

April 8, 2013

Mr. Helder Gil
Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW
Room 5164
Washington, D.C. 20024

RE: Fourth Proposed Rulemaking to Amend Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations

Dear Mr. Gil:

My name is Doug Povich. I am co-owner of the Red Hook Lobster Pound food truck and Chairman of the Food Truck Association of Metropolitan Washington. I've been working for the past 2.5 years to get vending regulations in place that work for all stakeholders. Frankly, the process is broken. DCRA puts out proposed rules, the public comments. DCRA puts out another set of rules and the public comments again. We're now on the 4th set of proposed rules and we're closer but still not there. I guess the idea is to make everyone so sick and tired of the issues that we just give in and accept that this is the best we can do. Were it not for one item in particular, I'd probably give in too. But I can't. I care too much about this City and the people in our Association whose livelihoods are on the line.

Everyone at DCRA and at DDOT and in the Mayor's office and on the City Council agrees that the INTENT of these rules is to fix areas of concern and not to cause food truck vendors to go out of business. And I agree. Good intentions abound. People sitting in their offices can have ideas and draft regulations that they think will have a desired effect. But we work out on the streets and on the streets, intentions don't mean much. What matters on the streets are facts. And this is the fact: Tape measures don't lie.

I and numerous other volunteers spent countless hours with tape measures in one hand and DDOT's definition of an unobstructed sidewalk in the other, measuring the sidewalks of DC where we park and do business every day, without incident. This research turned into the map attached to the FTAMW comments in this proceeding. The map shows in red all of the sidewalks that don't satisfy the 10 foot requirement. This is not exaggeration. This is fact. Tape measures don't lie.

I understand and support the need for MRVs in high demand areas to control roadway and parking congestion. What I don't understand or is a sidewalk width restriction that effectively precludes non-lottery winners from vending in virtually all of the non-MRV areas in the CBD. It means that if you don't win the lottery for a stationary MRV location, you're literally out of business in downtown DC for at least a month because there will be virtually nowhere else where you can legally park and earn a living. What other business do you know of that can take a month off and still stay in business? How would you build a following or a customer base? Who would work for such a company that doesn't know whether it will be in business from month-to-month?

The proposed vending rules, if adopted as written will cause small businesses to go out of business. We're not talking about small businesses that can afford the \$250,000 - \$500,000 that it takes to open a restaurant in this City. We're talking about very small business entrepreneurs that scrape together

\$5000 or \$10,000 or \$50,000 to invest in a business they're passionate about in the hope they can grow that business into a brick and mortar establishment.

It's my sincere hope that you take a hard look at the real world impact of the 10 foot restriction revise the proposed rules to mitigate that impact.

Sincerely,

Doug Povich