



Citizen Idling Complaint Program

NACAA Conference 10/21-10/22/19

Gerry Kelpin, Division Director, Air & Noise Policies & Enforcement

WATER SUPPLY

- Deliver 1.1 billion gallons of water to 9.6 million New Yorkers every day and maintain 7,000 miles of water mains
- Protect our 2,000 square mile watershed, including 19 reservoirs and three controlled lakes



WASTEWATER TREATMENT

- Treat 1.3 billion gallons of wastewater each day
- Operate and maintain 14 plants, 96 pumping stations, and 7,500 miles of sewers



AIR, NOISE, AND HAZARDOUS WASTE

- Update and enforce the Air Code to reduce local emissions, and regulate hazardous waste and noise pollution




Idling in New York City has been prohibited since 1972. DEP worked with community representatives and the City Council to craft the Citizen Idling Complaint Bill (passed in 2017) which enables citizens who file idling complaints about commercial vehicles to collect 25% of subsequent fines.

The Law:

- Three minute maximum idling allowance
- One minute maximum allowance if vehicle is adjacent to a school
- DEP must publish best practices for filing citizen complaints and gathering documentation on our website

Exceptions:

- Emergency Vehicles
- Active loading/unloading of people
- Some trucks that use the motor to run a piece of equipment such as the refrigeration unit on a delivery truck, an ice cream truck, a truck using a lift gate to load and unload product, etc.
- Armored trucks that are being used to actively transport/deliver/receive cash

Notarized Paper Forms  **Online Application System**

- Citizens can now use an efficient and user-friendly online system to submit and track complaints
- Faster processing time
- Q&A webpage answers many questions including what must be filed in the complaint, how to track submissions, and how fines are paid

[Pay My Bills](#)[About](#)[Water](#)[Environment](#)[Recreation](#)[What's New](#)

Transportation Emissions

Vehicle Idling

Share

Citizens Air Complaint Program

Idling emissions from gasoline and diesel motor vehicle engines are known contributors to health related impacts, including asthma, respiratory and cardiovascular harm. Idling for longer than three minutes or more than one minute while adjacent to a school is illegal. If you witness a vehicle idling illegally, you can anonymously contact **311** or [file a complaint online](#).

Idling Complaint System

If you would like to potentially receive an award for your enforcement efforts, you can also participate in our Citizens Air Complaint Program. To participate, login to our [Idling Complaint System](#) to file and track your complaint. Local Law 058 of 2018 details the award amount for submitting this type of complaint.

[ACCESS THE IDLING COMPLAINT SYSTEM >](#)

Expand All

Collapse All

Citizens Air Complaint Program FAQs

What vehicles can a citizen file an idling complaint against?



When can a truck legally idle?



What is a processing device?



Why are armored vehicles exempt from the idling rules?



nyc.gov/dep

Idling Vehicle Plate



May 26, 2017, 1:32:47 PM

Idling Vehicle Commercial Marking



Idling Vehicle Commercial Marking

January 9, 2019 at 7:39:18 PM
N 40° 42' 38", W 74° 0' 34"



Idling Vehicle Video



Apr 1, 2019 8:13:15 AM
34-30 31st Street
New York, Queens County 11106
United States

Cities100

NEW YORK CITY:

New Yorkers enlisted to stop vehicles from idling

→ Every day, **thousands of commercial vehicles of all sizes are kept running** despite not being in motion. While tackling idling vehicles is notoriously difficult, the effects are tangible as the majority of delivery trucks and buses run on petroleum diesel and emit CO₂ as well as large amounts of NO_x and PM_{2.5}.

The New York City Council decided to combat this issue by recruiting the citizens of New York, who now **receive at least 25% of the fine** when they file idling complaints for commercial vehicles.



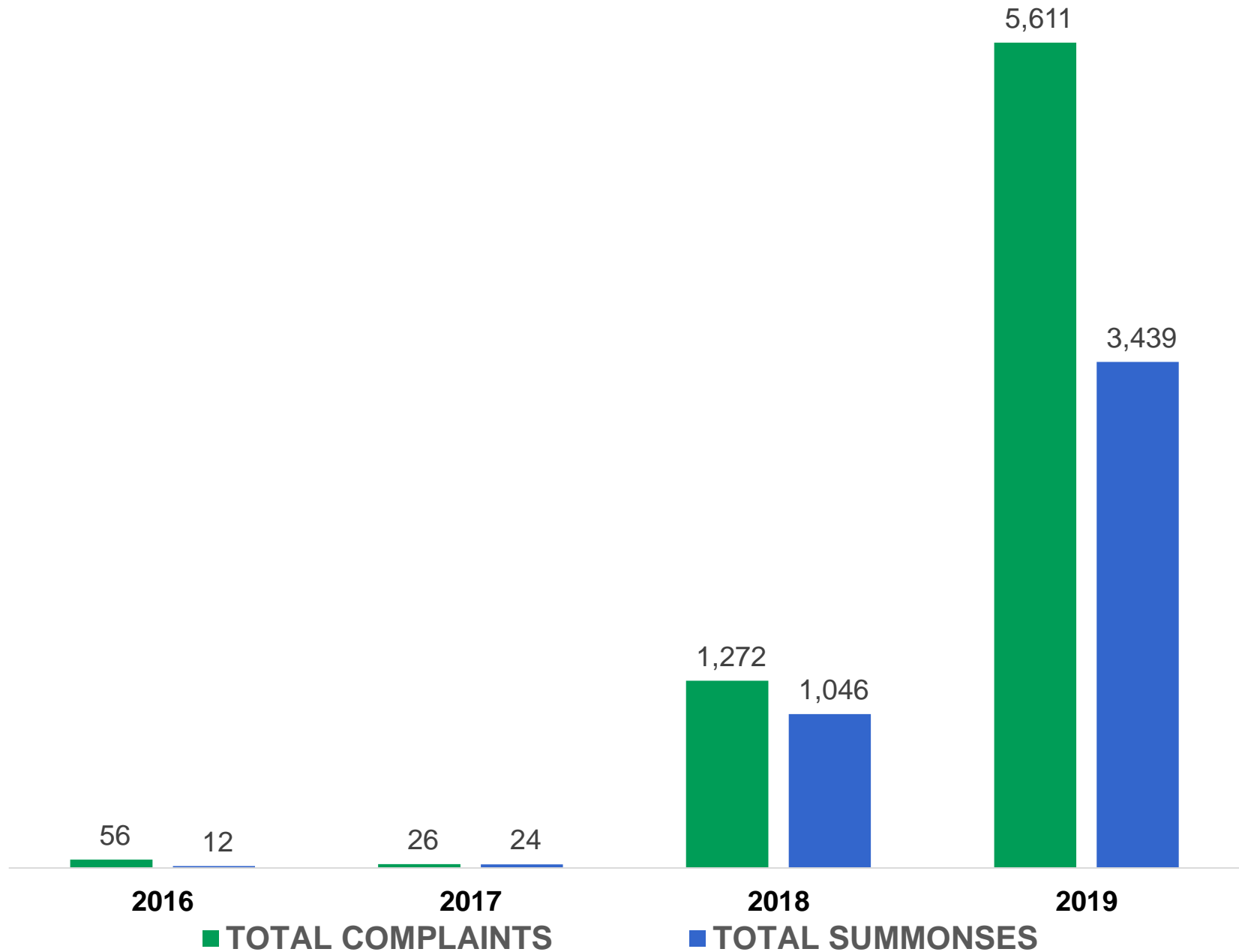
What has the city achieved?

Restricting curbside idling is not a new phenomenon in New York City; it has been prohibited since 1972. However, as enforcing idling laws is notably intractable, the City Department of Environmental Protection (DEP) has worked with community representatives and the City Council to craft the Citizen Idling Complaint bill, which was passed in 2017. The bill enables citizens who file idling complaints about commercial vehicles to collect at least 25% of any subsequent fines related to the complaint. The city fines commercial drivers for leaving their engines on whilst being parked by a curb for more than three minutes or just one minute in a school zone.

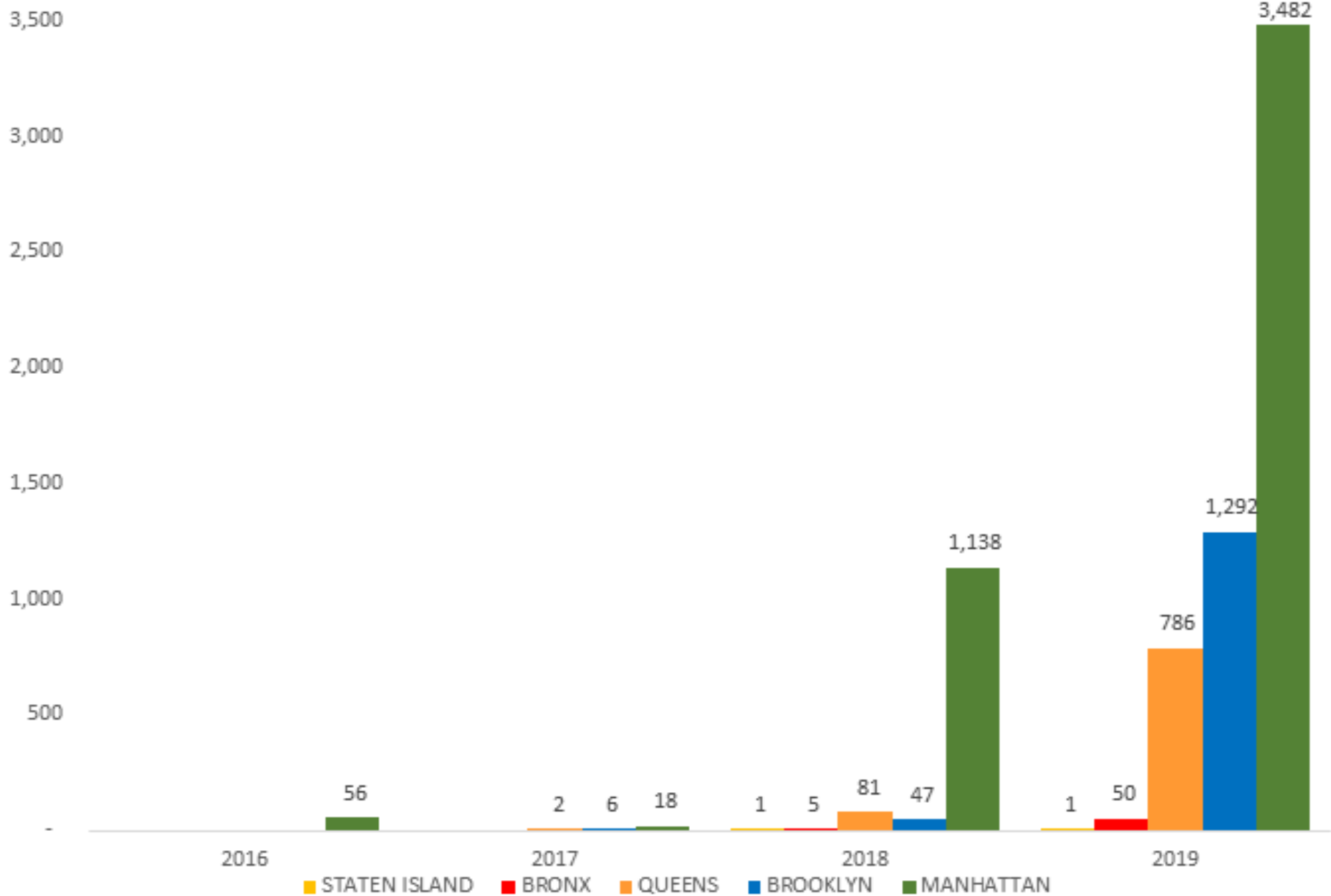
The DEP developed a new web-based filing system that allows citizens to track their complaints in an efficient and user-friendly manner. The Citizen Idling Complaint Program helps New York City meet both health and greenhouse gas emissions reductions goals by reducing both CO₂ and local air pollutants, such as NO_x and PM_{2.5}, by reducing this widespread idling. The programme is innovative as it empowers and provides an incentive for citizens to genuinely help enforce environmental policies.

New York City

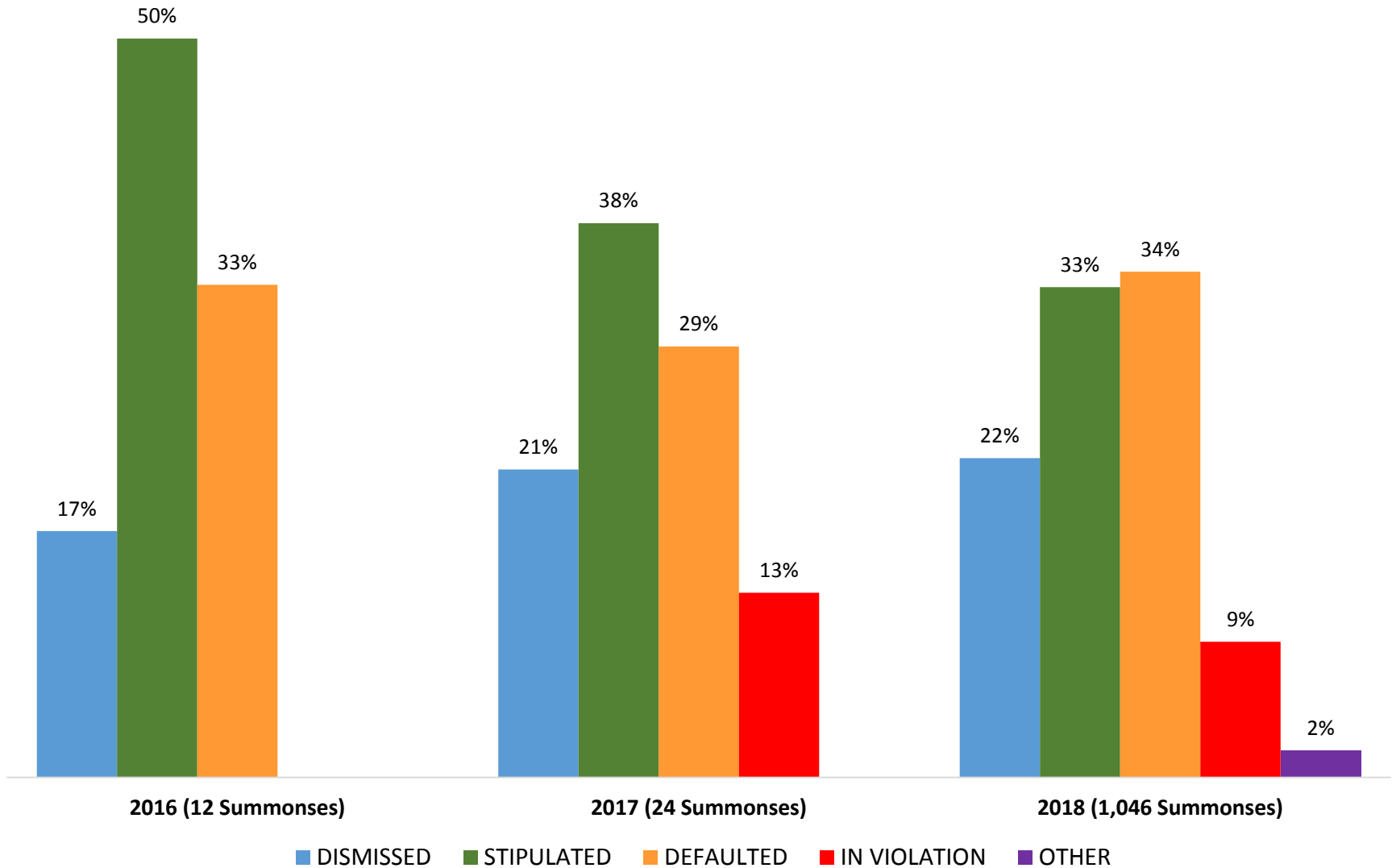
Citizen Complaints and Summonses 2016-2019



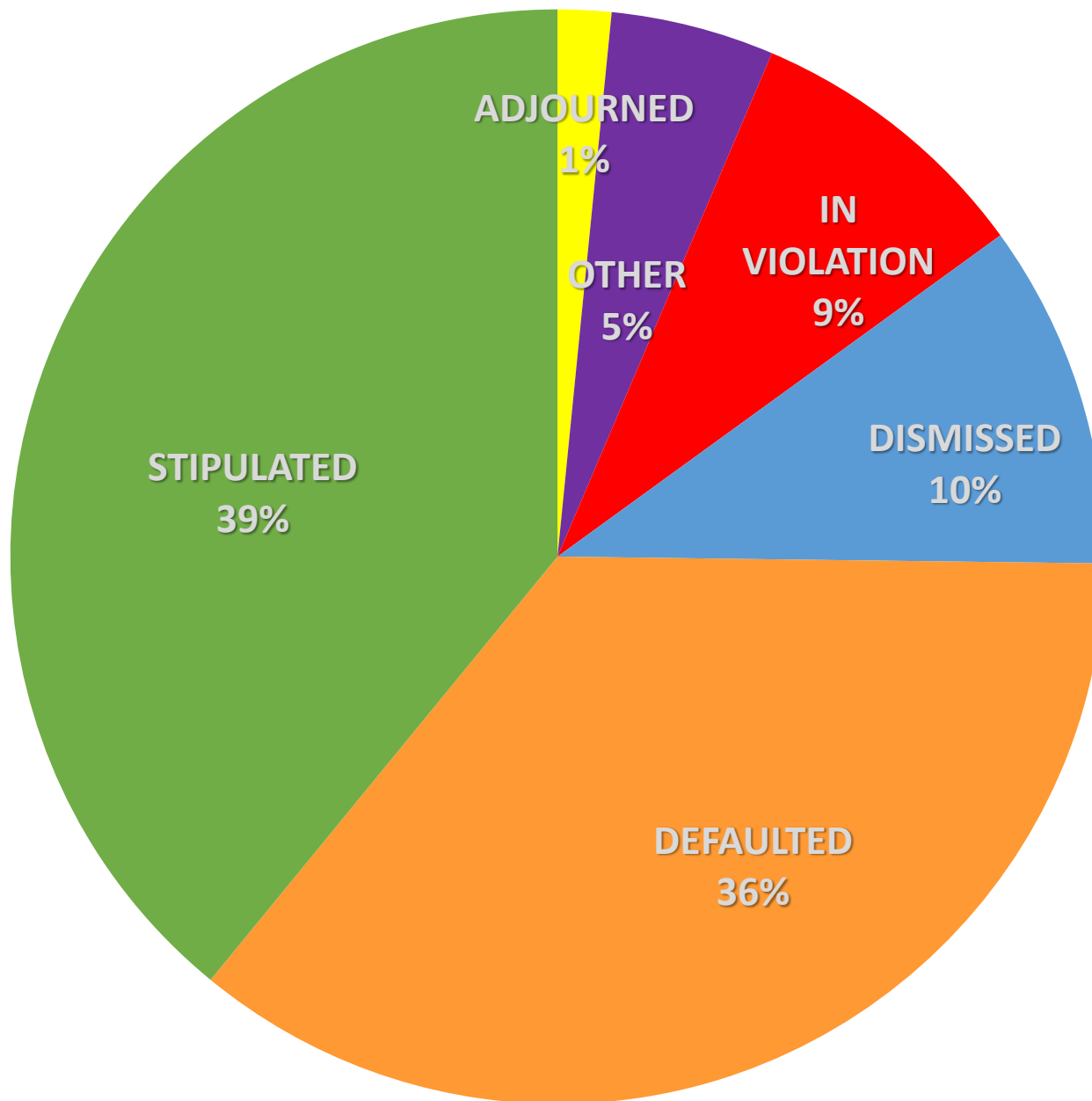
Citizen Idling Complaints by Borough 2016-2019



Summonses Results (2016-2018)



1,139 Summonses Results (Jan-Aug 2019)



Gerry Kelpin

Division Director, Air & Noise
Policies & Enforcement

gkelpin@dep.nyc.gov

718.595.3627

- Text of Sections 24-163 and 24-182

- (a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

- No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred.

- (g) A report shall be submitted to the city council on an annual basis by: (1) the office of administrative trials and hearings pursuant to section 1049-a of the charter that states the number of notices of violation for engine idling violations filed with such office, including the total amount of penalties imposed for such notices of violations; (2) the department of finance that states the number of summonses issued for engine idling violations pursuant to subdivision (p) of section 4-08 of title 34 of the rules of the city of New York, including the total amount of penalties imposed for such summonses; (3) the department of environmental protection that states the number of 311 idling complaints, disaggregated by borough and including any other information related to such complaints the department deems relevant; and (4) the department of environmental protection that states the number of complaints received by the department of environmental protection pursuant to subdivision (a) of section [24-182](#) regarding violations of this section, disaggregated by the following: (i) the number of violations issued by the department pursuant to such complaints and (ii) the number of complaints filed pursuant to subdivision (b) of section [24-182](#) with the office of administrative trials and hearings pursuant to section 1049-a of the charter.

- (a) Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections [24-143](#) and [24-163](#) of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section [24-142](#) of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

- (b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and file with the office of administrative trials and hearings pursuant to section 1049-a of the charter, a notice of violation in a form prescribed by such office within forty-five days from service of such complaint if:
 - (1) The department has failed to serve a notice of violation, pursuant to the rules of the environmental control board within the office of administrative trials and hearings, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or
 - (2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

- (c) A person commencing a proceeding pursuant to this section shall provide notice to the department at the time of commencement and prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.
- (d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, the office of administrative trials and hearings pursuant to section 1049-a of the charter shall award the complainant, out of the proceeds collected, twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.
- (e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, such office shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.
- (f) On or before January 1, 2019, the department shall publish on the city's website information related to best practices for filing citizen complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation.