

April 8, 2013

The Current Proposed Regulations has established some positive first steps in an effort toward the DC Government establishing an environment that works for public health and safety, but does still contain areas of concern for Mobile Roadway Business (MRB) owners. As a MRB owner, I really appreciate the attempt to provide ground rules that will enable all in the industry to operate in a predictable manner. However, the DC Government has an absolute responsibility to establish “common sense” rules and regulations that provide clarity, while not establishing overreaching and cumbersome regulations that stifle the ability to grow a business within this industry.

**501. AGENCY RESPONSIBILITIES:**

**Recommendation:** The District Department of Transportation’s has dominion over public space within the District of Columbia. On a previous occasion, DDOT representative indicated that the agency was over mobile and sidewalk vending. The writer of these comments questioned why this was ever changed and would strongly request that some consideration go to reorganizing the structure of this process. The DCRA Director should handle business licensing; however, DDOT has more expertise in the area to which these vending regulations exist. The objective should always to work in the most efficient manner. The current structure does not accomplish that objective.

**508. VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES: (508.7, 508.8, 508.9, and 508.10)**

**Recommendation:** The government is entitled to establish fees that they have been determined to be reasonable. The vending site permit (annual fee) is a newly established fee for the government and subsequently the industry. The following fee structure would be requested for consideration to replace proposed fees:

<b>508.7 -</b>	<b>\$450.00</b>
<b>508.8 -</b>	<b>\$90.00</b>
<b>508.9 -</b>	<b>\$335.00</b>
<b>508.10 -</b>	<b>\$225.00</b>

The new fee structure would constitute approx. a 25% reduction from the proposed fees in section 508, which support business owner’s need to adjust their business practices to absorb this new assessment.

**533 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL: (533.7) *No mobile roadway vending shall be authorized within five hundred feet (500 ft.) of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.***

**Recommendation:** The current proposed rule presents an unintended and adverse impact, intentionally or unintentionally, by creating a proximity ban for Mobile Roadway Business (MRB) to Mobile Roadway Business. The proximity ban effect creates an anti-competitive environment. Just like there should be no proximity ban between brick and mortar establishment to the MRB, the same is true with 533.7. The govern rules should ensure that they are not established in a manner that interrupts the flow of the free market.

**535. VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS: (C.) *Where the adjacent unobstructed sidewalk is less than ten***

*feet (10 ft.) wide in the Central Business District or seven feet (7 ft.) wide outside the Central Business District;*

**Recommendation:** The current provision of this proposed rule has an unintentional and adverse impact for the Mobile Roadway Industry. The rule should be eliminated from Section 5, due to the fact that its application is no longer viable to the current Central Business District structure. Approximately 97% of all constructed sidewalks in the CBD are ineligible for individual businesses to operate. The spirit of the rule has lost its effectiveness for the CBD. Mayor Gray's indicated that his administration is committed to the finding rules that work for all, so this rule should be a no-brainer.

**540. ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS: (540.7)** *In addition to the standard MRV location permit lottery entry, the DCRA Director may create a lottery program for MRV vehicles to vend from multiple established MRV locations for specific hours on specific days of the week during each month.*

**Recommendation:** The DCRA Director **"shall"** create a lottery program for "multiple lottery locations program. As a practical matter, single location lottery should be eliminated, which would provide more comfort with this new proposed rule for Mobile Roadway Vendors. Mobile Roadway Business owner's should not be asked to roll the dice once a month, and may or may not be able to secure a spot in a prime location that allows them to sustain their business. The DC government has a responsibility to create an environment that allows more opportunities, by increasing the ability to be selected for more lottery locations, which is simply a common sense approach.

**540.9** *The monthly MRV location permit fee shall be \$150 per MRV vehicle and shall be paid in full prior to the MRV vehicle being authorized to vend from the designated MRV location assigned via the monthly lottery.*

**Recommendation:** As previously written in response about (Section 508), the new assessment will be an adjustment for all MRV owners. The reviewer would recommend the MRV fee be revised to \$100, which is 30% less than the proposed fee in 540.9. The impact of more fees in this section, and Section 508 should be revised to allow MRB to absorb fees and adjust business practices to reduce impact.

**599. DEFINITIONS: Mobile Roadway Vending location – A vending location containing at least three parking spaces, and designated by appropriate signage.**

**Recommendation:** For all Central Vending Zones as defined by Chapter 5, the minimum spaces should be changed from three to 10 with the maximum to be announced. All Neighborhood Zones would have a minimum of three spots. The Mobile Roadway Industry, as a practical matter, has demonstrated that the consumer markets listed in section 534.6 can support 18 to 20 Mobile Roadway Businesses, so it's not practical to start with three spots as a minimum.

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