



January 4, 2022

Via email to: GerryK@dep.nyc.gov and AlyssaP@dep.nyc.gov

Gerry Kelpin
Director, Air & Noise Policies & Enforcement
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Blvd., 8th Floor
Flushing, NY 11373

Alyssa Preston
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Blvd., 8th Floor
Flushing, NY 11373

Re: Request for a Three Year Extension of Variance from Idling Law

Dear Director Kelpin:

On behalf of Loomis Armored US, LLC ("Loomis"), I respectfully write to request another three year extension to the variance from Section 24-163 of the Air Code which was granted on February 26, 2019. I am enclosing a copy of of the 2019 Variance in addition to our original Air Code Variance Application and its Attached Materials:

California Air Resources Board, Advisory Bulletin #349, "Armored Vehicle Idling Advisory," dated March 18, 2008; and,

Texas Commission on Environmental Quality, Chapter 114 Control of Air Pollution from Motor Vehicles, Subchapter J, "Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations," originally effective December 9, 2004, with Exemptions effective August 11, 2011.

The conditions as described in Loomis' original Application still exist today. Also, I am unaware of any advances in technology which could be availed upon and no longer necessitate Loomis' vehicles to idle.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Craig L. Albiston".

Craig L. Albiston
Chief Compliance Officer
Loomis Armored US, LLC
Direct: 731.435.6719
Email: craig.albiston@us.loomis.com



February 26, 2019

Mr. Craig L. Albiston
VP Legal Services, Risk Management
Loomis Armored US, LLC
580 Fifth Avenue, Suite 410
New York, NY 10036

Vincent Sapienza, P.E.
Commissioner

Re: Variance from Idling Law

Dear Mr. Albiston:

I am writing in response to your letter dated February 22, 2019 requesting a variance from the requirements for limiting idling to either three minutes, or one minute if adjacent to a school, as set forth in Section 24-163 of the Air Pollution Control Code.

Your request has been granted based upon the circumstances that these armored cars when actively being used in the course of doing business, must idle in order to operate video cameras and to avoid a safety or a health emergency. This exception does not apply when the employees are not performing their job responsibilities, including but not limited to taking lunch. These two conditions are also recognized by the California Air Resources as exceptions to the idling requirements that CARB has codified as exceptions in an "Advisory for Commercial Motor Vehicle Idling".

This variance is granted pursuant to Section 24-110 of the Air Pollution Control Code. Please be advised that this waiver shall expire February 22, 2022. The three year waiver is issued for this period as there may be advances in technology that no longer necessitate the vehicles to idle. This waiver may also be renewed with supporting documentation.

Sincerely,

A handwritten signature in black ink that appears to read 'Michael Gilson'.

Michael Gilson

Michael Gilson
Assistant Commissioner
Environmental Compliance

59-17 Junction Boulevard
Flushing, NY 11373



February 22, 2019

Via email to: AlyssaP@dep.nyc.gov

Gerry Kelpin
Director, Air & Noise Policies & Enforcement
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Blvd., 8th Floor
Flushing, NY 11373

Alyssa Preston
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Blvd., 8th Floor
Flushing, NY 11373

Dear Director Kelpin:

On behalf of Loomis Armored US, LLC ("Loomis"), I write to request a variance from Section 24-163 of the Air Code. I am enclosing our completed Air Code Variance Application and including an explanation to item II in the Attached Materials. Also, included within the Attached Materials are the following:

California Air Resources Board, Advisory Bulletin #349, "Armored Vehicle Idling Advisory," dated March 18, 2008; and,

Texas Commission on Environmental Quality, Chapter 114 Control of Air Pollution from Motor Vehicles, Subchapter J, "Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations," originally effective December 9, 2004, with Exemptions effective August 11, 2011.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely,

Craig L. Albiston
VP Legal Services
Loomis Armored US, LLC
Direct: 731.435.6719
Email: craig.albiston@us.loomis.com



NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Compliance
 59-17 Junction Boulevard, 9th Floor, Flushing, NY 11373

AIR CODE VARIANCE APPLICATION

I. APPLICANT INFORMATION

Name Loomis Armored US, LLC ("Loomis") Tel # 713.435.6719

Address 580 Fifth Avenue, Suite 410 City New York State NY Zip 10036

Capacity: _____

Client(s): _____

What section of the Air Code are you asking for a variance from? 24-163 (Vehicle Idling)

II. Please explain why complying with the Air Code section specified above would impose unreasonable hardship. Attach any documentation that will assist the department in reviewing your application.

Please See Attached Materials.

III. I hereby declare that the information provided herein and in any and all accompanying attachments is true and complete to the best of my knowledge. I understand that failure to comply with the conditions set forth by the Department in an approval of the application shall render the variance null and void.

Craig L. Albiston 02/22/19
 Print Name of Applicant Date

Craig Albiston 02/22/19
 Signature of Applicant Date

VP Legal Services, Risk Management
 Loomis Armored US, LLC

Please complete the form and include a cover page listing the supporting documentation that is being submitted and mail to:

Alyssa Preston
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Boulevard
8th Floor
Flushing, NY 11373

**Attached Materials In Support of Loomis' Variance Request
From The Requirements for Limiting Idling to Three (3) Minutes [or One (1) Minute if Next To A
School] as Set Forth in §24-163 of the Air Code**

By way of information, Loomis Armored US, LLC ("Loomis") is engaged in the business of transporting, protecting and storing the currency, coin, negotiable instruments, precious metals, gemstones and other valuables for its customers. Loomis provides these services by dispatching armored vehicles on daily runs to Loomis customers' pick-up and delivery locations. These services are performed by dispatching armored vehicles on daily runs on predetermined routes and strict time schedules which are based on customer requirements and security needs. Depending on various factors, such as the type of shipment and amount of valuables on board the armored vehicle, the crew in the armored vehicles consists of a Driver, a Messenger, and in some cases a Guard or Guards.

Due to the unique nature of armored vehicles and the dangers to life and property they are designed to address, Loomis respectfully requests a "common sense" variance from New York City Administrative Code Sec. 24-163 to allow it to idle its armored vehicles for greater than three (3) minutes. Permitting greater idling would allow the armored vehicle to instantly move in order to escape an imminent attack, thus avoiding potential danger to our crew, the general public and property. Additionally, Loomis' vehicles are also fitted with equipment designed to promote the safety of the vehicle crew (and the public), including cameras, sirens and sensors, and this equipment requires a sufficient draw on the vehicle's power and which requires the running of the vehicle. In addition to the security reasons, there is also a health and safety reason why Loomis is requesting the ability to idle: the sealed armored vehicle's windows do not roll down, thus requiring the use of heat or air conditioning to ventilate and climate control.

Typically, while making a delivery or pick up of valuables, the Messenger, who may at times be accompanied by a Guard, exits from the rear or side compartment of the armored vehicle, while the Driver remains in the front cab of the vehicle, guarding the property contained in the vehicle and also acting as a Guard for the Messenger, while staying vigilant and observing the surrounding area for potential danger or attack. For security reasons, and as mentioned above, the armored vehicle has windows that cannot roll down and the Driver can only open his/her door under certain controlled circumstances; and so, the Driver needs to be able to operate the vehicle air conditioner/heater for both comfort and a safe level of air flow.

The armored vehicle is also equipped with a variety of cameras, sirens, sensors, electronic locks and other security equipment and systems, all of which are designed to promote the safety and protection of the vehicle, its crew, the valuables in transit and the general public. Many of these systems and equipment either require the vehicle engine to be on or place such a significant drain on the vehicle battery as to run the risk of stranding the armored vehicle, which creates a security risk and potential danger to the Loomis crew, the public all of which could require city resources (law enforcement) to address.

Other regulatory agencies have recognized the special conditions warranting a differing standard for the armored car industry. As part of our request, we are including one from California Air Resources Board ("CARB") and another from the Texas Commission on Environmental Quality ("TCEQ"). We note that the CARB Advisory Bulletin recognizes that the interests of the public are better served by allowing armored cars to idle where necessary to operate security equipment, to provide climate control in a sealed vehicle and to allow an abrupt departure in the event of a robbery or other emergency situation. Since the TCEQ exemption deals with the Texas Safety & Health Code, the focus of that exemption centers around allowing idling in order to provide air conditioning or heating necessary for the employee occupant's health or safety in armored cars.

For the reasons stated herein, Loomis respectfully requests that the NYC Department of Environmental Protection follow the lead of the CARB and regulatory bodies and grant a "common sense" exception to the Idling Prohibition for Heavy Duty Vehicles to allow Loomis to continue to operate its armored vehicles and protect the lives of its crew (and the general public) in the safest manner possible.

Please do not hesitate to contact me should you have any questions

California Environmental Protection Agency
Air Resources Board



Enforcement Division

Advisory

COMMERCIAL MOTOR VEHICLE IDLING

Number 349

March 18, 2008

ARMORED VEHICLE IDLING ADVISORY

The purpose of this advisory is to inform you that the California Air Resources Board (ARB) has established a statewide regulation (13 CCR 2485) to limit diesel-fueled commercial motor vehicle idling that went into effect February 1, 2005. This regulation prohibits owners and operators of diesel-fueled vehicles greater than 10,000 lbs. gross vehicle weight from idling the vehicle's main engine for more than 5 minutes at any location. There are situations, however, where exemptions to this rule can be applied to armored vehicles. The following information should assist owners and operators of armored vehicles in identifying situations where idling will or will not be appropriate.

There are two circumstances in which certain armored vehicle idling could be considered exempt from the regulation. First, idling periods necessary for operating video cameras could be considered exempt. We understand that some video cameras may need to be in constant operation and of sufficient draw to require idling the vehicle's primary engine.

Second, idling periods necessary to avoid a safety or health emergency could be considered exempt. ARB understands that often two employees must remain in the vehicle at all times for security purposes while a third goes into the store or bank. Climate control may be important for the two that remain since they cannot leave the vehicle and their health and safety could be compromised if they were not allowed a source of heat or air conditioning. And for safety purposes, the engine may need to remain running in order to be able to leave the premises abruptly in the event of an attempted robbery or other emergency situation.

These two circumstances provide armored vehicles with potential, but limited, exempted idling periods. Unnecessary idling while the vehicle is not being used in an official capacity remains prohibited.

Drivers found in violation of this regulation are subject to a minimum civil penalty of \$300, as specified in the Health and Safety Code. A hold on the vehicle's registration may be placed for Notices of Violation that are not cleared.

For further information on this Advisory or about the state's commercial diesel-fueled vehicle idling rule, contact Nancy O'Connor at (916) 322-8325.

**SUBCHAPTER J: OPERATIONAL CONTROLS FOR MOTOR VEHICLES
DIVISION 2: LOCALLY ENFORCED MOTOR VEHICLE IDLING
LIMITATIONS**

**§§114.510 - 114.512, 114.517
Effective August 11, 2011**

§114.510. Definitions.

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

(2) Local government--A city, county, municipality, or political subdivision of the state.

(3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).

(4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

Adopted November 17, 2004

Effective December 9, 2004

§114.511. Applicability.

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

Adopted November 17, 2004

Effective December 9, 2004

§114.512. Control Requirements for Motor Vehicle Idling.

No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion.

Adopted July 20, 2011

Effective August 11, 2011

§114.517. Exemptions.

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

(1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;

(2) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;

(3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;

(4) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;

(5) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;

(6) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;

(7) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

(8) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;

(9) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;

(10) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;

(11) the owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or

(12) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

Adopted July 20, 2011

Effective August 11, 2011