

EXHIBIT 4

ABA LETTER TO MAYOR ADAMS APRIL 21, 2025



April 21, 2025

The Honorable Eric Adams
Mayor
City of New York
New York, NY 10007

Dear Mayor Adams:

On behalf of the American Bus Association and the domestic motorcoach industry, we seek your assistance in addressing a growing challenge posed by The New York City Department of Environmental Protection (DEP).

New York City's idling enforcement program, as currently applied to private motorcoach operators, is deeply flawed and raises a host of legal, operational, and environmental concerns. While the stated intent may be to reduce emissions and improve air quality, the reality is a patchwork enforcement effort that does more harm than good.

Specifically, the current policy:

- Creates unsafe and uncomfortable conditions,
- Undermines environmental progress,
- Applies an unfair double standard, and
- Violates the U.S. Constitution's Commerce Clause.

The American Bus Association (ABA) is a national trade association that represents the interests of over 800 private bus operators. Our members provide a variety of passenger services, including regular scheduled route intercity service, charter services, tour operations, commuter bus services, and special operations that support public transportation systems, such as airport shuttles or services tied to special events, natural disasters, troop movements and attractions.

Our members' motorcoaches operate into and through New York City on a daily basis, and they are now subject to an aggressive and unruly strategy to enforce the City's engine idling regulations.¹

¹ Sec. 24-163(a) of the Administrative Code of the City of New York states in pertinent part: "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 . . . while parking as defined in section one hundred twenty-nine of the [New York State] vehicle and traffic law [VTL], standing

This enforcement program and overall negative view towards private bus operators could harm New York City's revival in the tourism sector. In 2024, the tourism industry generated an estimated \$79 billion in economic activity across the city and state—driven by over \$51 billion in direct visitor spending². This sector supports more than 388,000 jobs in leisure and hospitality, making up nearly 9% of the city's entire workforce³. Just as importantly, tourism dollars are fueling growth for thousands of small and minority-owned businesses in every borough.

These idling restrictions are targeting private motorcoach operators that move tourists in and around the city, and make the joys of New York possible for school trips, senior citizens and those who have no other transportation options.

The enforcement of the program is also concerning. The program is enforced not merely through citations issued by DEP officials, but primarily through a "bounty hunter" program under which citizen enforcers may submit to the DEP a video of idling buses and complete a complaint form. In return, the citizen enforcer receives 25% of the fines collected.⁴

One ABA member, Academy Bus, reported receiving 200 citations mailed to it in one day, asserting \$120,000 in fines. Other member companies are also receiving multiple citations per day. DEP has reportedly said it issued over 100,000 idling citations in 2024 and intends to issue over 200,000 such citations in 2025.

Unsafe and uncomfortable conditions

This aggressive enforcement presents serious challenges for motorcoach operations, particularly during the critical moments of passenger loading and unloading. School groups, senior citizen tours, military units, and other large parties require more time than the limited idling window allows to safely embark or disembark. Shutting down the engine during these extended boarding processes compromises passenger safety and comfort, especially during periods of extreme heat or cold, as climate control systems are rendered inoperable.

Undermines environmental progress

Moreover, turning off the engine disables the emission control technologies built into modern coaches—systems that rely on continuous engine operation to reduce harmful pollutants in real-time. These technologies, developed in line with stringent federal EPA standards, represent a significant investment by our industry in cleaner, greener transportation. The current

as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device."

² NYC Tourism + Conventions. (2024, December 19). New York City tourism generated \$79 billion in total economic impact in 2024. <https://www.business.nyc tourism.com/press-media/press-releases/NYC-Tourism-year-end-tourism-numbers-2024>

³ Id.

⁴ See Citizens Air Complaint Program webpages published by the DEP.

enforcement practices not only disregard the operational realities of large-group transport but also undermine the very environmental advancements they claim to support.

It is important to note that the intercity bus industry itself plays a vital role in improving environmental quality by removing passenger cars from the road, resulting in lower emissions per passenger-mile compared to cars and other higher-emission modes of transportation. Motorcoaches, in particular, are one of the most efficient and sustainable modes of travel. When considering the number of passengers transported per vehicle, motorcoaches produce far fewer emissions per person than private automobiles, airplanes, and other forms of transportation. Motorcoaches are part of the solution, not the problem, in the pursuit of sustainable transportation.

Unfair double standard

Exempting city and state vehicles, which operate far more buses on New York City streets than private bus companies, means the DEP enforcement program is not designed to improve air quality. Instead, the enforcement by DEP and its citizen complainants seeking a payday is designed to raise revenue and to force private bus operators to pay higher prices, cancel service, or adopt electric vehicles—even though it is not economically or technologically feasible for their operations. This two-tiered system unfairly penalizes private operators who play a vital role in moving millions of people safely and efficiently, including students, tourists, veterans, and essential travelers. Public agencies are given a pass while private companies are squeezed by unrealistic regulations that ignore the realities of modern coach service. True environmental policy should be rooted in equity and science—not selective enforcement that favors government fleets and punishes small businesses working to comply with the very standards they helped pioneer.

Constitutional Concerns

Finally, the exemption granted to MTA and other New York-based transit buses constitutes a clear violation of the Commerce Clause of the U.S. Constitution, as it discriminates against interstate commerce without a legitimate state interest to justify such unequal treatment. Private motorcoach operators entering the city are fully subject to the idling restrictions and the associated penalties, while public transit buses operated by New York City and State agencies are allowed to idle without consequence. Even buses operated in the city on behalf of New Jersey Transit—despite serving the same commuting corridors—are held to a different standard and routinely fined. This selective enforcement creates an uneven playing field, burdening out-of-state and private carriers with costly penalties while shielding in-state public fleets, further undermining the integrity and fairness of the DEP's regulatory approach.

Summary

This uneven enforcement not only penalizes an industry that plays a critical role in sustainable transportation, but also calls into question the legality, fairness, and actual environmental impact of the City's idling enforcement strategy.

Representatives of the American Bus Association, Bus Association for New York and Buses for NYC, and its members, have made repeated efforts to raise these concerns through meetings with DEP personnel, members of the New York City Council, and other city officials—unfortunately, without resolution. We respectfully request you or your representatives explore a reasonable path forward that ends the citizen bounty program and allows motorcoach operators to continue serving the city safely and responsibly.

We look forward to a timely response and plan of action in support of continued motorcoach operations in New York City.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Ferguson', written in a cursive style.

Fred Ferguson
President and CEO
American Bus Association