

November 12, 2012

My name is Patrick Rathbone and I am the owner operator of The Big Cheese food truck that operates in the city. I am writing to voice my concern for the new regulations the DCRA has published. A couple provisions are improvements but overall but overall the proposed regs are trouble me as a small business owner.

First the good.

Elimination of the "Ice Cream Truck" rule is a great improvement over past regulations as it allows businesses to operate without the constant fear of being asked to move despite a steady flow of customers.

Allowing employees to have badges instead of each buying vending licenses allows vendors to operate much more effectively. It is too much to ask of each vendor to pay the thousands of dollars for each vending license. This ensures that vendors are treated like brick and mortar businesses.

Now the concerns:

501.3 The Metropolitan Police Department (MPD) shall be responsible for: (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

This section is vague. MPD should only have jurisdiction over unlawful activity and should be restricted from enforcing other provisions of this chapter, such as those that fall under the jurisdiction of the health department. Specifically, they should ensure that licenses are properly displayed and worn by all staff.

530 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS

530.1 The DDOT Director shall designate MRV locations where Mobile Roadway Vendors, with valid MRV parking permits, may park in order to legally vend from public space. Does not say how sites will be chosen.

530.3 There shall be no more than one MRV location per block on any one side of a street. Restricting MRV locations block by block is anti-competitive.

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530.8 An MRV location shall not be established:

(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;

There is no public safety purpose for this rule. Furthermore, "unobstructed" is not defined. As written, this may include parking meters, customers, trees, even trash on the sidewalk. This rule could be used to conceivably create a protected zone of all of the Central Business District, while making Georgetown and other areas outside the CBD completely off limits.

(g) Within forty feet (40 ft.) of any crosswalk;

There is no public safety purpose for this rule. There is a need to ensure vehicles and customers do not inhibit safe travel on sidewalks and crosswalks, however there is no evidence or explanation of why 40 ft. is chosen.

These issues appear again in 531.2 (c) and (g)

532.1 An applicant may submit an application to DDOT to create a new Mobile Roadway Vending location, provided that the applicant specifies a location that is not in conflict with the above standards. All applications are subject to DDOT review and approval.

There is no listed process for how MRVs are reviewed beyond naming the agencies involved. Who may submit an application, who may dissent an application, whether the application is made public and a list of other issues are never clearly discussed or stated.

533.1 The DDOT Director has the discretion to add, modify or remove a Mobile Roadway Vending location at any time.

This gives unsupervised and unregulated power to one individual to add or remove MRVs without any public or industry oversight of such action. This is completely unacceptable. There is no written way to appeal, disagree with, or counter the decisions of the DDOT director. Without oversight, this could be used by an individual to severely limit competition and favor one business type over another.

The purpose of regulations is to protect public safety, ensure fair business practices and promote economic growth. I only ask that a revised version of these regulations be created to accurately reflect these principles. Thank you for your consideration and hard work on making DC a better place.

Prior to starting my business I was a restaurant manager in the city for close to 10 years. When I started this business I wanted to open a restaurant on H St. NE, but since banks weren't lending and investors were hard to come by I had to start with a truck. Like so many of my fellow food truck operators have done are trying to do, I hope that the food truck will be stepping stone to to an actual brick and mortar restaurant. The regs, as written are a business killer. Creating these ill-conceived zones and limiting the parking as prescribed, would crush my business.

Thank you for your consideration.
Sincerely,

Patrick Rathbone
The Big Cheese