IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

DISTRICT OF COLUMBIA, A municipal corporation 400 6th Street NW Washington, DC 20001 Plaintiff, v. **DC TRAILS, INC.,** 8025 Mims Street Lorton, VA 22099 and **DC2NY, INC.,** 2029 P Street NW Washington, DC 20036 Defendants.	2025-CAB-006282 Case No: Judge: **COMPLAINT** **JURY TRIAL DEMANDED**

COMPLAINT

1. Plaintiff the District of Columbia ("District") brings this action against Defendants DC Trails, Inc. ("DC Trails") and DC2NY, Inc. ("DC2NY") (together, "Defendants") for idling their vehicles over the three-minute legal limit and operating without a Basic Business License, in violation of the District's Air Pollution Control Act and its implementing regulations, D.C. Code § 8-101.05, 20 D.C.M.R. § 900, and the Consumer Protection Procedures Act ("CPPA"), D.C. Code § 28-3904. In support of its claims, the District states as follows:

INTRODUCTION

2. Vehicle exhaust is the single largest source of air pollution in the District. In fact, roughly half of the air pollution in the District comes from vehicles. Vehicles are the largest source of nitrogen oxides, gases that contribute to respiratory diseases like asthma, acid rain, smog, and nutrient pollution in waterways. Vehicle exhaust also tends to concentrate in neighborhoods with the highest percentage of Black residents. These neighborhoods have the worst air quality in the District, and Black residents suffer higher rates of premature death related to air pollution as compared to white DC residents.

3. Diesel exhaust is particularly harmful to human health. Diesel exhaust causes lung cancer, heart conditions, and impaired immune systems. Diesel vehicles are responsible for at least five times more exhaust-associated health effects than standard gasoline vehicles. To protect the public against the harmful effects of diesel exhaust, regulations promulgated under the District's Air Pollution Control Act and its implementing regulations ("Anti-Idling Regulations") make it illegal for diesel-powered vehicles to idle their engines while parked for more than three minutes in above-freezing temperatures. D.C. Code § 8-101.05; 20 D.C.M.R. § 900.

4. DC Trails provides diesel-powered, charter bus services—including luxury private bus tours, university shuttle services, airport charters, government charters, sports team charters, corporate bus rentals, religious organization field trips, adventure trips, and senior bus trips to casinos. While DC Trails also operates in Maryland and Virginia, for over a decade, the company has regularly operated in the District.

5. During DC Trails' operations in 2020, the District Department of Energy and the Environment ("DOEE") found six instances of DC Trails idling its vehicles over three minutes in above-freezing temperatures, violating the Air Pollution Control Act and its Anti-Idling

Regulations. In a 2020 settlement with DOEE, DC Trails agreed to end its practice of illegally idling buses and provide anti-idling training to its drivers. Yet after the 2020 settlement, DC Trails continued to illegally idle its buses, including on at least 31 occasions between March 2021 and January 2025.

6. In addition to illegally polluting the District's air, Defendants lacked the Basic Business License required to do business in the District from October 1, 2021, until March 31, 2025. During this timeframe, DC2NY continued to sell DC Trails bus tickets to District customers, and DC Trails continued to provide bus services in the District while falsely advertising online that they used "professionally licensed operators."

7. For Defendants' violations of the Air Pollution Control Act and the CPPA, the District requests preliminary and permanent injunctive relief and an award of civil penalties, costs, and attorneys' fees.

PARTIES

8. Plaintiff the District 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)(l). The Attorney General is specifically authorized to enforce the Air Pollution Control Act and the CPPA. *See* D.C. Code §§ 8-101.05f(2), 28-3909.

9. Defendant DC Trails is a Virginia corporation with its headquarters at 8025 Mims Street, Lorton, VA 22099. DC Trails regularly conducts business in the District, owning and

operating passenger buses that carry over 1.2 million passengers per year. Its bus fleet has a passenger capacity ranging from 35 to 60.

10. Defendant DC2NY is a District of Columbia corporation owned by DC Trails, doing business as BestBus, located at 2029 P Street NW, Washington DC, 20036. DC2NY is a subsidiary of DC Trails responsible for selling tickets to consumers for rides on DC Trails' buses. DC Trails owns and operates the buses used by DC2NY.

JURISDICTION

11. This Court has subject matter jurisdiction over this matter and over the claims in this Complaint under D.C. Code §§ 8-101.05f(2), 28-3909, 29-105.12, and 11-921(a)(6).

12. This Court has personal jurisdiction over DC Trails and DC2NY under D.C. Code § 13-423.

FACTS

I. DC Trails Idled Its Buses Over the Three-Minute Legal Limit, Despite the District Demanding They Stop.

13. DC Trails had a years-long pattern of idling its buses in the District for more than three minutes in above-freezing temperatures.

14. Between June 6 and November 5, 2019, DOEE caught and cited DC Trails six times for idling over three minutes in above-freezing temperatures, resulting in a settlement executed on January 8, 2020. In the 2020 settlement, DC Trails agreed to stop illegally idling, admitted liability for the violations, paid a fine, and agreed to provide written documentation of anti-idling efforts, including distributing anti-idling information to all of its drivers, posting anti-idling signs in its buses, parking lots, offices, and driver lounge areas, conducting anti-idling orientations for new drivers, and conducting quarterly orientations for all drivers about idling.

15. Following the 2020 settlement, DC Trails continued to repeatedly idle buses for longer than three minutes in above-freezing temperatures.

16. Between March 4, 2021, and September 24, 2024, DOEE found 17 instances of DC Trails buses idling over three minutes in above-freezing temperatures, with one idling instance lasting 25 minutes.

17. For the 10-day period between October 9 and 18, 2024, an OAG investigator observed 11 instances of DC Trails buses idling over three minutes in above-freezing temperatures, with one bus idling for over 12 minutes.

18. On January 30 and January 31, 2025, an OAG investigator observed three instances of DC Trails buses idling over three minutes in above-freezing temperatures, with one bus idling for over seven minutes.

II. For Years, Defendants Operated Without the Proper Business License.

19. From October 1, 2021, until March 31, 2025, Defendants operated without the Basic Business License required to conduct business in the District.

20. Defendants were aware of the requirement to maintain a Basic Business License because DC2NY previously obtained a Basic Business License on October 1, 2015. Through DC2NY's valid Basic Business License, DC Trails could legally operate in the District.

21. However, DC2NY failed to renew its license after it expired on September 30, 2021.

22. Despite lacking the required license, DC2NY continued to conduct business in the District after September 30, 2021, by selling tickets to DC residents.

23. During this time and despite its subsidiary's lack of licensing, DC Trails continued to provide bus services within the District and advertised itself as "the premier charter bus and tour

company located in the Washington DC metropolitan area," using "professionally licensed operators."

CAUSES OF ACTION

COUNT ONE
Idling Vehicles in Violation of the District's Air Pollution Control, 20 D.C.M.R. § 900 (Against DC Trails)

24. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

25. The District's Air Pollution Control Act requires DOEE to develop a "comprehensive program for the control and prevention of air pollution in the District. . . ." D.C. Code § 8-101.05(a).

26. To further the requirements of the Air Pollution Control Act, DOEE is authorized to "establish any . . . program necessary to regulate sources of air pollution emissions in the District[.]" D.C. Code § 8-101.05(b)(1)(D), § 8-101.06 (authorizing rulemaking to implement the Act).

27. In furtherance of the Air Pollution Control Act, DOEE adopted the Anti-Idling Regulations prohibiting any person who is operating a diesel-powered motor vehicle engine from idling for more than three minutes in above-freezing temperatures except for a few limited exceptions not applicable here. 20 D.C.M.R. § 900.1.

28. A "motor vehicle" includes "buses with a seating capacity of twelve (12) or more persons." 20 D.C.M.R. § 900.1. DC Trails operates diesel-powered buses in the District with a seating capacity of over 12 persons, thereby operating motor vehicles.

29. DC Trails is a corporation and therefore is a "person" as defined by 20 D.C.M.R. § 999.1.

30. By allowing its buses to idle for more than three minutes in above-freezing temperatures, DC Trails has repeatedly violated the Air Pollution Control Act and its implementing Anti-Idling Regulations.

COUNT TWO
Unlawfully Providing False or Misleading Information to Consumers in Violation of the Consumer Protection Procedures Act, D.C. Code 28-3904(d), (e), and (dd)
(Against DC Trails and DC2NY)

31. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

32. The CPPA is a remedial statute that is to be construed broadly. It establishes a right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.

33. The charter bus services that Defendants provided to consumers were for personal, household, or family purposes and, therefore, are consumer goods and services.

34. Defendants, in the ordinary course of business, supplied, either directly or indirectly, consumer goods and services and are therefore merchants.

35. District residents received consumer goods and services from Defendants through, among other things, ticket sales for passenger bus services, and therefore are consumers under the CPPA.

36. The CPPA prohibits unfair and deceptive trade practices in connection with the sale, lease, or transfer of consumer goods and services, including:

a. Representing that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are another, D.C. Code § 28-3904(d);

b. Misrepresenting a material fact which tends to mislead, D.C. Code § 28-3904(e);

37. Defendants engaged in unlawful and deceptive trade practices in violation of the CPPA by:

a. Deceiving consumers by advertising that Defendants had the required registration, license endorsements, and/or licenses to legally operate a business that transports passengers for hire to, from, and within the District, despite not having the required business registration, licenses, or endorsements; and

b. Failing to disclose to consumers that Defendants did not have the required license to perform business in the District.

38. Each of these deceptive acts or practices constitutes a separate violation of the CPPA.

COUNT THREE
Violations of Title 16 of the D.C.M.R as Violations of the Consumer Protection Procedures Act, D.C. Code § 28-3904(dd)
(Against DC Trails and DC2NY)

39. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

40. The CPPA prohibits any person from engaging in unfair or deceptive trade practices, including by violating "any provision of Title 16 of the District of Columbia Municipal Regulations." D.C. Code § 28-3904(dd).

41. A person is prohibited from "engaging in business without a basic business license or proper license endorsement." 16 D.C.M.R. § 3301.1(u) and D.C. Code § 47-2851.02.

42. It is unlawful for a person to engage in a business transaction in the District without a Basic Business License. 16 D.C.M.R. § 3301.1(u) and D.C. Code § 47-2851.02.

43. From October 1, 2021, to March 31, 2025, Defendants sold passenger bus tickets to District consumers and provided bus services in the District without a Basic Business License

or proper license endorsement in violation of 16 D.C.M.R. § 3301.1(u) and D.C. Code § 47-2851.02.

44. Defendants engaged in unlawful trade practices in violation of the CPPA by violating Title 16 of the District of Columbia Municipal Regulations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the District of Columbia respectfully requests that the Court:

1. Declare that Defendants' idling and operation without a Basic Business License violate the Air Pollution Control Act and the CPPA, pursuant to D.C. Code § 8-101.05f(2) and D.C. Code § 28-3904;

2. Enjoin Defendants from conducting business in the District without a Basic Business License, pursuant to D.C. Code §§ 28-3909(a) and 29-105.12;

3. Enjoin DC Trails from violating the Air Pollution Control Act and its implementing Anti-Idling Regulations, pursuant to D.C. Code § 8-101.05f(2);

4. Award civil penalties against Defendants and payable to the District under the Air Pollution Control Act, D.C. Code 8-101.05c(a), and the CPPA, D.C. Code § 28-3909(b), in an amount to be proven at trial;

5. Award reasonable attorneys' fees pursuant to D.C. Code §§ 8-101.05f(2) and D.C. Code § 28-3909(b)(4);

6. Award all allowable costs pursuant to D.C. Code §§ 8-101.05f(2) and 28-3909(b); and

7. Award such other relief as the Court deems just and proper.

JURY DEMAND

The District demands a trial by a jury on all issues triable of right by a jury in this matter.

Dated this 19th of September, 2025

Respectfully submitted,

BRIAN L. SCHWALB
Attorney General for the District of Columbia

COTY MONTAG
Deputy Attorney General

ELIZABETH A. MELLEN
WILLIAM F. STEPHENS
Assistant Deputy Attorneys General

JOANNA K. WASIK
Chief, Housing and Environmental Justice Section

/s/ *Shilpa Sadhasivam*
SHILPA SADHASIVAM [90018648]
Special Assistant Attorney General
WESLEY ROSENFELD [1002428]
Public Advocacy Division
Assistant Attorney General
400 6th Street NW
Washington, DC 20001
(202) 262-6579 (phone)
shilpa.sadhasivam@dc.gov
wesley.rosenfeld1@dc.gov

Counsel for the District of Columbia