



AMERICANS  
for TAX REFORM



COST OF  
GOVERNMENT  
CENTER

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

CC: The Honorable Vincent C. Gray, Mayor, District of Columbia

RE: Third Notice of Proposed Rulemaking for Street Vending  
Amending DCMR Title 24, Chapter 5

Dear Mr. Gil,

I am writing to express concerns regarding the rules proposed by Mayor Vincent Gray that threaten the future of the food truck industry in the District. The proposal will harm emerging business owners and consumers in the community.

I submit these comments as a District of Columbia resident, frequent food truck patron, and as the Director of Budget and Regulatory Policy at Americans for Tax Reform. Americans for Tax Reform is a DC-based lobbying organization that focuses on achieving a flatter, fairer, and simpler tax code.

I am also the Executive Director of its affiliate, the Cost of Government Center. The Center works to restore restraint in government finance, promote a limited regulatory regime and eliminate discriminatory excise taxes. We do not believe the regulations suggested by the Mayor would serve business owners and food truck customers in the District.

First, the proposals are subject to varied interpretations. Restricting food trucks to so-called Mobile Roadway Vendor (MRV) locations may seem innocuous on its face, but the rules are not refined in a way that would give businesses or patrons a consistent and clear understanding of what these MRVs are.

Instead, absent proper statutory clarification, these MRVs will be defined by bureaucratic fiat. Unelected DDOT administrators will be given the authority to dictate what food trucks can participate in the District economy, and where they will be allowed to attempt to attract customers.

Currently, owners are able to reach a diverse clientele by operating in different places throughout the week, and consumers are presented with new options without having to travel to different locations.

Moreover, food trucks' ability to congregate gives consumers a variety of choices in one place, at one time. Removing from workers' worries the difficulties of grabbing a quick, easy, and fresh lunch is just one benefit the business community reaps from a robust food truck market.

These distinct benefits for customers rely on the fundamental components of mobility and assembly. The Mayor's rules would render trucks all but immobile and remote, erasing their unique appeal.

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Worse still, the Food Truck Association portends that a majority of the most popular lunchtime areas with food trucks would not live up to this arbitrary new zoning. This raises some questions as to what the Council is actually intent on accomplishing—overseeing the “safety” of a new industry or regulating it out of business?

The Mayor will need to answer to his constituents why the freedom to enjoy a variety of cuisines and the opportunity to easily support a litany of local businesses will be unceremoniously denied to them, should his plans be adopted.

The proposals do attempt to clear some of the hurdles food truck owners are facing; but it will be a pyrrhic victory if the entire package is accepted in its current form. After all, easing licensing requirements means little to a food truck owner who is denied any space to sell his cuisine.

This says nothing about the message onerous and capricious rule-making sends to other hopeful entrepreneurs and innovators. If an idea as novel and as popular as a food truck is harangued by the District, why would other visionaries test their luck here?

I urge you to reconsider the rules the Mayor has proposed and look forward to working with you to continue to encourage innovation and free enterprise in the District. Should you have any questions, please feel free to contact me at [mduppler@atr.org](mailto:mduppler@atr.org). I can also be reached at 202-785-0266.

Sincerely,



Mattie Duppler  
Executive Director  
Cost of Government Center