



December 19, 2025

Mr. Francis Tedesco
Manager, Academy Express LLC & Academy Lines LLC
Academy Express LLC
Hoboken, New Jersey, 07030

Dear Mr. Tedesco:

I am writing in response to your September 16, 2025 letter, in which you requested a variance on behalf of Academy Express LLC and Academy Lines LLC (together, "Academy") from the requirements contained in Section 24-163 of the New York City Air Code.

Your variance application covered a total of 723 buses, which include 707 heavy duty vehicles, 12 medium-duty vehicles, and 4 light-duty vehicles. (The 707 include 6 electric buses that Academy operates for Columbia University, which do not require an idling variance.) Your testimony stated that engine idling is necessary to power essential onboard systems such as climate control, electronic logging devices, and braking systems. You also stated that it is infeasible to install auxiliary power units (APUs) that would obviate the need to idle, due to height, weight, and engineering constraints. Further, you asserted that APUs cause more air pollution than an idling bus.

On October 29, 2025, a hearing was held pursuant to Section 24-110 of the Air Code to allow members of the public to testify both in support and in opposition to the variance requested. Approximately 240 people submitted testimony. DEP has carefully reviewed both the oral and written testimony submitted and conducted extensive follow-up research to develop our understanding of the facts and assertions presented.

Based on your application, the information gained from the hearing, and our subsequent research, we have concluded the following:

Motorcoaches and other privately operated buses, because they provide transit service, do contribute positively to air quality and other environmental factors by substituting for personal vehicles.

For long-distance routes, current motorcoaches on the market in the United States do require the engine to operate in order to provide heating, ventilation, and cooling (HVAC) for the interior. Further, heating and cooling the cabin of a long-distance motorcoach that has reached ambient temperature in extreme weather can take far longer than 3 minutes given the volume of space to be heated or cooled. This is exacerbated by the fact that modern long-distance buses often lack openable windows.

An idling bus is a significant local source of pollution. Even though buses have gotten cleaner over time, DEP does not believe the assertion that engine exhaust

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is cleaner than an APU; both diesel and electric APUs significantly reduce emissions of particulate matter (PM) and nitrogen oxides (NOx).

Appropriate technology to power essential onboard systems is commercially available for light and medium-duty vehicles but we recognize that it has not yet been applied to heavy-duty motorcoaches that travel longer distances. DEP consulted with several electric APU manufacturers and we have confirmed that the key onboard systems, including braking systems, can be powered in light/medium duty motorcoaches. We also confirmed that electric APUs need not be installed on the roof. They can be installed without raising the vehicle height and weight above applicable thresholds.

DEP believes that electric vehicles are on the market in the United States for light- and medium duty vehicles, with a number of providers, a reasonable track record of performance, and a manageable cost premium.

DEP believes that one company offers an electric heavy-duty motorcoach in the United States, and one other company states that they will bring a European model to the United States in 2026. At the same time, DEP recognizes that these vehicles bear a significant cost premium and have little to no track record in conditions akin to New York City, for longer routes.

We consider these findings in the context that the prohibition against idling has long been the law of New York City, so it is the responsibility of every vehicle operator to comply with the law. This is not a new requirement that has taken the bus industry by surprise, so it is reasonable to expect that Academy should have already been taking steps – including seeking, testing, and implementing new technology – to reduce idling while preserving passenger comfort. The law countenances DEP granting variances only where real hardships and barriers exist. Section 24-110 of the Air Code expressly requires the applicant to show “an unreasonable hardship.”

With this context, and based on these findings, DEP concludes:

Due to the availability of retrofit technology and electric vehicle alternatives for the 12 medium-duty vehicles, and 4 light-duty vehicles included in your variance petition, there is no long-term unreasonable hardship and therefore there is no justification for a variance for these vehicles. Because we accept that retrofitting these vehicles will take some months, we find only an unreasonable hardship for the twelve months it will take to retrofit these vehicles.

Due to the lack of proven alternatives or retrofit technologies for long-distance buses, and the impact on passenger comfort during cold and hot weather of not running the onboard climate control systems, there is likely currently to be an unreasonable hardship during extreme weather. As a result, Academy’s 701 (diesel and hybrid) heavy-duty motorcoaches may idle without penalty when outside temperatures fall below 32 degrees (for heating) or rise above 80 degrees (for cooling), including when at a terminal point. Given the changing availability of technology, we believe this hardship only exists foreseeably for the next two years; as a result, this variance shall expire two years from this variance’s Commencement Date, as defined in paragraph 4 below.

However, as the idling law is not new, we believe Academy has, and has had, a responsibility to be seeking out, testing, and implementing technology to bring its entire fleet into compliance with the law without harming passenger comfort. As a result, we impose several conditions on this variance that ensures that Academy is taking steps towards the ultimate retrofit or replacement of its entire fleet so as to obviate the need for any variance. These are:

Academy will, within one year of the variance's Commencement Date, as defined in paragraph 4 below, retrofit the 12 medium-duty vehicles, and 4 light-duty vehicles listed in its petition with electric APUs, or replace them with electric vehicles altogether. We require you to follow certain steps towards this as outlined below.

Academy will, within two years of the variance's Commencement Date, as defined in paragraph 4 below, install at least one electric APU on a long-distance motorcoach, and share its findings as it undertakes that process with DEP and with the industry so that other operators benefit from those lessons. We require you to follow certain steps towards this as outlined below.

Academy will, within two years of the variance's Commencement Date, as defined in paragraph 4 below, acquire and deploy one long-distance fully electric bus that will replace one of the 2006 heavy-duty buses listed in its variance application. We require you to follow certain steps towards this as outlined below.

As a result, your request for a variance is granted only as outlined above for a two (2) year term subject to our receipt of your affirmative acceptance of the following conditions and terms:

1. Sixteen (16) light and medium duty vehicles comprised of the four (4) light and twelve (12) medium duty vehicles included in your variance application must have electric APUs installed within one year of the variance Commencement Date, as defined in paragraph 4 below. As an alternative, these vehicles may be replaced with EVs.
2. Issue RFPs in month 3 after the Commencement Date, seeking proposals for:
 - Electric APU(s) to be installed on one of Academy's heavy-duty motorcoaches (other than its 6 ZEVs) to power essential onboard systems including HVAC and auxiliary equipment such that the main engine can be turned off when the motorcoach is not driving.
 - A fully electric heavy-duty motorcoach to replace one of the 2006 heavy-duty motorcoaches. Using the acquired EV motorcoach, evaluate which current routes can be handled with the range available in the EV motorcoach.
 - The RFPs must provide the technical approach for electric APU and EV motorcoach pilots, including evaluation criteria and constraints to be evaluated. The RFP must also include a project management plan with staffing and resources.
3. If the RFP submissions are responsive, conduct pilots starting in months 8 and 10 by installing electric APU(s) in one heavy duty motorcoach and purchasing one EV heavy-duty motorcoach. During the pilots, performance outcomes shall be measured, including metrics for EV route lengths, and progress reports generated as set forth in the chart

below. The final report shall include projections of costs and schedule to extend electric APU and EV technology to the rest of Academy's fleet, for viable routes.

4. With respect to any idling summonses issued to Academy Express for which a hearing has been conducted and a penalty finally imposed as of the date that Academy Express LLC accepts the terms of this conditional variance, and for this conditional variance to take effect, Academy Express shall pay the amount due, or otherwise negotiate a settlement with DEP and the New York City Law Department, for any such summonses. **The date of full payment shall be this conditional variance's Commencement Date.** With respect to any idling summonses issued to Academy Express for which a hearing has not yet been conducted and a penalty not yet finally imposed as of the date that Academy Express accepted the terms of this conditional variance, for this conditional variance to remain in effect, Academy Express shall pay the amount due, or otherwise negotiate a settlement with DEP and the New York City Law Department for such summonses within 30 days of the hearing being conducted and a penalty being imposed.
5. This variance only allows idling by Academy's New York City fleet, as listed in the application, when outside temperatures fall below 32 degrees (for heating) or rise above 80 degrees (for cooling), including when at a terminal point.
6. This variance applies only to official activities undertaken during the course of business. The variance is not applicable to activities outside the scope of regular duties, including but not limited to authorized meal breaks.

The company must affirmatively accept these conditions within 30 days of the date that this conditional variance is issued. To accept, the last page of this letter must be signed by the principal of the company, notarized, and returned. Failure to affirmatively accept the conditions renders the variance null and void.

If achievement of the conditions is shown to be infeasible after proper due diligence, Academy may apply to modify the variance, and DEP would reassess the conditions.

The variance may be suspended until either reinstated, revoked, or modified by the Department if the conditions and terms including compliance with all applicable due dates in the chart below are not adhered to. The variance will expire two years from the Commencement Date. All dates below run from the Commencement Date.

| Light/Medium Duty | Due Date | Notes |
|--|----------|--|
| 16 light and medium duty motorcoaches to have electric APUs. Alternatively, replace these vehicles with EVs. | One year | APU means one or more APU units per vehicle. |

| Progress Reports | Due Date | Notes |
|--------------------------|-----------------|--|
| Progress Report #1 | Month 3 | Number of Light and/or Medium Duty Vehicles Installed with APUs (or EV) and status of RFP/Pilot |
| Progress Report #2 | Month 6 | Number of Light and/or Medium Duty Vehicles Installed with APUs (or EV) and status of RFP/Pilot |
| Progress Report #3 | Month 9 | Number of Light and/or Medium Duty Vehicles Installed with APUs (or EV) and status of RFP/Pilot |
| Progress Report #4 | Month 12 | Confirmation all 16 light and medium duty vehicles have APUs installed (or EV) and status of Pilot |
| Progress Report #5 | Month 15 | Status of Pilot |
| Progress Report #6 | Month 18 | Status of Pilot |
| Final Progress Report #7 | Month 21 | Status of Pilot with costs and schedule for extension to fleet. |

| Heavy Duty APU (one or more APU units) Milestone/Due Date | | Heavy Duty EV Motorcoach Milestone/Due Date | |
|--|----------|---|----------|
| RFP Issuance | Month 3 | RFP Issuance | Month 3 |
| RFP Responses | Month 5 | RFP Responses | Month 5 |
| RFP Award | Month 6 | RFP Award | Month 6 |
| Retrofit Bus | Month 8 | Procure EV Bus | Month 10 |
| Bus Test Completion | Month 14 | Bus Test Completion | Month 18 |
| Issue Report – Test Outcome and Cost/Schedule Proposal if outcome is favorable | Month 17 | Issue Report – Test Outcome and Cost/Schedule to replace buses on viable routes | Month 21 |

ACCEPTANCE OF CONDITIONS AND TERMS

I, _____ am the _____ of Academy Express LLC and I am authorized to accept the terms of this variance on behalf of Academy Express LLC. I hereby accept the terms set forth above.

NAME PRINT

SIGNATURE

DATE

The variance petition is therefore conditionally granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rohit T. Aggarwala', written in a cursive style.

Rohit T. Aggarwala