



September 11, 2024

Mr. David S. Klausner, Esq.
The Law Office of David S. Klausner PLLC
Attorneys for Applicant Garda CL Atlantic, Inc.
150 Grand Street, Ste. 510
White Plains, NY 10601

Dear Mr. Klausner:

I am writing in response to your December 7, 2023 letter, in which you requested a variance on behalf of Garda from the requirements contained in Section 24-163 of the Air Code.

As you are aware, on May 29, 2024, 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. At that public hearing, the vast majority of people who testified and submitted comments were opposed to your variance being approved. Your variance application or testimony stated that there are safety concerns with shutting off the engine while the vehicle is being loaded or unloaded, specifically, the risks associated with robbery attempts during pickups and drop offs as well as that windows are inoperable and there are OSHA concerns. We believe that your operational needs do not require idling and could be met by a combination of electrification and the installation of anti-idling technology.

Your request for a variance is granted subject to our receipt of your affirmative acceptance of the following schedule and the conditions and terms set forth below:

- 50% of your New York City fleet or no fewer than 26 trucks must be fully electric by 12/31/2025. Progress reports shall be required as presented below, starting on 12/31/2024. The first progress report should include a schedule for how the milestones noted in the below chart will be met. If substantive progress in meeting required milestones is not presented in the progress reports, your variance may be suspended.
- The remainder of your New York City fleet must be either electric or have anti-idling technology installed by 2/1/2026. Acceptable Anti-Idling Technology must be comprised of systems that automatically turn off the internal combustion engine when the vehicle is stationary for longer than one minute. The Anti-Idling Technology must incorporate battery-powered HVAC systems and other power-requiring systems, including but not limited to security cameras, to ensure that vehicle operation and occupant comfort are not impacted while the engine is turned off.
- Payment of all outstanding and any adjudicated future penalties related to adjudicated idling summonses must be made in full by the date of acceptance of the terms of this variance. If payment is not made by the

Rohit T. Aggarwala
Commissioner

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date of acceptance, this variance shall not take effect until payment in full has been made, and the term will not be tolled.

- Provide progress reports that describe compliance status with the above milestones including but not limited to the percentage of electric vehicles, Anti-Idling Technology as well as facility improvements, the number of chargers, status of decommissioning of vehicles and/or change of fleet size until 12/31/2026.
- 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 the conditions and terms of this variance are not adhered to, including compliance with all applicable due dates, as set forth in the chart below, the variance may be suspended until either reinstated, revoked, or modified by the Department. The variance will expire on 12/31/2026.

Acceptance by Garda	DUE DATE	Notes
Payment	Date of the variance acceptance	*If not paid by this date, this variance shall not take effect until payment has been made in full.
Electrification of 26 trucks out of the NYC Fleet (52 trucks) (50%)	12/31/2025	
Anti-Idling Technology or electrification on the remaining 26 of the NYC Fleet (52 trucks) (50%)	2/1/2026	
Progress Report #1	12/31/2024	Status update on transition of the NYC fleet to electric or Anti-Idling Technology.
Progress Report #2	6/30/2025	Status update as to any vehicles that need replacement and status of and need for facility improvements.
Progress Report #3	12/31/2025	Status update on 100% of the NYC fleet is either 100%

		electric or 50%/50% electric/Anti-Idling Technology.
Progress Report #4	2/1/2026	Status update as to remaining vehicles that are going to be electric or have Anti-Idling Technology.
Progress Report #5	12/31/2026	Entire fleet is electric or 50% are electric and 50% are Anti-Idling Technology

ACCEPTANCE OF CONDITIONS AND TERMS

I _____ am the _____ of Garda CL Atlantic, Inc. and I am authorized to accept the conditions and terms of this variance on behalf of Garda CL Atlantic, Inc. I hereby accept the terms set forth above.

Name Print

Signature

Date

The variance petition is therefore conditionally granted.

Sincerely,


Rohit T. Aggarwala
Commissioner