



November 10, 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:

As owner of Feelin' Crabby Food Truck, I am pleased for the opportunity to provide comments on the Notice of Third Proposed Rulemaking for a new Chapter 5 (Vendors) of title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations.

I grew up in Montgomery County Maryland and went to culinary school at Baltimore International College after high school. Over the past few years I have worked at local restaurants including The Wine Market in the Locust Point neighborhood in Baltimore, MD and Cava Mezze on Capitol Hill. I later moved to Washington State to work for James Beard Award winner and Iron Chef Tom Douglas. I had a dream to open a restaurant in DC by the time I turned 24 years old. In October of 2010 I returned to DC and realized that my best path to restaurant ownership was to begin with a food truck. Some of my potential investors were concerned for my business plan because of the regulatory uncertainty associated with the current regulations. But I was and still am a hopeful optimist that the DCRA would update and modernize the regulations and that the DC councilmembers and the Mayor who represent the citizens in DC would pass new regulations. I am in the process of licensing my second truck and have plans to open a restaurant in the District in the next few years.

I am concerned about the proposed regulations and their impact on my small business and the businesses of other food truck operators. In particular there is far too much uncertainty around the selection and implementation of MRV spaces. The 10' and 7' restrictions are too limiting and there is too much discretionary power in the hands of one District department. This version of the rules does not reflect a reasonable balance between effective space management and nurturing an increasingly popular lunch option for DC residents and workers. Over the past few years food trucks have grown in popularity and have provided consumers in the District with choice and competition for their lunch options. These regulations will choke off those choices and limit competition and will ultimately hurt DC residents and workers.

Improvements in the Proposed Regulations

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

- Allowing Employee Badges: Allowing employees to have employee badges instead of vending licenses allows vendors to operate much more efficiently.

Sections in the Proposed Regulations that Require Modification

- 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 not well defined. MPD should only have jurisdiction over unlawful activity and should not be responsible for 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. This section should have specified the process for how sites will be chosen and how permits will be issued.

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 and should be removed from the regulations.

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;

“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 evidence or explanation of why 40 ft is the appropriate amount of space between the MRV and the crosswalk. Why wouldn't 20' or 15' provide enough distance for public safety?

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. The regulations should include a detailed description of the process for how MRV's are reviewed and approved. The current language is vague and puts too much control in the hands of one District department.

533.1 The DDOT Director has the discretion to add, modify or remove a Mobile Roadway Vending location at any time. This provision gives unsupervised and unregulated power to one individual to add or remove MRV's without public comment or a defined process. This provision

should be removed or modified to include procedures to include provisions for public comment and an appeals process. Without proper procedures, this could be used by an individual or department to severely limit competition and favor one business type over another.

I would like to see changes to the current regulations and would be interested in applying for a MRV if it would allow me to park in different locations to provide my products to residents and workers in the densely populated areas of the District. The Food Truck industry is creating consumer choice, competition and healthy lunch alternatives to workers all over the city. My fear is that the currently proposed regulations will destroy my small business by severely limiting the spaces where I can vend.

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 to live and work.

Ultimately, the consumers win when food trucks are allowed to flourish. I applaud your agency's efforts to update these regulations. I hope that the Councilmembers and the Mayor will quickly revise the new regulations to continue to allow the food service industry in DC to grow and prosper.

Sincerely,

Alex Tsamouras
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