



registered owner cannot be found or there is no clear name and address displayed on the side of the vehicle. Also, service upon the Secretary of State must be followed up with the mailing of a true copy of the summons to the last known address of the respondent.

- **Problem** There is a lack of information/evidence provided on summons and accessible to defense.

There is no mechanism for respondents to request and view the evidence that has been filed against them with sufficient time to decide whether they wish to settle.

- **Solution** A summons must tell respondents how they can obtain and look at the evidence and original materials provided by the complaining citizen. A mechanism must be created for respondents to request and view the evidence that has been filed against them with sufficient time to decide whether they wish to settle. The mechanism (perhaps a special website or email address) must be clearly referenced on the summons.

The guidelines note: "the sound of the engine must be clearly audible and verified by recording the sound either from the front of the truck or near the exhaust point for a few seconds throughout the entire recording (the beginning, middle, and end of your recording); or there must be visible tailpipe emissions throughout the entire recording (beginning, middle, and end of the recording). As of this date, complaints that do not include these details will now be deemed frivolous and cannot be pursued by DEP or yourself."

The citizen must swear by affidavit that they took the video and made



- **Solution** Similar to the California clean idle, clean idle vehicles will be equipped with a decal identifying them as certified clean idle and therefore held to a different standard and used to encourage owners of older trucks to upgrade to such vehicle types

Problem Currently there is not a provision that allows for the transfer of liability for leasing companies so that the liable party is held responsible and bad behavior is discouraged

Solution Similar to what Department of Finance (DOF) and EZPASS do- allow the option for leasing companies to transfer responsibility for the violation (with an opportunity to defend itself) to the individual or company responsible

Under DOF's system, lessors register with DOF as lessor and file a copy of the blank form lease. DOF then sends a weekly list of parking tickets to which lessor responds within 30 days with name and address of lessee for each ticket. DOF then transfers liability to the lessee.

- **Problem** There are thousands of outstanding idling tickets that owners/companies are not aware of.

- **Solution** DEP should provide a list of open summonses to commercial firms upon request. The lists of unpaid summonses should be sent to the registered owner and given sufficient time to reopen. There should be some time period to vacate defaults and get cases back on the calendar. This is very important with respect to fleets where they may not even know they have open summonses.

- **Problem** Certified Clean Idle trucks are held to the same standards as older trucks without Diesel Particulate Filters (DPF).

Employers whose trucks are regulated by the NYC Business Integrity Commission were mandated to purchase Clean Idle trucks to be used in the five boroughs. In addition, many fleets were able to purchase since easy t

