 know it's a law. I would say 85% of the officers

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2 I've stopped don't know it's a law in this City.
3 The other percentage, a few police officers have
4 told me they can't get the books. There are
5 separate books. One book has tickets for regular
6 offenses and the other has tickets for idling.
7 And they can't get the book out of their
8 department. So really, drivers in this City are
9 not cared of getting tickets. There's zero fear
10 in the City of getting a ticket. I actually gave
11 the statistic of the 526 to Amy Zimmer on page
12 three of this. It's not 526, it's 523 diesel
13 trucks in 2007 and 5 non-diesel vehicles in 2007
14 that were given tickets. In my approximation
15 there's six vehicles per block, just in Manhattan,
16 every single minute of every single day that are
17 idling. That's about 50,000 vehicles per day,
18 just in Manhattan, that are idling. You mentioned
19 200 people before. If you hire-- well, I'll get
20 to that in a minute. But why I've become involved
21 in this is I started writing my bike to work a few
22 years ago and I started to get a burning on my
23 tongue. The burning on your tongue is actually
24 the first sign of carbon monoxide poisoning. I
25 don't know how many of you have gotten it, but

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2 from walking around in the City, you can feel your
3 tongue is burning; that's carbon monoxide. My
4 tongue burns right now. I ride to work every
5 single day and I get that every single day. I've
6 stopped probably three, four cars a day, trucks a
7 day, asking them why they're idling. Over 85% of
8 those people stop idling when I present them with
9 the facts and I talk to them about it. After
10 about 30 seconds of talking they shut their engine
11 off and they keep it off. What can be done? Hire
12 people. Start writing tickets. If you write
13 4,000 tickets per day, which is easy, you get \$365
14 million per year for this City. Those are big
15 numbers. Even if you can achieve 50% of that--
16 write tickets for delivery people. If someone is
17 making a delivery and they're getting a-- Home
18 Depot or someone is getting a delivery and the
19 truck is running in front of their store and
20 they're getting a delivery, write them a ticket
21 and write the driver a ticket and write the owner
22 of the driving company a ticket. That's three
23 tickets, the driver on his driver's license, the
24 company who hired him to go into their store, and
25 the company that owns the truck. Education, you

1
2 need to educate people. No one in this City knows
3 it's illegal to idle. FedEx and UPS, two
4 companies that barely ever idle. If you walk
5 around this City you'll see every single FedEx and
6 UPS truck is turned off. Contact those companies.
7 Find out why. Why are they doing that? We save
8 money. ConEd, the New York Police Department, the
9 Fire Department, they idle endlessly, endlessly in
10 this City, 24-hours a day. The ambulances that
11 we've talked about a number of times today, not
12 only do we need APUs, but we need to have plug in
13 systems. There are spots around this City where
14 they're always going to stop. You need plug in
15 systems. You give them a plug. You retrofit
16 their vehicle for a few thousand dollars and you
17 plug it in, and that's it. And over 50%-- can I
18 have 30 more seconds?

19 CHAIRPERSON KOPPELL: 30 Seconds.

20 LOGAN WELDE: Okay. Over 50% of
21 the days of this City, the average temperature is
22 well above 50 degrees. Why-- I've stopped so many
23 ambulances, a 65 degree day, with their windows
24 down, I've asked them why is your engine on? So,
25 we need to keep the air cool in here. Well, you

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2 know what? They're lying. They don't need to.
3 They don't need to keep anything cool in there,
4 because the world is doing it for them.

5 CHAIRPERSON KOPPELL: I'm going to
6 have to ask you to stop.

7 LOGAN WELDE: Okay.

8 CHAIRPERSON KOPPELL: We do
9 appreciate--

10 LOGAN WELDE: [Interposing] Can I
11 answer John Liu's question from earlier today
12 about the buildings and the vehicles?

13 COUNCIL MEMBER LIU: I already got
14 the answer.

15 LOGAN WELDE: Okay. Well the
16 better solution is you can tell someone to turn
17 their vehicle off. You're right. The buildings
18 do contribute more of the emissions in this city
19 and actually are worse for our health. But you
20 can walk into a building-- you can't walk into a
21 building and ask them to turn their building off.
22 You can walk up to a car and ask them to turn
23 their car off. It's an easy solution.

24 CHAIRPERSON KOPPELL: Thank you.

25 LOGAN WELDE: Thanks.

2 CHAIRPERSON KOPPELL: Is Paul
3 Schubert, do you want to go next?

4 PAUL SCHUBERT: Yes. My name is
5 Paul Schubert. I am a community activist from the
6 Rockaways. Now as long as we're talking about
7 asthma and cancer, lets talk about 50 places in
8 New York City, which are polluting our earth, our
9 water. These are called manufactured gas plants.
10 This is the EPA Committee, which means
11 Environmental Protection. Now, I have given Mr.
12 Koppell, Mr. John Liu and the other people here a
13 CD ROM showing a system called Bio Remediation, by
14 which you take bacteria and oxidizers and you
15 inject them into the soil, and these bio
16 remediation bacteria, of which there's 62
17 different kinds according to AlabasterCorp.com.

18 CHAIRPERSON KOPPELL: Mr. Schubert?

19 PAUL SCHUBERT: Yes.

20 CHAIRPERSON KOPPELL: I promise you
21 I'll watch the CD. But this is about idling and
22 I'm going to have to stop you. But I'm sure that
23 we'll look at the CD and the Committee Staff will
24 look at the CD. I'm sure you have a significant
25 point to make, but I've got to stop you because

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this is only about idling.

PAUL SCHUBERT: Well, I can comment on idling also. I promise as a community activist I will speak to my local Captain Bartlett, who is a very good man, and Brian McCabe, my community affairs officer at the 100th Precinct, and I guarantee you in the 100 precinct in Queens, we will have all of the environmental laws enforced on a regular basis, because one of my things is to prevent cars and trucks and bus stops and to see pollution reduced in my community, the Rockaways. Thank you.

CHAIRPERSON KOPPELL: Thank you. Thank you, and we will look at this with interest. I'm not trying to suggest that it may not have some very good information. I promise you.

PAUL SCHUBERT: Thank you, sir.

CHAIRPERSON KOPPELL: We have next, we have Dahlia Du Perrior. I hope I pronounced it right.

DAHLIA DU PERRIOR: Pretty close.

CHAIRPERSON KOPPELL: Okay.

DAHLIA DU PERRIOR: My name is Dahlia Du Perrior. Chairman, Council Member, my

1
2 name is Dahlia Du Perrior, again. I'm a member of
3 the West Side Neighborhood Alliance, and a
4 resident of Hell's Kitchen/Clinton/Chelsea. I'm
5 here as a resident that has COPD. I was waiting
6 for a bus on 8th Avenue and 50th between 50th and
7 49th Street. There were two double-decker buses,
8 sightseeing buses idling their engines. These
9 buses do not believe in shutting down at all. By
10 the way, I was waiting ten minutes for my bus.
11 When I arrived home, I had to get on my nebulizer
12 and Albuterol. I was going through an asthma
13 attack. Asthma can be life threatening. We need
14 much stronger laws and enforcement of these laws,
15 stiffer fines and changing the three-minute law to
16 a one-minute idling law. Something should be done
17 to prevent limos, taxis, charter buses, from
18 parking in and around school zones. In my area
19 there's PS 51, PS 111, Sacred Heart, The High
20 School of Environmental Studies, etcetera. If you
21 go down these streets, which is 53rd, 52nd Street
22 between 9th and 10th Avenues, you can find at any
23 time of day at least 40 black limos parked along
24 there and charter buses. And also, our
25 residential streets in Hell's Kitchen and Chelsea,

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2 I am also sure in this case, elsewhere in the
3 City, Police Officers should be trained to be
4 aware of these laws and should issue summonses.
5 Local Precincts should be held accountable for the
6 issuance of the summonses in conjunction with
7 traffic enforcement. A garage should be built to
8 house these charter vehicles. It would help keep
9 these vehicles off the street, reduce emissions
10 and some of the congestion we face on a day-to-day
11 basis in our daily lives. Thank you very much.

12 CHAIRPERSON KOPPELL: Thank you
13 very much for your testimony. And I might say to
14 those who remained here today, that this was a
15 very enlightening hearing for me, as one, and I
16 think there is some very important work that has
17 to be done. I commend you for your proposals, and
18 I think that there are other things that need to
19 be done. But clearly, better enforcement is an
20 important thing. And things like getting the
21 engines turned off on the emergency vehicles is
22 another one. Thank you. You want to say
23 something, Chairman?

24 COUNCIL MEMBER LIU: Thank you very
25 much, Mr. Chairman. Let's push forth to pass

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these bills.

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CHAIRPERSON KOPPELL: There not

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being any further testimony, the hearing is

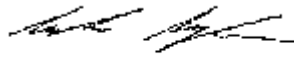
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closed.

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C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date December 7, 2008 _____