



October 20, 2025

**COMMENTS BY THE BUS ASSOCIATION OF NEW YORK IN
SUPPORT OF THE SECTION 24-163 VARIANCE REQUEST
SUBMITTED BY ACADEMY EXPRESS, LLC**

The Bus Association of New York (“BANY”) was founded in 1938 and today continues to be one of the leading state associations that promotes motorcoach travel, safety, legal and regulatory compliance, and the overall interests of motorcoach operators, their industry associates, and the riding public. BANY is recognized as the voice for our industry in New York on a variety of critical issues. It is one such critical issue – enforcement under the Citizens Air Complaint Program (the “Program”) - that has brought BANY to this proceeding. BANY hereby submits the following comments on behalf of its members in support of the Variance Application of Academy Express, LLC.

- BANY appreciates and supports that the primary goal of the Program is to improve the region’s air quality by encouraging all buses operating in NYC to be zero emission vehicles. However, present technology does not allow for this as a feasible solution. At present, there are no EV motorcoaches in production that have both the necessary charge range as well as having a rear axle weight that does not exceed the New York State Bridge Weight Formula. Similarly, EV infrastructure suitable to charge a vehicle the size of a motorcoach is lacking.
- Currently New York State gets about \$3 billion annually in federal highway aid. Under federal law, a vehicle’s axle weight traveling on federal interstate highways is limited to 20,000 lbs. Due to their heavy weight any MTA electric bus or other electric bus traveling on the Major Deegan, Holland Tunnel, Cross Bronx Expressway, LI Expressway (Queens), Van Wyck Expressway and the Sheridan Expressway jeopardizes that federal aid.
- The Academy Variance Application is entirely consistent with the defacto variance/administrative dismissal granted to MTA and NYCT buses and NYC owned vehicles. All motorcoaches, whether public or privately-owned, have air-operated critical safety and operating systems, as well as a process called Exhaust System Regeneration

that is critical for cleaning exhaust emissions. For these systems to function properly, the engine is required to run (and idle), often more than 3 minutes at startup.

- The Program as presently administered does not consider the environmental improvements that have been made in the motorcoach industry, including substantial diesel engine emissions modifications that have been imposed and have continually become more stringent since 2007. Motorcoach travel is the most energy-efficient and environmentally responsible mode of passenger transportation in North America, according to a recent Oxford Associates research study.
- Compliance with the anti-idling provisions of the Program can create negative environmental consequences. To comply, a motorcoach will often undergo a “moving idle” or drive to an area where the Program is not in effect. This method creates more emissions, contributes to congestion, increases a driver’s hours of service and increases the risk of traffic incidents. As mentioned earlier, Exhaust System Regeneration is also impacted.
- Privately-operated buses should receive the same treatment as public transit buses as a matter of public policy. They serve the same riding public and utilize similar equipment. This would be consistent with the treatment of private buses under (1) the NYC congestion pricing plan, under which private motorcoaches in scheduled service are exempt from tolls, and (2) the NYC policy that provides BUS LANES to ALL BUSES equally.
- Buses are not trucks. They carry human beings - not materials, food or packaged items. Passenger safety and well-being is of critical importance. Federal regulations require most motor carriers to maintain adequate comfort in the passenger cabin of a motorcoach. 49 CFR 374.313(a) states, “A carrier shall maintain a reasonable temperature on each bus (except in commuter service).”
- The Program is being unfairly administered with motorcoach operators often receiving a significant portion of their alleged violations based on inaccurate evidence many months after the alleged occurrence. It utilizes untrained members of the public with a stake in the financial outcome. These citizen complainants do not receive the training or instruction that traditional law enforcement personnel receive; they are not subject to cross examination in a judicial proceeding; and they are not subject to supervision or disciplinary action for wrongful behavior or inaccurate information. This creates an unnecessary legal burden on private operators while doing little, if anything, to help the environment. It is a denial of due process and equal protection under the law.
- Our industry is at an inflection point. A number of BANY members, as well as motorcoach operators from other parts of the country, are choosing not to come to NYC; some are placing a substantial surcharge on their trips to NYC; while others are considering litigation. The economic impact of discouraging private bus operators from entering NYC is substantial and was not properly considered when the Program was enacted. This comes at the same time MTA and NYCT buses are carrying about a third less riders daily than they were pre-COVID.

- BANY does not advocate for unlimited idling by motorcoaches. However, the current idling time of 3 minutes (1 minute in a school zone) is unreasonable and puts the driver of a motorcoach in the untenable position of having to choose between the health and well-being of their passengers or compliance with the Program.

Accordingly, BANY is in full support of the Academy Variance Application.

Respectfully submitted,

Glenn R. Every
President
Bus Association of New York State, Inc.