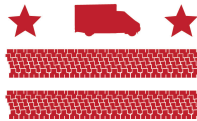


**DC FOOD
TRUCKS
ASSOCIATION**



Dec. 28, 2012

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

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

Dear Mr. Gil:

The Food Truck Association of Metropolitan Washington (FTA) appreciates Mayor Vincent Gray reopening the public comment period for the Third Proposed Rulemaking to Amend Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (the "Proposed Rules").

The FTA would like to take this opportunity to submit additional comments on the proposed rules.

Food trucks represent a unique facet of the local and regional food service industry in a number of ways, most notably by way of our businesses' mobility. In fact, mobility is a central aspect of a typical food truck business plan and therefore a business imperative. Currently, food trucks are free to travel across the District, offering consumers diverse choices in dining. We believe it is both in our own interest and in the public interest to maintain broad public access to food choices that are diverse, convenient and competitively priced. Assigning spaces and even partially limiting trucks to fixed locations defeats the "mobile" in mobile roadway vending.

Regulatory and commercial comparisons have been drawn between mobile food vending and brick-and-mortar restaurants. But these comparisons can only go so far. For example, regulatory arguments have been presented on issues such as sidewalk clearance, pitting mobile vending against sidewalk café services offered by some restaurants. But unlike brick-and-mortar businesses with café seating that physically encroaches on public sidewalks, mobile food vendors create no such permanent physical encroachments. Further, restaurants may or may not have sidewalk café service and, to the extent this is a business priority, restaurateurs can locate in areas of the city where the space needs allow for such service. Again, by contrast, mobility is central to the way food trucks work – by definition they don't seek or limit themselves to fixed sites.

*A' Lo Cubano
AZN Eats
Basil Thyme!
BBQ Bus
Best Mexican Burritos and Tortas
Big Cheese
Borinquen Lunch Box
Cajunators
CapMac
Captain Cookie and the Milk Man
Carnivore BBQ
Chef Driven
Chupacabra
Crepe Love Truck
Curbside Cupcakes
Dangerously Delicious Pies
DC Ballers
DC Empanadas
DC Kabob and Grill
DC Slices
Dorothy Moon's Gourmet Burgers
Doug the Food Dude
El Floridano
Feelin' Crabby
Fojol Bros.
Goode's Mobile Kitchen
Goodies Frozen Custard & Treats
Halal Grill
Hala Gyro Plus
Hula Girl Truck
Kababji Grill
Kabob Bites
Lemongrass
Mojo Truck
Orange Cow
Pepe
PhoWheels
Pleasant Pops
Popped! Republic
PORC
Red Hook Lobster Pound-DC
Rolling Ficelle
Rolls on Rolls
Sang on Wheels
Seoul Food
Simplicity Ice Cream
Sol Mexican Grill
Something Stuffed
Stella's PopKern
Stix
Sweetbites Desserts
TaKorean
Tapas Truck
Tasty Fried
Tasty Kabob
That Cheesecake Truck
TOPS American Food Co*

In regards to the assertion that all public space is managed and therefore subject to broad restrictions and limitations on the uses of public parking spaces and other facets of public space, we believe that appropriate public space management should be based on conditions on the ground. We know that such conditions – shaped by traffic pattern flows, residential and commercial parking demand, emergency and public transit vehicle access and other factors – vary substantially from neighborhood to neighborhood, block to block and even by location on a given street. Yet the proposal to establish fixed Mobile Roadway Vending (MRV) locations would establish a precedent of applying a single, one-size-fits-all approach for managing public space in the Central Business District (CBD).

While the proposed rules present a broad scheme for the establishment of fixed vending sites, they leave determinations as to how and where those sites will be established, and the specific regulatory basis for their deployment, largely up to staff from the District Department of Transportation. We are not at all convinced that imposing a fixed location model on an industry that is, by definition, mobile is the best way to achieve the District's goal of appropriate public space management. We believe it would be far more appropriate to tailor public space management rules to address specific conditions and concerns on a location-by-location basis. For example, if the District feels compelled to limit the number of food trucks in an area with high demand, then the FTA proposes creating an MRV location only after a fair, transparent process that is based on clear, demonstrable criteria, including a 60-day study period and input from an advisory board comprised of stakeholders.

In response to concerns that a lack of designated spaces will be a cause for parking disputes, disruption and even violence among competing food truck vendors, we believe these concerns are greatly exaggerated. Unlike some other street vendors, food trucks are increasingly becoming well-known, highly distinguishable, branded entities. It is simply not in our businesses' interests to engage in any conduct that reflects poorly on our own commercial reputation. Nonetheless, our association has adopted a zero-tolerance policy toward such encounters, and we have advised our members that their membership in our organization is conditioned upon their professionalism (and the professionalism of their food truck staffs) while vending. There are more targeted and appropriate regulatory steps that can be taken, if and as necessary, to address such concerns – which, again, we view as rare and isolated occurrences – than to adopt a broad and indiscriminate policy of limiting even some mobile vendors to immobile locations.

Concerns that regulators won't be able to track food trucks for compliance purposes if they are not tied to specific locations are equally ungrounded. Location transparency is a core element of our members' business plans. Finding out where trucks are located during their active vending hours is typically not an issue. This is because most of our members notify their customers either in advance or once they arrive at a place as to the exact location where their food can be purchased. In short, letting the world know where we are vending through social media and other immediate forms of mass communication lets everyone know where they can go to access great mobile vending food service. Regulators currently find food trucks in this manner, and as full location transparency is the overwhelming industry trend, there is no reason to believe they will not have an even greater ability to do so in the future. For the small and dwindling number of vendors who do not broadcast their location, the FTA suggests narrow, tailored regulatory solutions for those particular vendors.

Once again, we ask that the District take full account of the myriad benefits food trucks bring to the District. In addition to creating and supporting hundreds of jobs, food trucks have leveraged their mobility, the very aspect of our businesses that now faces regulatory threat, to help revitalize previously underutilized locations throughout the District, helping to pave the way for broader retail and restaurant viability in these newly emerging commercial locations.

Thank you for the opportunity to submit these comments. We look forward to continuing to work in partnership with the District to establish food truck regulations that balance the need to appropriately oversee public space management issues with public policies that promote food service and vending choices, competition and achieve fundamental fairness.

Sincerely,

A handwritten signature in black ink, appearing to read "Che Ruddell-Tabisola". The signature is stylized with a large, sweeping initial "C" and a distinct "T" at the end.

Che Ruddell-Tabisola
Executive Director
Food Truck Association of Metropolitan Washington