

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
Civil Division

<p>DISTRICT OF COLUMBIA, a municipal corporation 441 4th Street, NW Washington, D.C. 20001</p> <p style="text-align:right">Plaintiff,</p> <p>v.</p> <p>GREYHOUND LINES INC. 350 N St. Paul Street Dallas, TX 75201-4201</p> <p style="text-align:right">Defendant.</p>	<p>Civil Action No.: 2019 CA 008069 B Judge Jose M. Lopez</p>
---	--

CONSENT JUDGMENT AND ORDER

PRELIMINARY STATEMENT

1. Plaintiff District of Columbia, by and through its Office of the Attorney General (the “District”), filed a Complaint against Defendant Greyhound Bus Lines, Inc. (“Greyhound”) for 54 violations of the District’s air pollution control law, D.C. Code § 8-101.01 et seq., and its Idling Regulations, 20 DCMR § 900.1. The District and Greyhound stipulate to the entry of this Consent Judgment and Order (“Consent Order”) to resolve all matters in dispute in this action.

PARTIES

2. Plaintiff District of Columbia is a municipal corporation empowered to sue and be sued and is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is also specifically authorized to enforce the District's anti-idling laws pursuant to D.C. Code §§ 8-101.05c, 8-101.05f.

3. Defendant Greyhound Lines Inc. is a Delaware corporation with its principal place of business at 350 N. St. Paul Street, Dallas, Texas 75201. Greyhound buses frequently travel to and from Washington D.C.'s Union Station, both under the Greyhound brand and through BoltBus, a bus service that Greyhound owns and operates.

ALLEGATIONS

4. This Court has jurisdiction over this matter.

5. The District's Complaint alleges that Greyhound violated the District's Engine Idling Regulations. The District alleges that District investigators and inspectors observed Greyhound bus engine idling for more than three minutes in violation of the Idling Regulations. The District alleges

that Greyhound allowed bus engines to idle for more than three minutes at least 50 times over five days in October and November of 2018. The District alleges that in May and July of 2019, a District inspector observed a bus engine idling for more than three minutes four times in violation of the Idling Regulations.

6. Greyhound admits the violations alleged in the District's Complaint.

INJUNCTION

7. Anti-Idling Policy. Greyhound¹ will adopt and implement a company-wide revised anti-idling policy to ensure bus driver compliance with local anti-idling requirements, including the District's anti-idling requirements in 20 DCMR § 900.1. The revised policy, which was reviewed and approved by the District's Department of Energy and Environment ("DOEE") on April 3, 2020, will remain in effect for the term of the Consent Order. The policy will apply to all Greyhound's drivers of buses nationwide.

8. Greyhound will require any bus driver with routes to/from and/or through the District to affirm in writing compliance with the District's Idling Regulations on a form that Greyhound will provide to DOEE and DOEE will review and approve.

¹ As "Greyhound" includes buses operating both under the Greyhound brand and under the BoltBus brand, all injunctive terms in this Consent Order apply to Greyhound brand, BoltBus brand operations, and any other bus brands that Greyhound owns or operates.

9. Training. Greyhound will conduct a one-on-one training of all active Greyhound bus drivers that drive buses to/from and/or through the District within 90 days of the Effective Date of this Consent Order and provide evidence to the District of each driver's participation in the training.

10. Greyhound will require all new bus drivers hired by Greyhound to complete anti-idling training within 30 days of hire. This requirement does not apply to drivers employed by Greyhound that return from furlough or leave, provided that they have completed the training previously.

11. Greyhound will conduct a company-wide anti-idling training of all active Greyhound bus drivers by July 31, 2020 and report the following to DOEE: evidence of completion of that training (e.g. a sign-in sheet for attendees), a description of the training components, and any materials used in that training. After the initial company-wide anti-idling training, Greyhound will conduct semi-annual refresher trainings, and report the same information to DOEE for those trainings.

12. Supervisor. Greyhound will hire a full-time supervisor on site at Union Station by the Effective Date whose primary responsibility is to remind bus drivers of the District's Idling Regulation and evaluate the effectiveness of Greyhound's other measures to stop excessive idling (such as the text messages required by Paragraph 16). The supervisor will also monitor the area along the H Street Bridge to ensure that Greyhound buses do not idle in excess of three minutes. If a bus driver needs to be reminded not to idle in excess of three

minutes, the supervisor should record driver ID, bus #, and time of day.

Greyhound will report this information (driver ID, bus #, and time of day) to DOEE quarterly in a Quarterly Report so that DOEE can evaluate Greyhound's progress in addressing idling.

13. Quarterly Report. During the term of the Consent Order, the Quarterly Report described in Paragraph 13 will also provide documentation that the supervisor position is filled, either through documentation of the supervisor's hiring and continued employment, or shift logs showing that other managers filled the position during any gaps in hiring. The District will not use information in the Quarterly Reports as the basis for issuing new violations. Nothing in this Consent Order shall be construed to preclude the District, including DOEE, from enforcing new violations of any law, including the Idling Regulations that are documented by means other than the Quarterly Report such as, but not limited to, observation by District employees or reports by citizen witnesses. The supervisor position will remain filled for 22 months during the term of the Consent Order.

14. In Greyhound's penultimate Quarterly Report regarding the supervisor's idling monitoring, Greyhound will evaluate whether to keep the supervisor position in place after the expiration of the Consent Order. Greyhound will base that evaluation, in part, on its evaluation of the efficacy of the supervisor in reducing bus idling. DOEE will have 45 days to comment on this evaluation and Greyhound will not make a final decision to eliminate the

supervisor position until reviewing and taking into consideration any comment from DOEE.

15. Text Messages. Greyhound will routinely send bus drivers text messages reminding them of the District's Idling Regulations and Greyhound's anti-idling policy. The language of the text message is annexed as Exhibit A.

16. Signs. Greyhound has installed signage at each Greyhound bus lane that warns bus drivers not to idle at Union Station, as well as at its Hyattsville, MD facility. Greyhound will maintain those signs and replace them as needed.

17. Stickers. Greyhound will install stickers stating "unnecessary idling strictly prohibited" in all of its buses. The stickers will be in the format annexed as Exhibit B, and will be placed at a location on the dashboard of the bus that is visible to the driver. Greyhound will install stickers on all of its buses within 90 days of the Effective Date and promptly install stickers on all new buses.

PAYMENT TO THE DISTRICT

18. Penalty. Greyhound will pay a monetary civil penalty in the sum of one hundred and twenty-five thousand dollars (\$125,000) within 90 days after the Effective Date of this Consent Order. Payment of the monetary civil penalty, and any applicable stipulated penalties as set forth in Paragraph 20, will be made by certified check payable to the District of Columbia Treasurer, mailed to the following address:

Department of Energy & Environment
c/o Lauren W. Maxwell
Office of General Counsel
1200 First Street NE – 5th Floor
Washington, DC 20002

19. Stipulated Penalty. If Greyhound fails to comply with any term of this Consent Order, Greyhound will be liable for stipulated penalties as set forth in this Paragraph and Paragraphs 21-22. A violation includes failing to perform any obligation required by the terms of this Consent Order, including any time-frame required by this Order. A violation to which stipulated penalties may apply does not include new violations of law, including any new violations of the Idling Regulations.

20. The District shall provide a ten-day notice letter by email to Greyhound to notify Greyhound of the District's good faith belief that Greyhound has violated the injunctive terms in Paragraphs 7-17 of this Consent Order. Any such notice letter submitted by the District to Greyhound shall describe the basis for finding a violation of the Consent Order. Greyhound shall have ten days from the receipt of the notice to explain and/or correct any violation of the injunctive terms of this Consent Order.

21. For any violation of this Consent Order that remains uncured following the notice required under Paragraph 21 and the 10 days thereafter, the District may demand and Greyhound shall pay stipulated penalties of: \$250 per day per violation of the Consent Order for 1-10 days of non-compliance; \$500 per day per violation of the Consent Order for 11-20 days of non-

compliance and \$1,000 per day per violation for each subsequent day after 20 days of non-compliance. Nothing in this Consent Order shall be construed to preclude the District, including DOEE, from enforcing new violations of any law, including the Idling Regulations. This Paragraph does not alter any statutory or regulatory obligations regarding enforcing District law, including the Idling Regulations and the notice requirements of this Paragraph do not apply to any new violations of law, including any new violations of the Idling Regulations.

GENERAL PROVISIONS

22. The parties may apply to the Court to modify this Consent Order by agreement at any time. Any party may apply to the Court, without the other party's agreement, to modify this Consent Order for good cause shown based on a substantial change in law or fact occurring after the date this Consent Order is entered.

23. Unless otherwise set forth above, Greyhound shall implement all changes required by this Consent Order within 30 days of its entry by the Court.

24. Any public statements Greyhound makes nationally, or in the District of Columbia regional media market, about any measures taken pursuant to this Consent Order will acknowledge that they were done pursuant to a Consent Order with the District of Columbia. Examples of public statements subject to the restriction in this Paragraph include but are not

limited to press releases to District of Columbia regional television stations, Greyhound spokesperson statements to national magazines, and statements on Greyhound's twitter account while a press releases sent solely to newspapers in Cleveland, Ohio, for example, would not be subject to the restriction in this Paragraph.

25. This Court retains jurisdiction of this Consent Order and the Parties for the purpose of enforcing this Consent Order, for the purpose of resolving disputes arising under this Order, and for the purpose of granting such additional relief as may be necessary and appropriate. The Parties may agree in writing, through their counsel, to an extension of any time period in this Consent Order without a court order.

26. This Consent Order may be executed in counterparts, and a facsimile or .pdf signature shall be deemed to be, and shall have the same force and effect, as an original signature.

27. All notices sent pursuant to this Consent Order shall be provided to the following address email, unless a different address is specified in writing by the party changing such address:

To the District of Columbia:

Office of the Attorney General:

Jennifer L. Berger
Chief, Social Justice Section
Office of the Attorney General
441 Fourth Street, N.W., Suite 630 South
Washington, D.C. 20001
jennifer.berger@dc.gov

Department of Energy and Environment:

Lauren Maxwell
Assistant General Counsel
Office of the General Counsel
Department of Energy & Environment
1200 First Street, NE, 5th Floor
Washington, D.C. 20002
lauren.maxwell@dc.gov

To Greyhound:

Tricia Martinez
General Counsel
Greyhound Lines, Inc.
350 N. St. Paul Street
Dallas, TX 75201
Tricia.Martinez@greyhound.com

28. If any clause, provision or section of this Consent Order shall, for any reason, be held illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect any other clause, provision or section of this Consent Order and this Consent Order shall be construed and enforced as if such illegal, invalid or unenforceable clause, section or other provision had not been contained herein.

29. Nothing in this Consent Order shall be construed as relieving Greyhound of the obligation to comply with all state and federal laws, regulations or rules, nor shall any of the provisions of this Consent Order be deemed to be permission to engage in any acts or practices prohibited by such laws, regulations, or rules.

30. This Consent Order finally disposes of all claims by the parties and the District shall release Greyhound from all claims that the Attorney General

asserted or could have asserted pursuant to D.C. Code §§ 8-101.05 -101.06 and 20 DCMR § 900.1 based on the facts alleged in the Complaint.

TERM

31. This Consent Order shall run two years from the “Effective Date.”

The “Effective Date” shall be the date this Consent Order is entered by this Court.

For Plaintiff District of Columbia

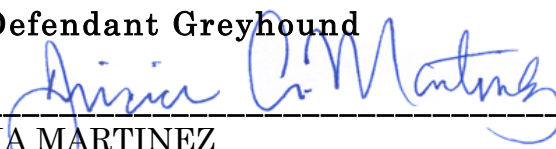
KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

/s/ Jennifer L. Berger
JENNIFER L. BERGER [#490809]
Chief, Social Justice Section

/s/ Sarah Kogel-Smucker
SARAH KOHEL-SMUCKER [#1617018]
Special Assistant Attorney General
441 4th Street, NW
Suite 630 South
Washington, D.C. 20001
Phone: (202) 724-9727
Fax: (202) 730-1808
sarah.kogel-smucker@dc.gov

For Defendant Greyhound



TRICIA MARTINEZ
Sr. V.P., Legal Affairs
Greyhound Lines, Inc.
350 N. St. Paul Street
Dallas, TX 75201

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date

Judge Jose M. Lopez

Exhibit A

The text messages shall state:

IMPORTANT UPDATE FOR DRIVERS TO THE DISTRICT OF COLUMBIA:
The 3-minute idling restriction in D.C. is being strictly enforced and fines are \$4,000. Violators will be disciplined. Please review the anti-idling policy and contact your supervisor if you have any questions.

Exhibit B

The stickers shall be in the following form:

