



**To:** The NYC Department of Environmental Protection

**Re:** Request for a variance from provisions of Local Law 58 of 2018 based on vehicle in-cab critical device use.

**Date:** 4/28/2021

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Charter is committed to protecting the environment in the cities that we serve and to which we provide critical communications infrastructure. This is especially true in NYC, where we have implemented multiple environmentally friendly initiatives. Charter has invested in a fleet of all electric vehicles which do not produce greenhouse gases while idling like vehicles with an internal combustion engine. We use telematics equipment to monitor excessive idling times and ensure compliance with local regulations, continually upgrade equipment with larger battery capacities, and run a robust recycling program across all of our NYC depots.

Since late 2019, Charter Communications has received over 200 idling complaint citations totaling tens of thousands of dollars which originated from the Citizens Air Complaint Program, Local Law 58 of 2018. The majority of these have been settled through OATH hearings. A large percentage of these citations revolve around a vehicle being on while a technician is inside the cab utilizing and/or charging one of the critical pieces of equipment necessary to complete the many different types of communications work we perform. As this equipment is used throughout the day, it needs to be continually charged utilizing power from the vehicle.

Examples of equipment (processing devices) which need continual charging include Signal Level Meters, Pressure Testers, Fusions Slicers, Optical Time Domain Reflectors, and laptops. In addition, equipment such as CLI Gear and the associated CLI signal guns are hard wired into the vehicle. All Charter vehicles are equipped with inverters which transfer the engine's power to a standard electrical outlet which in turn is used to power the devices mentioned. Without the vehicle's engine being on, the inverter cannot operate properly and cannot supply power.

Pursuant to section 24-110 of the New York City Administrative Code, Charter is requesting a variance to Local Law 58 of 2018 for the circumstances described herein. We request that when a Charter vehicle is on, has a Charter technician inside the cab compartment, and has the vehicle's amber strobe lights on, that it be exempt from receiving an idling citation. These criteria will indicate usage of the processing devices previously enumerated. We seek a variance through December 31, 2025.



May 25, 2021

Mr. Alex Camarda  
Director, State Government Affairs  
Charter Communications/Spectrum  
120 East 23 Street  
New York, NY 10010

**Re: Variance from Idling Law**

Dear Mr. Camarda:

I am writing in response to your letter dated April 28, 2021, requesting a variance from the requirements for limiting idling to either three minutes, or one minute if adjacent to a school, as set forth in Section 24-163 of the Air Pollution Control Code.

Your request has been granted based upon the circumstances that these Spectrum vehicles use in cab devices that are necessary to complete various communication work, including but not limited to Signal Level Meters, Pressure Testers, and laptops. This exception does not apply when the employees are not performing their job responsibilities, including but not limited to taking lunch. Additionally, the vehicle's amber strobe lights will be on, which will more clearly delineate usage of the processing devices, which is an exception as set forth in 24-163.

This variance is granted pursuant to Section 24-110 of the Air Pollution Control Code. Please be advised that this waiver shall expire May 25, 2024. The waiver is issued for a three-year period, as there may be advances in technology that no longer necessitate the vehicles to idle. This waiver may also be renewed with supporting documentation.

Sincerely,

A handwritten signature in black ink that reads 'Michael Gilsonan'.

Michael Gilsonan

Vincent Sapienza, P.E.  
Commissioner

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