

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,

My name is Huy Nguyen and I am one of the owners of the PhoWheels food truck. I am a resident of Falls Church, Virginia and our kitchen is in Hyattsville, Maryland.

We're originally from Houston, Texas, but moved to Northern Virginia a few years ago. I started working for the Department of State doing IT until I got laid off the summer of 2011. My sister and I began discussing the possibility of opening a business in the food industry and since then, our vision came into fruition this year when we opened PhoWheels in July.

Right now, we have 7 employees. We've been able to grow our business by not only marketing ourselves using all the angles of social media, but most importantly, having the flexibility to park in all the different areas of D.C. to maximize the exposure of our brand. Our business alone supports a wide range of other small and larger businesses such as purchasing our food inventory and restaurant supplies from multiple local vendors, from the maintenance of our truck to taking care of our accounting -- all done by local small businesses. We all stand as a positive contributor to this painful economy and to our surrounding communities. By allowing us to serve these highly dense-congested areas, we're also helping the environment by bringing down District traffic so city commuters wouldn't have to drive anywhere during lunch or even dinner. We're providing a means for social and economic upward mobility for folks like new immigrants and folks who don't have a lot of resources like the people who we employ. It's really important for us to take care of the people whom work for us. In the future, it is our hope to open an establishment in the District -- it's not just food for us, it's our labor of love. I believe food trucks provide increased choice in terms of eating options for folks who live and/or work in D.C. They're quick and convenient and their food tastes good. Instead, these new regulations appear to cater more to the demands of the Restaurant Association.

The most current round of regulations that has come out is really concerning for our business. It's difficult enough that we have so many government agencies acting as our puppeteer such as the DOH, Fire Department, DCRA and if these new regulations get passed, District Department of Transportation will also play a large part in where we'll be able to vend.

We're concerned how the process that DDOT will go through to identify MRV locations stated in regulation 530.1. The language to ban vending where there's less than 10 feet of unobstructed sidewalk is vague. Scarcity is an issue here; how these sites will be chosen and how many spots will be available are our questions of concern. We only speak from experience

when we say you're going to be facing food trucks trading blows over parking spaces at not one, but eight of 10 sites within the central business district. It's not going to turn out well when there are 10-20 trucks at each of these locations.

Unlike seating for a brick-and-mortar restaurant's outdoor seating, food trucks don't permanently reduce the amount of sidewalk available for pedestrians — for which the 10-foot rule was intended. Sidewalk cafes are able to operate with as little as 6 feet of unobstructed sidewalk. Construction companies are required to maintain only 8 feet when building a covered sidewalk outside a construction area.

Regulation number 501.3 discusses the Metropolitan Police being responsible for assisting the enforcement of this chapter. It is my understanding that the DOH comes out to enforce licenses and vending badges. As far as parking restrictions go, we have the overzealous parking enforcers that continue to ticket us every day racking up our ticket costs between \$200-300 a month.

When you restrict the number of MRV locations per block on any street (530.3), you're prohibiting healthy competition. We would like to see fair and reasonable rules that will provide balance in the District while protecting consumer choices.

In regulations 530.8 and 531.2, a clear explanation of public safety purpose for these rules would help explain why the 40 feet is chosen. The more vague these restrictions are, it'll end up making the central business district a no parking zone similar to Georgetown.

Much to these recent weeks, our future is constantly on the forefront of our family's thoughts. It's not a place we're comfortable being—the center of attention as we've always put others before us. We depend on high foot-traffic areas to make it feasible for us to sell. We can't count on good weather year-round to survive and with overhead costs being so high, these new regulations can easily put us in the ground. We appreciate your consideration and hard work on making DC a better place.

Sincerely,

Huy T. Nguyen  
Co-Owner, PhoWheels