



Lowell D. Kern
Chair

Jesse Bodine
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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November 9, 2021

Vincent Sapienza
Commissioner
NYC Department of Environmental Protection
59-17 Junction Boulevard, 13th Fl.
Flushing, NY 11373

Re: Increase in Idling Fines

Dear Commissioner Sapienza,

Manhattan Community Board 4 (MCB4) appreciates the clarifications provided by Ms. Kelpin (Department of Environmental Protection) in regard to idling enforcement. While enforcement does take place, however, it is clear that the current level of fines is insufficient to deter violators. We request that you increase fines to make them more effective in reducing idling by commercial trucks and buses.

As recently as November 2, 2021, the people of the State of New York overwhelmingly approved “add[ing] a right to clean water, clean air, and a healthful environment to the New York Constitution’s Bill of Rights.” This points to the need to expeditiously implement measures to honor this right.

In an analysis of 20,000 idling complaints (submitted between May 2019 and May 2021) in New York City,¹ the zip code 10036 in Hell’s Kitchen had the highest number of complaints with 14.23% of the citywide total. The following locations were in the top twenty: West 42nd Street (8/9), West 40th Street (8/9), both related to the jitney curbside terminal on West 42nd Street, and West 41st Street (8/9) and West 39th Street and Dyer Avenue, where bus staging is located.

According to the 2020 census, MCD4’s residential population has increased by 27% since 2010. This is on the top of a 20% increase in the last census. The district’s school-age children

¹ published on June 18, 2021. <https://jeffnovich.medium.com/>, Jeff Novich, data analyst.

population is growing the fastest in Manhattan. We must ensure that new, as well as existing residents, benefit from a healthy environment.

We understand the current level of fines for idling by commercial trucks and buses is as follows:

	Current Standard Penalty	Current Penalty in the event of Default
First Violation	\$350	\$1,000
Second Violation	\$440	\$1,500
Third or Subsequent Violation	\$600	\$2,000

At its November 3rd Full Board meeting by a vote of 43 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, Manhattan Community Board 4 requests that you increase fines for idling for commercial trucks and buses, from the current level, to the following level:

	Proposed Standard Penalty	Proposed Penalty in the event of Default
First Violation	\$800	\$1,200
Second Violation	\$1,500	\$1,600
Third or Subsequent Violation	\$1,800	\$2,000

We understand from your letter that these increases can be implemented by rule and do not require a legislative change.

In the City at large, the worst offenders include ConEd, Verizon, Spectrum, FedEx, Amazon, Go New York Tours, Fuji bus, and Greyhound lines. These very large players consider the current cost of fines as a cost of doing business. We understand that DEP is not responsible for negotiating fines, a practice we oppose. At a minimum DEP should make sure these operators pay more attention to our health.

Reducing idling is a simple way to do so.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Christine Berthet
Co-chair
Transportation Planning Committee



Dale Corvino
Co-chair
Transportation Planning Committee

cc: Hon Brad Hoylman, NYS Senate
Hon. Richard Gottfried, NYS Assembly
Hon. Linda B. Rosenthal, NYS Assembly
Hon. Corey Johnson, Speaker, NYC Council
Hon. Gale Brewer, Manhattan Borough President
Gerry Kelpin, Director, Air & Noise Policies & Enforcement, NYC DEP