

1701 16th Street, N.W.
Apt. 436
Washington, D.C. 20009
April 6, 2013

Helder Gil, Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W.
Room 5164
Washington, D.C. 20024

Dear Mr. or Ms. Gil:

I have read and heard about the proposed new regulations by the Department of Consumer and Regulatory Affairs (DCRA) concerning the operation of food trucks. Here are my comments on the proposed regulations.

First, it is my understanding that the food truck industry operates in downtown areas and principally at midday – places like Farragut Square NW, and is to be governed differently than the souvenir and snack trucks that are common near Constitution Avenue and the Mall. Further, I understand that the food trucks, now regulated by the Department of Health insofar as food safety and cleanliness are concerned, are to be regulated by DCRA and the Department of Transportation (DDOT) as well. My focus here is on the regulatory changes which will affect the food trucks, not the souvenir trucks.

I understand that the food truck industry, as presently constituted, consists of entrepreneurs from the District and our suburbs. It is a group that, in operating food trucks, has created approximately 400 jobs in recent years. Food truck operators hire local services such as bookkeepers and mechanics, and buy food ingredients from local sources. The industry requires hard work and talent, as does our stellar collection of local and chain restaurants. The food trucks do not work to impair the business of “brick-and-mortar” restaurants but rather to provide an entrée into the working world for people who want or need the jobs and have (or develop) the potential to move into better jobs in restaurants or elsewhere. To be blunt, rich people do not seek employment in food trucks; the trucks are operated by working people. The food truck industry contributes significant sales taxes to the District and pays expensive food safety inspection fees. It also helps to attract new businesses and people to areas of the city with few brick-and-mortar restaurants or other businesses. For example, monthly food truck festivals outside Nationals Park attract as many as 20,000 people to an area where new construction has stopped since the stadium was built.

Food trucks effectively reduce vehicular traffic congestion downtown, and maximize the value of parking spaces. In places like 21st Street and Virginia Avenue NW, where there are few restaurants, food trucks make it possible for

workers to eat without having to drive to some other part of town for lunch. Moreover, while one food truck may take up two car spaces for two hours at lunchtime, it is likely to serve lunch to approximately 100 people in that time, whereas two cars parked to visit a restaurant might mean lunch for only two to eight people. That is a pretty good use of the parking spaces.

The proposed new food truck regulations are reported to include the following, each of which would have the adverse impacts indicated:

- There would be a lottery system for food truck parking, and a limited number of spaces assigned by lottery. This would, among other things, reduce the number of trucks around Farragut Square at mid-day from 12 to about 3 trucks. In addition to reducing local employment for people with families to feed, this would dramatically reduce the number of food choices available to the many people who walk this area at noontime.
- There would be a distance requirement, stipulating that one food truck has to park at least 500 feet away from another in lottery spaces. This approach would reduce the number of trucks in popular areas, harming the business of the lottery losers and making the trucks less convenient to walkers who want to look at different choices and have limited time at noon.
- There would be a requirement that food trucks park only along sidewalks that have at least 10 feet of unobstructed width, with parking meters included as obstructions. There are very few sidewalks in busy parts of town that have this much space between the building and the parking meters (much less the curb). This requirement would foreclose opportunity for many food trucks.

This approach makes it look, to me at least, as if the District wishes to impose a “one size fits all” regulatory approach that will throw a number of less-well-off citizens out of work and create inconvenience for a good many other people who may like or need food trucks near their daytime employment or recreation. This approach fails to take several important factors into account:

- reasonable differences between the methods of providing prepared foods to the public;
- parts of the city which might benefit from new and diverse employment and foot traffic; and
- the fact that the interests of food truck operators and those of “brick-and-mortar” restaurant operators are not irreconcilable or even necessarily adverse.

This last point is quite important. There is room and willingness for negotiation between food truck and restaurant representatives that can result, if DCRA (and

possibly DDOT) and the City Council give them the time to do it, in agreement on a regulatory scheme that serves everyone fairly. In this way the food truck operators and the restaurant operators could also work with DCRA to develop a set of rules that serves the economic and social interests of the District and the affected parts of its population effectively and fairly.

The Mayor's concept of "One City, Our City" is one to which I enthusiastically subscribe – in my recent past as a crossing guard and as a half-retired government worker. To all of us, this concept must mean a common endeavor to bring us together and help those who need it most – not just a rigid set of rules that cuts parts of our population out of the City's prosperity and growth. So I hope you will change the proposed rules, or suspend the rulemaking effort until the affected parties can work something out with you.

Thank you for the opportunity to comment.

Sincerely,

Charles H. Ellis III