



November 12, 2012

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

Dear Mr. Gil:

I am the proud owner of Popped! Republic, a gourmet popcorn company in the D.C. metro area that offers our products to customers via our mobile food truck. The Popped! Republic mobile truck hit the streets in May of 2012 but has been a labor of love for over two years. My wife and I worked tirelessly, with the expert help of the D.C. Small Business Development Center, to plan and prepare for the launch of this business. We now have a total of five employees (with three more on the way) and are planning to open our retail store in Alexandria, Virginia as well as our online store within the next few months. Our long term goals are to open an additional retail shop in the District and partner with area venues and businesses to offer our delicious gourmet popcorn. These efforts will create additional jobs and revenue for the District of Columbia.

We appreciate the efforts of Mayor Gray and the Department of Consumer and Regulatory Affairs to modify and modernize the "ice cream truck" vending regulations under which mobile food trucks in D.C. now operate. We agree that changes need to be made to bring the regulations into the 21st century. However, Popped! Republic would like to highlight some of our concerns with the new, proposed food truck regulations.

As a snack food or "treat" truck, we are unique in our ability to vend in an array of different locations in addition to the high-trafficked food truck areas such as Farragut Square, Metro Center, Union Station, etc. In fact, we have made a conscious effort to go to varying locations such as No-Ma, Anacostia and the Southwest Waterfront to name a few in an attempt to build up new areas for food trucks and expand our customer base. Additionally, we have the ability to vend for longer hours than most food trucks. The Popped! Republic mobile truck is often on the streets from 11:30am – 7:00pm.

The proposed regulations place additional vending restrictions on legal parking spaces that would negatively impact our ability to do business in the District. The new rules would require the following:

- For a food truck to serve, the adjacent sidewalk must be "unobstructed" and at least 10 feet wide (7 feet wide outside the Central Business District.)
- Food trucks cannot serve within 20 feet of an alley.
- Food trucks cannot serve within 20 feet of any driveway.
- Food trucks cannot serve within 40 feet of a cross walk.

Parking in the District is already a challenge for mobile food trucks. These specific restrictions would add to that challenge, make it increasingly difficult for our truck and others to branch out to new locations, and require me and my employees to literally measure sidewalks if we choose to vend in areas other than Mobile Roadway Vending (MRV) locations. We are unclear as to the definition of "unobstructed" and feel that the compliance burden will be inordinately high for our mobile truck.

We also have concerns about the DDOT-created Mobile Roadway Vending (MRV) locations. Based on the proposed regulations, mobile trucks would have to obtain a three-month permit for a specific MRV location, which is made up of at minimum three spots accessible to food trucks. This approach is contrary to the whole objective behind mobile vending. The purpose is to be "mobile" and have the ability to bring your food, treats, or products to the people. Requiring permits restricting trucks to be at the same MRV location from 11:00am – 3:00pm for a three month period will inhibit mobile roadway vendors from expanding their business and customer base. It will inhibit my ability to be competitive, generate revenue and successfully grow my business.

Additionally, we are at the mercy of DDOT's determination on where they choose to put MRV locations and which location we receive a permit for. There are two critical factors that make certain areas quality mobile truck spots: densely populated areas and high foot traffic, especially during lunch and rush hours. These are the reasons why we see certain sections of the District with a high volume of food trucks. If DDOT creates MRV locations in areas that do not have good foot traffic and a mobile truck such as ours is relegated to this location for a three-month period, it could mean slow sales and low revenue. This combined with new restrictions on legal parking spaces would dramatically hurt my business.

In conclusion, I feel that the proposed new regulations on mobile food trucks needlessly complicate mobile vending and do more harm than good for trucks and the customers we serve. These regulations will effectively undercut my business and hamper my plans to grow. Efforts have already been implemented and welcomed by our community to equalize the playing field with the brick and mortar food establishments in the District. I believe the best

approach for Mayor Gray and DCRA to take in modernizing the mobile food truck rules is the simplest approach:

1. Allow mobile food trucks to vend in legal, metered parking spots for the designated time period on the meter without the antiquated “ice cream truck” rules requiring them to be flagged down or have a line of customers. As long as we pay, we can vend for the allotted time.
2. Create a limited number of Mobile Roadway Meters (MRMs) in areas around the District. Mobile Roadway Meters could be located in areas that are highly trafficked by food trucks and also new areas in which the city and the DC Food Truck Association would like to expand the food truck scene. These meters would allow mobile food trucks to vend for longer periods such as four hours versus two hours and could charge trucks a higher rate per hour.
3. Institute reasonable distance restrictions between trucks and brick and mortar restaurants serving the same cuisines. For example, a kabob truck is restricted from parking outside of or within 20 feet of a kabob food establishment. For a “treat” truck like ours, we would be restricted from parking outside of a cupcake bakery, a frozen yogurt or ice cream brick & mortar establishment.

These three simple changes can create a mobile vending environment in the District that benefits the D.C. City Government, the area’s brick and mortar establishments, and mobile food trucks such as ours. Most especially, it will allow District residents to continue to enjoy the vibrant food truck scene they have come to know and love. If we can establish effective regulations for all stakeholders, D.C. will be the model for other cities across the country with a burgeoning mobile food truck scene.

I thank you for your consideration and hope you will work to ensure that small businesses like mine continue to be job and revenue creators in Washington, D.C.

Sincerely,

Rich Arslan
Owner
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