

WRITTEN TESTIMONY

Committee on Environmental Protection and Waterfronts

The New York City Council

Hearing: Tuesday, October 20, 2026, 12:00 p.m. — 250 Broadway, 8th Floor, Hearing Room 1

Re: Proposed Int. No. 11-A (Int 0011-2026) · Proposed Int. No. 561-A (Int 0561-2026) · Int. No. 562 (Int 0562-2026) · Oversight — Citizen Enforcement Programs

Submitted by: Thomas Holden, Chief Executive Officer, Transportation Advisors

Date: October 19, 2026

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SUMMARY OF POSITION

BILL	POSITION	IN ONE LINE
Proposed Int. 11-A Civil penalty increase	OPPOSE	As applied to private motorcoaches. Raises the maximum penalty 275 percent and escalates per company rather than per vehicle, so any real fleet reaches the top tier within days.
Proposed Int. 561-A Citizen complaint program	AMEND	The due-process reforms in this bill are good and I support them. The cure provision, as drafted, is one no over-the-road motorcoach can satisfy. Two amendments fix it.
Int. No. 562 Lessee liability transfer	SUPPORT	Liability should follow the party operating the vehicle. This is a sound fix and should move.

Who I am, and the correction I want to put on the record first

My name is Thomas Holden. I am the Chief Executive Officer of Transportation Advisors, a transportation safety and compliance consulting firm. My work is writing and auditing the safety, maintenance, and driver-qualification programs that motorcoach and chauffeured operators are held to under 49 C.F.R. Parts 390 through 396, and my clients include motorcoach companies that operate in New York City. I am not here on behalf of a trade association. I am here because I am the person these operators call when a regulator or an insurance underwriter asks them to prove how they run.

I want to be accurate about which bill does what, because the two idling bills before this Committee are being discussed as though they were one bill, and they are not:

- **Proposed Int. No. 11-A** is the penalty bill. It raises the civil penalty schedule under § 24-178(a)(3)(i) from \$350 to \$500 and from \$2,000 to \$7,500, and adds a tiered schedule of \$500–\$1,500, \$1,500–\$3,000, and \$3,000–\$7,500. That \$2,000-to-\$7,500 change is the 275 percent increase. It belongs to this bill.
- **Proposed Int. No. 561-A** is the program bill. It does not raise the penalty maximum. It reforms the citizen air complaint program — converting the complainant's award from a percentage of the penalty to a flat \$125 or \$150, imposing a 60-day window on issuance, voiding duplicate notices for the same vehicle inside 60 minutes, and establishing a code of conduct with disqualification for fraudulent evidence.

That distinction matters to my testimony, because my position is different on each one. I oppose the penalty increase. I support most of what 561-A does and am asking for two specific amendments to it. Treating them as a single bill to be opposed wholesale would throw away reforms this industry has been asking for.

Proposed Int. No. 11-A — the penalty increase

1. The City's own law already concedes that passenger buses need more than three minutes

This is the heart of it, and it is in the text of the Administrative Code, not in anything an industry witness has to ask you to take on faith.

Subdivision (f) of § 24-163 permits a school bus to idle for up to 30 minutes for heating or cooling when the ambient temperature is below 40 degrees or at or above 80 degrees Fahrenheit. The Council wrote that allowance because it understood something obviously true: you cannot hold children in an unconditioned vehicle in January or in July, and loading them takes time.

A private motorcoach, carrying the identical passengers in the identical weather, gets three minutes.

The passengers on my clients' coaches are students on school trips, seniors, veterans' groups, convention attendees, airport transfers, and passengers who use wheelchair lifts. A 56-passenger coach cannot board fifty-plus people and their luggage in three minutes — nobody who has ever stood at a coach door believes otherwise — and it cannot do it with the engine off when it is 19 degrees or 94 degrees. The City has already decided that this is a legitimate reason to idle. It has simply drawn the line around one category of bus and left the other outside it.

The ask in one sentence

Extend to private motorcoaches the same climate and loading allowance subdivision (f) already gives school buses, and the fairness objection to this entire enforcement scheme largely disappears.

2. The escalation runs per company, not per vehicle — so fleet size alone sends an operator to the maximum

Under the tiered schedule in Proposed Int. No. 11-A, a second or subsequent violation is one committed by the same respondent within three years of a prior § 24-163 violation, whether or not the same vehicle was involved.

Read that against how this industry is actually structured. An operator running thirty or forty coaches into Manhattan is a single respondent. The third summons issued anywhere in the city, against any coach in the fleet, moves that company permanently into the \$3,000 to \$7,500 tier for three years. Not the third summons against a driver who will not shut down — the third summons against the company. A fleet operating lawfully but visibly will exhaust the first two tiers in a matter of days.

Set that against the volume this program generates. Citizen complaints ran roughly 49,000 in 2022 and 124,000 in 2024. More than 4,000 summonses have issued against private bus carriers since 2020. One

operator, Academy Express, was reportedly assessed \$120,000 in a single day under the current schedule. Repriced at the top tier this bill creates, that is not a deterrent. It is a liquidation event, and it arrives for reasons that have nothing to do with whether the company is well run.

3. The fleet being penalized is the one that already paid for clean air

The premise behind escalating idling penalties is that buses are a significant source of dirty exhaust. For a modern motorcoach, that premise is roughly twenty years out of date.

Under federal heavy-duty highway standards, particulate matter emissions were cut approximately 90 percent beginning with the 2007 model year, and oxides of nitrogen fell more than 90 percent from 2004 levels under the 2010 standards — achieved with diesel particulate filters and selective catalytic reduction using diesel exhaust fluid. The Advanced Collaborative Emissions Study, commissioned by the U.S. Department of Energy, the U.S. Environmental Protection Agency, and the California Air Resources Board and carried out by the Health Effects Institute and the Coordinating Research Council, measured these engines directly and found emissions of key pollutants reduced by roughly 90 percent against 2004 baselines, with 2010-standard engines cleaner still — at or near the limits of detection for several pollutants.

Operators did not receive that technology as a gift. Emissions-control equipment added tens of thousands of dollars to the price of every new coach, and it continues to cost money every year in diesel exhaust fluid, filter cleaning and replacement, and specialized diagnostic work. These were unfunded federal mandates and this industry met them. Raising the penalty ceiling 275 percent now falls hardest on exactly the operators who spent that money to put the cleanest buses ever built on the road — and it produces no additional air quality benefit, because the emissions this bill is aimed at were engineered out of the fleet a decade and a half ago.

4. The economic exposure is real and it runs one direction

According to the American Bus Association Foundation, the motorcoach industry accounts for more than \$12.7 billion in annual economic impact in New York, supports approximately 59,200 jobs, and drives \$5.9 billion in visitor spending. In the Association's operator survey, 35 percent of affected carriers reported cutting trips into New York City and 20 percent reported declining New York charters outright because of idling enforcement, with 10 percent reporting they have stopped operating in the city altogether.

A single coach takes dozens of cars off the street. Every charter that does not come is congestion and tailpipe emissions moved from one vehicle to forty, and visitor spending moved to another city. Higher penalties will not make a near-zero-emission fleet cleaner. They will make it smaller.

Proposed Int. No. 561-A — what it gets right, and the one thing it gets wrong

5. The due-process reforms in this bill should pass

I want to be a credible witness, so let me say plainly that this bill contains real improvements, and that the operators I work for have been asking for several of them for years:

- Converting the complainant's award from a percentage of the penalty to a flat \$125 or \$150 removes the incentive to hunt the largest available target rather than the worst available conduct.
- Requiring the Department to issue a notice of violation within 60 days of service addresses the single worst feature of the current program. Operators routinely receive summonses six to twelve months after the alleged conduct, by which time the driver may be gone, the vehicle reassigned, and any ability to mount a defense gone with them.
- Voiding duplicate notices against the same vehicle inside 60 minutes stops the practice of stacking several summonses on one boarding.
- A code of conduct with disqualification for fraudulent evidence, and for assaulting a driver or a city employee, reflects conduct that has genuinely occurred at the curb and that drivers have had no recourse against.

I support those provisions and I would urge the Committee not to lose them.

6. The cure provision, as drafted, is a cure no motorcoach can perform

Proposed § 24-178(f) reduces a penalty to \$50 where the respondent admits liability and certifies, by the cure deadline, that it has either installed a working battery-powered auxiliary power unit or replaced or converted the vehicle to an all-electric vehicle.

For a light-duty vehicle or a local delivery truck, that is a real option. For a 45-foot over-the-road coach it is not a cure, for two reasons an engineer will confirm.

- **Battery auxiliary power on a coach cannot carry the load.** The climate demand on 45 feet of glazed passenger compartment is not comparable to a sleeper cab bunk heater. No battery APU currently offered for over-the-road coach application will hold cabin temperature through a boarding cycle in a New York January or July, and an APU does not build air pressure for the brake system or power a wheelchair lift.
- **There is no all-electric replacement to convert to at scale.** The battery-electric over-the-road coach market is early, the vehicles cost roughly double a diesel coach, and the en-route charging infrastructure for intercity service does not exist. A carrier cannot replace a coach inside a cure window measured in weeks.

The practical effect is that the cure is available to most respondents and unavailable to this one. A motorcoach operator cannot access the \$50 resolution no matter how cooperative it wants to be, which means the reform the Committee is offering as relief passes over the category of respondent currently absorbing the most exposure.

This is fixable in one clause. The cure the Council actually wants is a cleaner vehicle. A coach running a 2010-or-later certified engine with a functioning particulate filter and SCR system already is the cleaner vehicle. I would respectfully propose adding a third qualifying cure:

“(iii) the motor vehicle is powered by a heavy-duty highway engine certified to the United States Environmental Protection Agency’s model year 2010 or later compression-ignition emission standards, and the respondent certifies that the vehicle’s emissions control system, including any diesel particulate filter and selective catalytic reduction system, is installed and functioning as designed.”

That amendment rewards the capital investment the City says it wants, is verifiable from the engine emissions label and a maintenance record, and gives this Committee something the current draft does not: a reason for an operator to upgrade a coach rather than simply stop sending it.

7. Add a safe harbor for engine operation that is legally required or medically necessary

Engine operation on a passenger coach is frequently not discretionary. It is required by federal regulation, by the physics of an air brake system, by the Americans with Disabilities Act, or by the need not to injure a passenger. Specifically: the pre-trip and post-trip inspections required under 49 C.F.R. §§ 396.11 and 396.13; building and holding air pressure for the brake system; operating a wheelchair lift or ramp and boarding a passenger who uses one; loading passengers and baggage; and holding a safe passenger compartment temperature in extreme heat or cold.

The current statute exempts idling to operate a “loading, unloading, or processing device,” but expressly excludes heaters and air conditioners used for cabin comfort — which is to say it excludes the one thing a passenger vehicle most needs it for. I would propose:

“The time limitations of this section shall not apply to a bus while the operator is: (i) conducting an inspection required by 49 C.F.R. § 396.11 or § 396.13; (ii) building or maintaining air pressure required for operation of the vehicle’s air brake system; (iii) operating a wheelchair lift, ramp, or other accessibility device, or boarding or discharging a passenger who uses such a device; (iv) loading or discharging passengers or baggage, not to exceed fifteen minutes; or (v) maintaining passenger compartment temperature when the ambient temperature is below forty degrees or at or above eighty degrees Fahrenheit, not to exceed the allowance afforded school buses under subdivision (f) of this section.”

Clause (v) asks for nothing new in principle. It extends to a motorcoach the allowance this Council already wrote for a school bus.

A note on the enforcement burden this industry already carries

I want to be careful here, because I have heard the fairness argument made badly. The accurate version is this.

Private motorcoaches are excluded from the relief New York extends to other high-capacity buses. Under the MTA’s Commuter Bus Exemption Plan, transit, commuter, and intercity fixed-route buses, Taxi and Limousine Commission–licensed commuter vans, and school buses under contract to the Department of Education are exempt from the congestion relief zone toll. Tour buses and charter buses are expressly ineligible. A private motorcoach therefore pays the toll to enter, pays for the emissions equipment the federal government

mandated, and then stands exposed to a complaint-driven penalty regime from which the fixed-route bus beside it — carrying the same public, burning the same fuel — is practically insulated.

I am not arguing that motorcoaches should be free of the idling law. I am arguing that this is the one category of high-capacity passenger bus that gets every burden and none of the accommodations, and that the Committee should ask why before adding \$5,500 to the ceiling.

What I ask the Committee to do

1. **Do not apply the Proposed Int. No. 11-A penalty increase to private motorcoaches.** If the Committee will not carve the category out, then at minimum make the tiered escalation run per vehicle rather than per respondent, so that fleet size is not itself the violation.
2. **Pass the due-process reforms in Proposed Int. No. 561-A** — the 60-day issuance window, the flat award, the duplicate-notice rule, and the complainant code of conduct. Do not let them fall with the rest of the debate.
3. **Amend the Proposed Int. No. 561-A cure provision** to recognize a 2010-or-later EPA-certified engine with functioning aftertreatment as a qualifying cure, so the \$50 resolution is actually reachable by a motorcoach.
4. **Add the operational-necessity safe harbor** set out above, and in particular extend to motorcoaches the climate allowance that subdivision (f) of § 24-163 already gives school buses.
5. **Pass Int. No. 562.** Where a coach is leased, liability for an idling violation should rest with the party operating it, with notice and an opportunity to be heard.

I will close where I started. This industry does not defend unnecessary idling, and I have written the policies that tell drivers to shut down. The question in front of this Committee is not whether idling should be regulated. It is whether a penalty schedule built for an older, dirtier fleet, enforced through a complaint program that pays per summons, and layered on top of exemptions this industry is categorically excluded from, produces cleaner air — or simply produces fewer buses, more cars, and the same air.

I am glad to make myself available to the Committee or to Council staff on any technical question about federal motor carrier requirements or coach emissions systems.

Respectfully submitted,

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