

December 7, 2023

**VIA EXPRESS MAIL FOR NEXT BUSINESS DAY
AND ELECTRONIC MAIL**

Mark Page, Jr.
Executive Director
Bureau of Environmental Compliance
Department of Environmental Protection
59-17 Junction Blvd. 8th Floor
Flushing, NY 11371

Attn.: Mark Page, Jr.
Executive Director

**APPLICATION FOR A VARIANCE FROM
TITLE 24, CHAPTER 1 OF THE NYC ADMINISTRATIVE CODE §24-163**

INTRODUCTION

Garda CL Atlantic, Inc. (“Garda”) provides armored transportation/secure delivery of cash and coins to banks, ATMs, retailers, restaurants and other businesses throughout the five (5) boroughs of New York City. The services provided by Garda (along with the other armored transportation companies in the metro New York City area¹) are essential to the circulation of the money supply (checks, coin, and currency) and the active commerce enjoyed by the millions of individuals who reside, work and visit the city, particularly those individuals who rely on the use and accessibility of cash.

I have represented Garda for over ten (10) years and write now on behalf of Garda to respectfully request a three (3) year variance from Title 24, Chapter 1 of the NYC Administrative Code Section 24-163 (the “Idling Law”) from the New York City Department of Environmental Protection (the “DEP”), to the extent the Idling Law applies here, on the basis of unreasonable hardship and to allow Garda time to safely and securely implement its compliance plan.

Garda recognizes the importance of environmental responsibility and is actively engaged in efforts to mitigate and eventually eliminate its dependency on fossil fuels to carry out its core business functions. However, these efforts take time to research, acquire, and implement and should be considered in the context of feasibility, safety, security and overall financial impact. Garda is prepared to make an initial commitment to replace, within the requested three-year variance period, eighteen (18) existing gasoline and/or diesel-powered armored vehicles with

¹ The DEP has already granted a variance to armored car companies Loomis Armored US, LLC, Rapid Armored Corporation, Epic Security Corp., Secure Cash LLC, and Shields Business Solutions, Inc.

comparable electric vehicles² operating out of its Long Island City location, which services the New York City routes. Garda has already submitted an order for six (6) all-electric trucks with necessary aftermarket armoring and security system modifications, which are expected to be delivered by the end of February or early March 2024.³ Garda will also be ordering high capacity electric charging infrastructure to be installed at its branch contemporaneously with the expected delivery of the all-electric armored trucks. Assuming these all-electric armored vehicles perform as expected, and are safe and secure for its employees, Garda will order and deploy an additional twelve (12) all-electric armored vehicles before the end of 2025. For the reasons set forth below, Garda requests that the DEP grant its application for a variance from the Idling Law.

BACKGROUND & STATEMENT OF FACTS

A. Discrete Periods of Idling are Necessary for Garda Armored Vehicles Servicing New York City

Garda securely delivers cash and coins in the five (5) boroughs of New York City through its armored fleet of vehicles. Without the participation of Garda and the other armored transportation providers, ATMs would not operate, tickets for public transportation could not be purchased with cash, and store owners would be unable to accept cash and give change. See Exhibit A hereto, an October 18, 2022 letter (the “NACA Letter”) from Basil Thomson, Executive Director of the National Armored Car Association (“NACA”) to DEP Executive Director Mark Page, Jr., and DEP Director, Air & Noise Policies, Regulations & Enforcement Alyssa Preston, Esq.

Garda utilizes special armored vehicles to securely deliver and transport cash and coin. These vehicles, which are essentially sealed mobile bank vaults, are targets of robberies, threats and gunfire and Garda cannot carry out its core function—the secure armored delivery/pick up of cash and coin at various locations throughout New York City—without the ability to keep the engines idling for the duration of each route stop. The Garda armored vehicles begin their servicing from the branch location in Long Island City and the route—which covers multiple stops—typically takes an entire workday to complete.

For the safety and security of its crews, and the security of the cargo, Garda’s vehicles at issue are heavily armored. This means that all vehicle windows are sealed shut and cannot be opened. Garda armored vehicles at issue generally depart from its base in Long Island City with two (2) crew members: an armed messenger who will carry out the pick-ups and drop-offs, and a driver who will operate the vehicle and remain inside the armored vehicle at all times. Because the vehicles are sealed and the windows cannot be opened, for the health and safety of the crew member remaining in the truck, the ventilation system must operate continuously through operation of the heating and air circulation systems in the vehicles, not for comfort but for air. Generally, the driver must remain in the truck for an average of ten (10) minutes for each stop on the route and failure to deliver air would put the crew in significant danger and would also constitute a clear violation of local, state, and federal safety standards.

² These electric armored vehicles must be capable of providing secure armored transportation and delivery of cash and coin.

³ The purchase orders for the six (6) electric trucks and after market modifications (redacted for safety and security reasons) are attached hereto as Exhibit B.

Further, the vehicles are equipped with extensive electronic security which may include tracking, guidance systems, cameras, sirens, sensors, locking mechanisms, etc., all of which require a reliable and steady source of energy to operate while the truck is stopped for delivery and pick up of the money supply. These security systems must remain in operation during the route the Garda vehicles take throughout the day, including the discrete periods of time the vehicles are parked for delivery and/or pick up of coin and cash. Additionally, unless the driver was instantly able to engage its motor, the crew member preparing to exit the truck would be in greater danger of being taken hostage, robbed or subject to gunfire.⁴

At the present time, our diligent research has not identified a viable and commercially available OEM or third-party technology to power the ventilation, security systems and permit immediate access to engine power in these vehicles without engine idling. However, Garda remains committed to continuing these efforts.

B. The Exponential Growth of Citizen Originated Idling Complaints

After Garda first received a few violations in 2018, this office contacted the DEP to inquire about a variance. In an e-mail dated August 31, 2018, Alyssa Preston, Esq., now DEP Director, Air & Noise Policies, Regulations & Enforcement, stated that the DEP enforcement officials were directed not to ticket armored trucks engaged in process and a variance was therefore not necessary. The August 31, 2018 e-mail from Alyssa Preston is attached hereto as Exhibit C.⁵

Beginning in the last few months of 2022, a small number of individuals have turned the Idling Law into a full-time occupation and have made—to date—nearly 1,000 separate complaints against Garda. These individuals have put at risk the safety of Garda's crew members and Garda's operations. As armed robbery is always a concern for an armored vehicle, we are gravely concerned that the risk of armed ambush has been expanded by the citizen complainants. For example, my firm's examination of summonses for idling reveal that citizen complainants closely track and follow a specific truck along its route throughout the day and take video of the truck at more than one stop, making it easier for potential criminals to learn the truck's route and distracting the driver, who must remain vigilant at all times, from other potential threats.

Our office, which has been retained by Garda to handle the Idling Law related violations and hearings scheduled through the Office of Administrative Trials and Hearings ("OATH"), typically receives 70 to 120 new alleged violations per month and a similar number of hearings are scheduled before OATH.

⁴ A recent example of the threats facing armored car companies and their employees occurred in January 2023 when it was widely reported that an armored car was robbed of \$300,000 in Brooklyn.

⁵ Ms. Alyssa Preston sent a subsequent e-mail to our office dated April 13, 2023 advising that as the DEP was now requiring a variance to be exempted from the idling restriction, but the email did not state on what date (after August 31, 2018) and by what means the policy changed. E-mail attached as Exhibit D. Prior to this e-mail, Garda had relied on the August 31, 2018 e-mail in good faith.

WHY GARDA SHOULD BE GRANTED A VARIANCE

Section 24-163 of the NYC Code, i.e., the Idling Law, provides that a vehicle may not idle for more than three minutes (one minute if adjacent to a school).

When the Garda armored vehicles at issue are stopped at a service location, the proprietary systems needed for the safe and effective operation of these sealed armored vehicles are integral to the vehicle itself. Since each stop takes (on average) 10 minutes, Garda cannot carry out its core function in compliance with the 3-minute idling limit.

As has been recognized in granting similar variances to numerous other armored car companies, and by the DEP in initially directing its inspectors not to ticket armored trucks, armored cars and armored carriers are unique. Armored cars are sealed, requiring idling so that: (1) air can be provided to its employees remaining in the vehicle, (2) extensive security features can be enabled, operated and maintained, and (3) the vehicle can move quickly to avoid potential security or safety issues presenting clear and present danger to both employees and the public. Garda has investigated and continues to investigate technology to operate these systems without reliance on engine idling without success. Demonstrating its commitment to reducing dependency on fossil fuels and the associated requirement for engine idling and in conjunction with its request for a three (3) year variance, Garda is committing to acquiring 18 all-electric armored vehicles at great cost with an action plan to acquire more. Requiring Garda to replace its entire fleet without proper testing and not in phases would create potential safety and logistics challenges in addition to unreasonably burdening Garda's ability to conduct business that supports numerous NYC businesses and employs many NYC residents.

Under current conditions, Garda cannot carry out its function: the secure delivery of cash and coin throughout the five (5) boroughs of New York City without a variance and ask that it be granted.

ADDENDUM COVERING ALL QUESTIONS IN DEP VARIANCE FORM

I. Details of the vehicle or description of the fleet.⁶

Year	Make	Model
1989	PTRBLT	375
2005	FORDX	F750
2015	PTRBLT	PB330
2023	PTRBL	PB548
1996	INTHR	4900
2000	VLVNA	WG
2001	FORDX	F650
2005	VLVNA	TRACTOR
2005	VLVNA	VHD64F
2007	FORDX	E350
2007	STRLG	LT8500
2011	INTHR	4300
2013	FORDX	F650
2015	PTRBL	PB330
2016	PTRBL	PB330
2017	PTRBL	PB330
2018	PTRBL	PB330
2022	PTRBL	PB348

II. Does the vehicle or fleet run on gasoline or diesel?

Garda armored vehicles servicing New York City are powered by both gasoline and diesel. Since 2019, Garda has prioritized purchasing more efficient vehicles (e.g. with a lower GVWR, better technology, etc.) which run on gasoline. Garda plans to increase the percentage of gasoline powered vehicles in its New York City fleet throughout 2023 and beyond.

⁶ This chart reflects the makes and models of the various vehicles comprising the armored vehicle fleet servicing New York City through the Long Island City branch. There are currently 52 vehicles in service.

III. What is the vehicle's weight rating (GVWR) and registered weight for the vehicle? If the vehicles are identical please provide just one weight of the vehicle.

Year	Make	Model	GVWR
1989	PTRBLT	375	80000
2005	FORDX	F750	26000
2015	PTRBLT	PB330	25999
2023	PTRBL	PB548	60000
1996	INTHR	4900	33000
2000	VLVNA	WG	52000
2001	FORDX	F650	26000
2005	VLVNA	TRACTOR	50350
2005	VLVNA	TRACTOR	80000
2005	VLVNA	TRACTOR	87000
2005	VLVNA	VHD64F	51500
2007	FORDX	E350	10700
2007	STRLG	LT8500	58000
2011	INTHR	4300	26000
2013	FORDX	F650	25999
2015	PTRBL	PB330	25999
2016	PTRBL	PB330	25999
2017	PTRBL	PB330	25999
2018	PTRBL	PB330	25999
2022	PTRBL	PB348	60000

IV. How much power is required to power all the required units in the vehicle or the fleet?

a. List all the equipment that requires external power.

Ventilation system (delivering air through HVAC)
GPS
Alarm system
Automatic locks
Video Monitoring/Security Cameras
Safety Sensors

b. How many hours are required for each piece of equipment to run on external power.

The power must remain on at all times to operate the ventilation and security systems during the daily route. Each route originates from the base in Long Island City and typically takes a full workday to complete.

V. Have you considered installing a battery power APU unit or gasoline power APU?

1. If yes, include details.

Garda has investigated and tested idling solutions akin to APU systems for its North American fleet since 2013, with the aim of reducing emissions and generating fuel savings without success. The systems investigated and tested were unfortunately unable to provide uninterrupted and consistent power to the necessary systems. Garda will continue to explore all viable options.

If no, list the reason why not.

Not applicable.

2. Explain in detail why we should approve your waiver, including a cost analysis, undue hardship burdens, and improvements to your fleet to reduce engine idling.

All of Garda's routes in NYC originate from a base location on Long Island City. Garda is engaged at present in investigating alternative manufacturers/models of electric vehicles, in relation to the mileage range for each vehicle (the distance that can be travelled for each full charge, which must be measured from the Long Island City location), charging time, and cost. The makes and models of standard commercially available electric vehicles would require additional expenditures to take a standard electric van or truck and modify it to add armoring and the additional features to create an armored electric vehicle. This necessary customization would add weight and reduce the range and payload of the final electric armored vehicle.

There are a limited number of companies that produce electric trucks capable of handling the armoring, weight and power consumption needs of an armored truck. As part of its continuing commitment to modernize its fleet with an emphasis on sustainability and environmental responsibility, Garda has extensively investigated several manufacturers/models of electric trucks.

After a process to determine suitable vendors, Garda placed an initial order with Houston Freightliner on October 13, 2023, for six (6) 2023 Freightliner MT50e all-electric trucks. These base vehicles will then be armored and equipped with extensive security and safety features. Garda has also placed an order with Roshel Inc. for post-production armoring and security for each of these all-electric trucks. The total cost for these vehicles is approximately \$1,750,000.00 and expected delivery is February/March 2024. Following delivery, these vehicles will be tested and implemented.

In order to provide safe and secure charging for these vehicles, Garda has also made provisions for the installation of high capacity electric charging stations at its Long Island City base at an estimated additional cost of \$450,000.00.⁷ Garda has already committed over \$2,100,000.00 to begin converting its armored fleet to all-electric equipment. However, under current market conditions, it would be difficult to source enough suitable all-electrical vehicles and armor them. It would also be impractical and irresponsible to implement them without a proper pilot program. In addition, the cost of at least \$15,000,000.00 to replace the entire 52 vehicle active armored Garda fleet with suitable all-electric armored vehicles and charging stations would be untenable, even if it were feasible to locate and implement the vehicles.

For the purposes of this variance application, Garda will commit to replacing a minimum of eighteen (18) diesel and/or gasoline fueled armored vehicles in the Long Island City fleet servicing the NYC area with fully electric vehicles, over the three-year period of the requested variance at an anticipated cost of over \$5,000,000.00. Six (6) fully modified all-electric vehicles were ordered on October 13, 2023. Delivery is expected in February 2024. Following successful deployment of the first six all-electric vehicles, Garda plans to order and place into service an additional twelve (12) fully modified all-electric vehicles by the end of 2025. Garda will be replacing a minimum of 35% of its existing armored truck fleet within the requested three (3) year variance period and will provide DEP with status updates regarding its acquisition and implementation at six (6) month intervals during the applicable variance term. Garda will also explore replacing additional vehicles with all-electric vehicles with the eventual aim of further reducing dependency on fossil fuel powered armored vehicles.

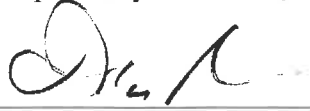
Garda will contemporaneously commit to continue investigating after-market options to provide continuous ventilation, un-interrupted power to its extensive security systems and immediate access to the engine in the event of attempted hijacking or robbery without the need for engine idling.

At the present time, Garda faces a huge burden of managing and defending the ever-increasing number of alleged violations derived from individuals seeking to turn the City of New York's legitimate interest in minimizing the effects of engine idling into a full-time job. Multiple OATH hearings are scheduled nearly every week through 2025. The Garda crews dutifully providing service to banks and businesses through New York City must be provided with proper ventilation and active security measures while engaged in service stops. Since these basic protections require engine idling a variance is necessary and should be granted.

Garda urges the DEP to request any further information required to process the instant variance application and thanks you for your consideration of this matter.

⁷ Since there are currently limited options available for charging in New York City and unless charging stations are Level 3 (which are scarce), it would take hours to sufficiently re-charge vehicles in-service and these vehicles must therefore be capable of servicing a complete route on a single charge. In addition, there may be public and employee security risks with public charging, even if more options were available, due to the nature of the armored vehicles.

Respectfully submitted,



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
914-288-8706
David@Klausnerlawfirm.com

EXHIBIT

A



**National Armored
Car Association**

**1015 15th St NW, Suite 600
Washington, DC 20005**

**603.382.7334
basil@naca-policy.com**

October 18, 2022

**Mark Page, Jr.
Executive Director
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: Variance from Idling Law

Dear Director Page:

On behalf of the National Armored Car Association (NACA), we write in support of industry variance petitions from section 24-163 of the Air Pollution Control Code ("Code") to allow for idle times of more than three minutes, or one minute if adjacent to a school, while armored cars are actively being used in the course of doing business. These variances are necessary to prevent our member companies from facing the unreasonable hardship that compliance with the Code would entail while they work to build upon their satisfactory progress in reducing carbon emissions via transformations to their fleet operations and to allow for the industry to continue reducing the risk to New York City's small businesses and financial institutions.¹

Formed in 1929, NACA is a business association that brings together the three major companies of the armored car industry—Brink's, Garda, and Loomis—with a focus on protecting and promoting the common interests of the industry. These three organizations comprise approximately 90% of the armored car industry in the United States, and NACA members have handled virtually every dollar and coin in circulation. They provide secure transportation and cash management services for the Federal Reserve, financial institutions, state and local governments, and private businesses and individuals across the United States and internationally.

Justification for Variance

Given our industry's role in transporting, protecting, and storing, coin, currency, negotiable instruments, precious metals, gemstones, and other valuables, armored car guards are attractive targets for criminal enterprises. Statistics compiled by NACA members reveal that the majority of armored car robberies involve the use of violent force and occur when the armored car is stopped and the crew members are outside the safety of the vehicle. For instance, since 2000, there have been an average of fifty-three (53) armored car robberies per year, of which eighty-six percent (86%) involved the use of violent force and eighty-seven percent (87%) occurred while the employee was outside the safety of his/her truck. Most of these robberies and attempted robberies occur in highly populated urban areas widely accessed by the public and require the response of law enforcement—creating a potential threat to both the general public and peace officers. Based on the number of armored cars in operation in the U.S. (approximately 7,820) and number of stops per day (approximately 35) each vehicle makes, there are approximately 199,801,000 exposures per year where there is the potential for an armored car robbery to be committed when at least one crewmember is out of the vehicle.

¹ The September 2022 Mayor's Management Report found "unparalleled increases in major crime categories," noting increases in felony crime (26%), robbery (24%), and felonious assault (17%) in the fiscal year 2022 vs. 2021. Our industry reduces risks facing small and large businesses, banks, and residents, through cash management assistance.



National Armored Car Association

1015 15th St NW, Suite 600
Washington, DC 20005

603.582.7534

bas@naca.org naca.org

Given these recognized hazards to our employees and the public, armored car companies work to minimize the risks associated with robbery attempts. This includes significant investments in the development of specialized armored vehicles that are built with bullet resistant glass and panels, sealed from outside elements and retrofitted with energy-intensive security systems that are designed to protect guards—as well as the general public and peace officers—during customer pickups and drop offs. These security systems include cameras, sirens, sensors, electronic locks, and other equipment that require a constant and significant source of energy during prolonged stops that only a truck's engine can reliably power. For instance, external cameras must operate continually to allow the driver, who must be ready to reposition the vehicle at a moment's notice in the case of a robbery attempt, to remain vigilant of external threats. Furthermore, due to the sealed design of armored vehicles, the heat or a/c system must run continually during a stop to maintain a healthy ambient temperature and volume of airflow inside the cab and cargo areas. If a truck were to power off during a stop, security and air conditioning systems would drain the truck's battery, potentially stranding the crew and exposing the driver to extreme temperatures. As a result of these factors, the engine must remain running during stops to ensure the operability of security systems, temperature regulators, and operational protocol necessary to the safety of all parties.

Reducing Fleet Emissions – Satisfactory Progress Achieved

While writing to express support for NACA members' variance requests, we also acknowledge that the largest part of the armored car industry's carbon footprint comes from transportation. As a result, we want to draw your attention to the significant steps our industry is taking to reduce carbon emissions and some of the challenges that have arisen in trying to get there. As has been discussed earlier in this letter, transportation of valuables and cash requires the use of armored vehicles. The weight and compact design of these vehicles are unique to our industry and as such our members must pilot potential alternative solutions to fleet design and operation before adoption. This takes time, significant financial investment and can result in delays or drawbacks if the piloted changes do not end up working as intended. For instance, some of NACA's members spent significant resources and time to develop an idle-reduction system which automatically turned off the engine when the driver shifted into park—but that kept the internal systems running. Unfortunately, after testing prototypes of the technology in the field, system reliability issues prevented companies from moving forward with its adoption.

However, NACA members haven't stopped exploring alternative and environmentally friendly options for fleets where appropriate, such as the use of lighter vehicles, increased route optimization and efficiency, fleet management software, minimizing the total number of vehicles on the road and replacing eligible vehicles with hybrid and/or electric alternatives. In the case of transitioning fleets to electric, one member successfully worked with a vehicle supplier to test technical solutions for electrical armored trucks and purchased 20 electrified armored vehicles at the beginning of 2021. However, due to a shortage of components and challenges with infrastructure, the delivery of those vehicles has been delayed.² Another member has deployed more than 150 armored vehicles based on the newest generation of gas engines with lower emission levels and more efficient fuel consumption throughout the country.³ Yet another member is testing solar panels on segments of new vehicles and piloting new start-stop technology.⁴ As the industry invests substantially in sustainability initiatives, we urge recognition that developing such technologies takes time.

² Loomis Interim Report January - June 2022

³ GardaWorld 2021 Sustainability Report.pdf

⁴ Brinks Sustainability Update July 2022



**National Armored
Car Association**

**1015 15th St NW, Suite 600
Washington, DC 20005**

**663.582.7334
basil@ultra-impolitey.com**

Precedent Exists for Such Variance Requests

Finally, we draw your attention to the fact that there is precedent for granting variance requests from anti-idling laws. In fact, both the United States Environmental Protection Agency and California Environmental Protection Agency Air Resources Board recognize the critical importance of exempting armored car operators from idling requirements. The EPA's Model State Idling Law exempts armored car vehicle idles "when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded," stating that such exemption is "common sense" similar to that of emergency vehicles.⁵ California's Environmental Protection Agency Air Resources Board issued an advisory acknowledging and exempting armored cars from idling: (1) "necessary for operating video cameras" as they "may need to be in constant operation and of sufficient draw to require idling the vehicle's primary engine," or (2) "to avoid a safety or health emergency" as crew "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."⁶ The state of California also recognizes this vital exemption in the recently amended California Code of Regulation Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.⁷ Prior to 2022, the NYC Department of Environmental Protection approved "common sense" variance requests for NACA members to idle for greater than three minutes. We encourage the Agency to resume approving variance requests from our industry, a common practice nationwide, even in stringent states.

Conclusion

Given the aspects of operational security and the safety considerations of the people of New York City, we respectfully request that the Department of Environment Protection approve the anti-idle variance requests submitted by our members. Without approving these requests, the restrictions placed on guard operations will negatively and significantly impact the ability of our industry to ensure the safety of our guards, cargo, bystanders, and law enforcement. The industry will continue to advance pledges to increase its sustainability and reduce its carbon footprint and asks during this intensive research and development process that the city support safe practices that protect the people and businesses of New York.

Sincerely,

Basil Thomson

**Basil Thomson
Executive Director, NACA**

**CC Mayor Eric Adams
Police Commissioner Keechant Sewell**

⁵ Office of Transportation and Air Quality, Model State Idling Law § (2006).

⁶ Air Resources Board, Armored Vehicle Idling Advisory § (2008).

⁷ Cal. Admin. Code tit. 13, § 2485, 13 CA ADC § 2485

EXHIBIT

B

GARDAWORLD

PURCHASE ORDER: HOUSTON FREIGHTLINER

GardaWorld Cash Services, Inc.




Buyer Contact: 

Phone: 



Purchase Order Number: 19506

Our PO number must appear on all related correspondence, shipping documents, and invoices.

Total approved amount: 

The total approved amount on purchase order number 19506 is  for 6 2023 Freightliner MT50es, and transportation.

Product Description and Fees

Item Description	Quantity	Unit Price (USD)	Total Amount (USD)
2023 Freightliner MT50e High Level Specifications 140KW Dana Electric Piston caliper disc brakes ABS 8K Front 15K Rear	6		
Total	6		

**** All costs are limited to pre-approved, actual and documented costs as specified above, and cannot exceed the above price per item.**

GARDAWORLD

PURCHASE ORDER: ROSHEL INC.

GardaWorld Cash Services, Inc.



Buyer Contact: [REDACTED]

Phone: [REDACTED]

Purchase Order Number: 19509

Our PO number must appear on all related correspondence, shipping documents, and invoices.

Total approved amount: \$ [REDACTED] USD

The total approved amount on purchase order number 19509 is \$ [REDACTED] USD for 6 2023 Freightliner MT50e's transformation.

Product Description and Fees

Item Description	Quantity	Unit Price (USD)	Total Amount (USD)
Transformation** High Level Specifications Armoring: - TS K-1 (RE 5) with BDI and cameras As per specs supplied	6	[REDACTED]	
Total	6		[REDACTED]

**** Transformation costs are limited to pre-approved, actual and documented costs to transform the vehicles as specified below and cannot exceed \$ [REDACTED] USD per vehicle.**

TERMS AND CONDITIONS

Exhibit C

DEP already has protocol in place wherein the inspectors are informed not to issue if there is a direct causal relationship to the vehicle idling, i.e. parked right near the location, and there is an official work related reason for the vehicle idling.

From: Evelyn Miller <evelyn@klausnerlawfirm.com>
Sent: Friday, August 31, 2018 3:00 PM
To: Preston, Alyssa <AlyssaP@dep.nyc.gov>
Cc: Settineri, Debra <debras@dep.nyc.gov>; David Klausner <david@klausnerlawfirm.com>; Kelpin, Gerry <GerryK@dep.nyc.gov>
Subject: RE: Correspondence #1-1-1605516910 Variance for armored vehicle company.

CAUTION: Think before you click. This email is from a sender outside of your organization. Do not click links or open attachments unless you know the content is safe.

Thanks, Ms. Preston.

The vehicles are armored vehicles, and they need to keep idling because the windows are sealed and because of obvious security reasons as each vehicle makes its short deliveries around the city.

How is the protocol for a particular vehicle or fleet communicated to the inspectors? In the case of our clients, multiple violations have been issued over time, with the inspectors unaware of the health and security reasons applicable to the armored vehicles. Are you suggesting that instead of a variance, that we apply to have the protocol extended to our clients fleet in NYC? Or would the protocol have to be asserted in response to each violation when the citation is returned without payment.

Sincerely,

Evelyn Miller

Evelyn Miller, Esq.

The Law Office of David S. Klausner PLLC

150 Grand Street- Suite 510

White Plains, NY 10601

Tel. (914) 288-8706 (303)

Fax: (914) 288-8706

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately.

From: Preston, Alyssa [<mailto:AlyssaP@dep.nyc.gov>]
Sent: Friday, August 31, 2018 2:51 PM
To: Evelyn Miller
Cc: Settineri, Debra; David Klausner; Kelpin, Gerry
Subject: RE: Correspondence #1-1-1605516910 Variance for armored vehicle company.

There is no need to file a variance, as we have protocol in place to instruct the inspectors that if the work being performed is directly related to the reason the vehicle is idling, the inspector is not to issue a violation. You may of course still file a variance request, there is no fee, by replying to this email to Gerry Kelpin, Director, Air & Noise Policies & Enforcement. The fine is actually \$350, and the violation must be sustained at ECB. As you may be aware, there is the option for a citizen to make a complaint directly to OATH.

From: Evelyn Miller <evelyn@klausnerlawfirm.com>
Sent: Friday, August 31, 2018 12:08 PM
To: Preston, Alyssa <AlyssaP@dep.nyc.gov>

EXHIBIT

D

Jenny Smith

From: Preston, Alyssa <AlyssaP@dep.nyc.gov>
Sent: April 13, 2023 5:01 PM
To: Evelyn Miller
Subject: Armored Car Trucks

Dear Ms. Miller:

It has come to my attention that you are relying upon a 2018 email in which the DEP had a policy that armored trucks are not subject to a variance, but rather are exempt based upon a CARB Advisory. Subsequently, as evidenced by the variance requests posted on the DEP, a variance is a condition precedent for an armored truck to be exempted from Section 24-163 of the Air Code. The 2018 policy is no longer in effect, and you should not be relying upon this determination. As you are aware, on the DEP website, there are applications for armored trucks have both been denied and granted a variance. Therefore, if any armored truck is seeking to be exempted from the idling requirements set forth in Section 24-163, a variance must be applied for pursuant to Section 24-110 (c). In addition, please note that an application is specific to the applicant. Thank you for your attention to this matter.

Alyssa Preston | [Director, Air & Noise Policies, Regulations & Enforcement](#) | Bureau of Environmental Compliance
NYC Environmental Protection 
Office: 718.595.3497 | alyssap@dep.nyc.gov



Please consider the environment before printing this e-mail

Exhibit

E

§ 28-01 Definitions.

Legally authorized emergency motor vehicle. For purposes of § 24-103 of the Administrative Code, the term "legally authorized emergency motor vehicle" shall mean:

- (1) a motor vehicle that is an authorized emergency vehicle as defined by § 401 of the Vehicle and Traffic Law; or
- (2) any bus being operated as a school carrier by, or pursuant to a contract with, the City of New York.

Marginal street. "Marginal street" shall have the meaning set forth in 24 RCNY § 4-01.

Processing device. For purposes of § 24-103 of the Administrative Code, the term "processing device" shall mean:

- (1) a device that accomplishes the function for which the vehicle or equipment was designed, other than transporting goods or people, via a mechanical connection to the engine, including but not limited to operating a lift, crane, pump, drill, hoist, or mixer; or
- (2) a system that controls the movement of transportable material cargo or substances, including but not limited to flow, provided that such cargo or substances are being transported in a vehicle designed for the transportation of such cargo or substances.

The term "processing device" shall not include a loader or its carrier when operated for earth control.

Street. "Street" shall have the meaning set forth in section 13 of § 1-113 of the Administrative Code of the City of New York, except that for the purposes of this rule, "street" shall include "marginal street".

(Amended City Record 7/16/2021, at 87442021; amended City Record 8/22/2022, at 8222022; amended City Record 7/18/2023, at 29172023.)