

November 12, 2012

My name is Brian Arnoff. I am a Washington, DC Ward 6 resident and the Chef and owner of the DC-based food truck, CapMac.

I am not going to go into a long story here about my food truck, who I am, how I got here, how much my customers love us, how much taxes I pay, how many people I employ (5), how big our economic foot print is, and the large amount of charitable work we have done in the past 2 years, as I have already done that in two previous comment periods (feel free to reference those letters). What I am going to say is food trucks and street vendors in general need fair rules.

I would like to highlight what I believe to be the worst part of the new proposed regulations, the "10 foot rule." It would eliminate 80% of the most popular vending locations in the CBD, via a ridiculous and extremely vague clause. Please remove this clause in its entirety as it's unfair and anti-competitive.

I would like to make it very clear I do not support these regulations and I hope after reading this letter you will reference the proposed solutions submitted by the Food Truck Association of Metropolitan Washington as a starting point for a re write. Furthermore I have outlined below what I see as the most heinous portions of a rather poor set of regulations:

***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.

***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.

Finally I would like to thank you for taking the time to read through my comments and the comments of many other food truck supporters. Feel free to contact me with any questions you may have, or if you need any further advice on your rewrite and PLEASE ensure our survival not our demise in your next draft.

Sincerely,

Brian Arnoff  
Chef/Owner – CapMac LLC