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A Political Stalemate Ends in Washington, With Food Truck Rules

By: Annie Lowrey – June 18, 2013

WASHINGTON — A protracted legislative battle that has consumed this city — one that has pitted established businesses against start-ups, energized politicians on both sides of the aisle and prompted a grass-roots online campaign — has finally come to an end.

Washington has agreed on regulations for its food trucks.

On Tuesday, the City Council passed new rules for the popular trucks, which have proliferated in the past few years, offering fare like Brazilian hot dogs and Laotian noodles. The regulations still need to be signed by Mayor Vincent C. Gray, but the gist is that the operators of the trucks need to apply to a monthly lottery to win the right to park in particularly in-demand downtown zones. Other trucks need to maintain a specified distance.

“It’s a fair compromise,” said Ché Ruddell-Tabisola, the political director of the Food Truck Association of Metropolitan Washington and a co-owner of the BBQ Bus. “Consumers will continue to have choices.”

But the long fight over the rules has enthralled this city, particularly among those who have delighted over the exotic new lunch options, and among conservatives and libertarians who saw it as a parable about the malign influence of entrenched interests and the overreach of the state.

“From a constitutional standpoint, the government has a perfectly legitimate role in regulating on the basis of public health and safety,” said Bert Gall of the Institute of Justice, a public interest law firm that has lobbied on behalf of the food trucks. “But the 14th Amendment is supposed to stop the kind of overreach that inevitably occurs when people, in this case the restaurant association, or an entrenched interest use their political might to install or create regulations that have a negative impact on their competitors.”

In the past few years, the city’s food trucks have thrived, their numbers growing to well over 100. The city decided to revamp its out-of-date mobile vending regulations, setting off a heated four-year back-and-forth. Some restaurateurs pushed for strict new rules, arguing that the food trucks did not pay their share of taxes, and that they remained unfairly free of regulations. The

truck owners, in some cases, argued that the restaurants were merely trying to quash their competition.

Early proposals were flung up, fiercely debated and slapped down. One proposal, for instance, would have levied a \$2,000 fine against truck operators who let their parking meter expire. “Most of these food vendors aren’t capitalized to the point” that they could bear those costs, Marion S. Barry, the former mayor and current council member, said on Tuesday. “They’re struggling, hardworking citizens of the district.”

The proposals kicked off a protracted political process and a furious lobbying campaign on both sides, with the food trucks forming their own association, campaigning on Twitter and even buying advertising space on buses.

The fight also caught the attention of conservatives and libertarians opposed to what they see as government overregulation. Scholars at the Cato Institute, a libertarian research group, howled at proposed legislation. The Institute of Justice, which has aided food trucks in other cities, got involved. Even Grover Norquist, the small-government warrior, put in his two cents, telling the National Journal that the proposed food truck regulations were a perfect example of big government harming small businesses.

After all the wrangling, the City Council compromised.

Not all the food truck operators were entirely pleased with the results.

“Few businesses hand over so much operational control to the customers,” Mr. Ruddell-Tabisola said. “That’s what’s really special about food trucks. People can Facebook BBQ Bus, and say we’d love barbecue here on Thursday.”

The new regulations tie the truck operators’ hands, and depending on how they are carried out, they might make business harder, he said.

Perhaps as is inevitable in the legislative process, all sides seemed relieved if unsatisfied. “We’re not completely happy. I don’t think anybody’s completely happy,” said Andrew J. Kline, legislative consultant for the Restaurant Association Metropolitan Washington, adding that restaurateurs wanted to ensure that food trucks had to comply with regulations just as sidewalk cafes and other brick-and-mortar businesses did. “There are still a lot of issues to be worked out, and after four years.”