



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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Manhattan Community Board 4 Written Testimony  
To The Committee on the Environmental  
Protection, Resiliency, and Waterfronts  
September 20, 2024

Dear Chairman Gennaro and Committee Members:

Manhattan Community Board 4 (MCB4) supports two crucial bills that expand and protect the Citizens Air Complaint Program (“CACP”), Intro. 5 (CM Avilés) and Intro. 291 (CM Menin). Intro. 5 and Intro. 291 help address racial inequality in the air pollution enforcement in New York, and improve the efficacy of law on fleets. They should both be passed immediately. We have serious concerns, however, about the intentions of Intro. 941, which has the consequences of crippling the very successful idling reporting program and potentially undermines the Council’s authority and possibly the First Amendment.

**Hell’s Kitchen suffers from especially high levels of truck and bus emissions.** We reside in one of the most traffic-choked parts of the City, in part, due to an excess of idling buses in the vicinity of the Port Authority Bus Terminal. We have the third worst air quality in the City. In light of this problem, Manhattan Community Board 4 has written no fewer than three letters, demanding stronger enforcement of our idling laws with respect to commercial trucks and buses. Additionally, our District was a participant in the Community Air Monitoring Initiative initiated in 2021 by the Governor.<sup>1</sup>

**The CACP is effectively the City’s sole means of enforcing the Air Code (Appendix A).** Citizens have collected and contributed far more evidence of idling violations than the Department of Environmental Protection (“DEP”), the NYPD, the Parks Department, the Sanitation Department, and the Business Integrity Commission, *combined*, at a tiny fraction of the cost.<sup>2</sup> In 2023, citizens’ complaints resulted in over 77,000 violations against illegally idling trucks and buses—whereas city employees wrote just 210 based on their own evidence. Video-backed, citizen-based summonses are more effective, with a higher overall success rate at Office of Administrative Trials and Hearings (OATH (96-97%)), than summonses originated by city agencies, and they have resulted in many companies dramatically modifying their behavior. Ordinary citizens’ complaints have contributed nearly \$50 million to the City treasury while being compensated on the order

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<sup>1</sup> <https://cbmanhattan.cityofnewyork.us/cb4/wp-content/uploads/sites/10/2021/11/17-TRANS-Letter-to-DEP-re-Idling-Fines.pdf>

<sup>2</sup> [New York Clean Air collective.](#)

of 16 to 25% of what the city collects. The intangible benefits include the avoidance of thousands of visits to the emergency rooms.<sup>3</sup>

**With this in mind, we recommend to adopt Intro 5 and 291 and offer the following comments:**

**Intro. 5 opens the program to all New Yorkers regardless of race or language:** Currently, DEP requires all submissions in English. All New Yorkers have lungs and need to breathe clean air, regardless of the languages they speak – and all New Yorkers also have a Right to Clean Air under the New York State Constitution. Intro. 5 will require DEP to accept complaints in all city-wide languages.

**Intro. 291 makes polluting companies pay enough to stop idling.** Manhattan Community Board 4 made the necessity of this particular penalty schedule for commercial trucks and buses clear in a letter *five years ago*. While many companies have modified their behavior, too many big companies like ConEd and Verizon still do far too much illegal idling. No company should treat a fine like a simple cost of doing business. Intro. 291 will raise the current idling penalties to a level that will deter giant corporations from killing New Yorkers. However, we recommend that the easy-to-understand VTL definitions of “truck” and “bus” be used in this law.

Just last week, New York State Department of Environmental Conservation (DEC) released the first phase results of the Statewide Community Air Monitoring Initiative.<sup>4</sup> To complement the release of the study findings, DEC is launching a new anti-idling enforcement blitz in communities significantly impacted by emissions from non-compliant trucks and other heavy-duty vehicles. The press release mentions: “Air quality monitoring in our communities is an important part of ensuring the health and well-being of all New Yorkers, especially those disproportionately impacted by air pollution.” “We look forward to working with our Westchester stakeholders to develop community-led solutions to our air quality challenges.”

These comments point to the importance of increasing idling fines, citizen action and participation of disadvantaged communities.

However, Intro 941 seems very much out of step with its sister bills and New York State directives. **It would appear that Intro. 941 could very well erode New York’s clean air gains and discourage citizen participation.** The proposed legislation would open new loopholes for buses and trucks idle for the first time since the City Council passed the Air Code in 1972

In particular, it would allow buses with passengers inside to idle for 15 minutes if the temperature is above 80 degrees; it would retroactively reduce penalties for companies that agree to install “anti-idling technology,” which may or may not be effective, and give DEP the power to limit what counts as acceptable evidence of an air pollution violation.

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<sup>3</sup> [New York Clean Air collective.](#)

<sup>4</sup> <https://dec.ny.gov/news/press-releases/2024/8/dec-releases-first-phase-results-of-statewide-community-air-monitoring-initiative>

In addition, it imposes new restrictions on citizen participation: reducing the citizen award to often less than 8%, and provides DEP a severe level of discretion by banning any citizen from reporting by claiming they did not act in a “dignified, orderly, and decorous manner” or failed to “demonstrate familiarity with [DEP’s] rules”.

Instead of such deleterious measures we continue to urge the administration to accelerate public investments in EV vehicles use and fast charging in bus school depots.

Cutting the citizens’ share would drastically undermine participation, thus both increasing air pollution *and* harming the city’s overall financial position. Citizens provide high-quality evidence of idling and other air pollution violations, are paid only when the city is paid, work without benefits, and represent an enormous fiscal value when compared to the miniscule number of air pollution summonses otherwise issued citywide by salaried municipal personnel.

**Please ensure that the Council acts swiftly to protect our environment and the CACP by voting in favor of Intros. 5 and 291 (the latter, with technical correction) as soon as possible and by rejecting Intro. 941.**

This Testimony was approved unanimously by the Transportation Planning Committee and is subject to ratification by the full board as the deadline to submit testimony expired before the next full board vote.

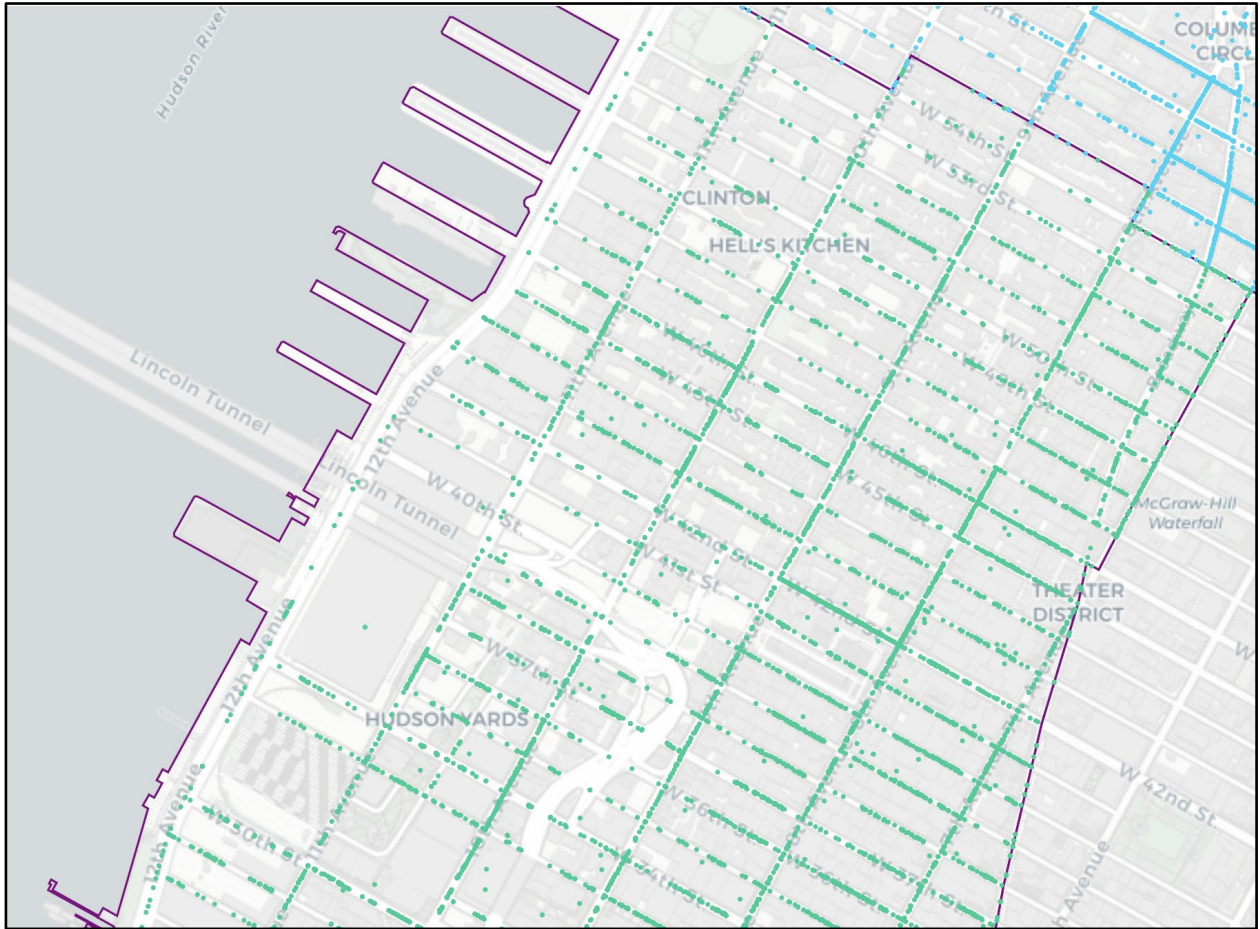
Sincerely,

Manhattan Community Board 4

Appendix A

Citizens Air Complaint Program Complaints in Hell's Kitchen

*Through June 11, 2024*



Source: Open Data.