

STREETS OF DREAMS



**How Cities Can Create Economic Opportunity
By Knocking Down Protectionist Barriers to Street Vending**



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EXECUTIVE SUMMARY

Street vending is, and always has been, a part of the American economy and a fixture of urban life. Thanks to low start-up costs, the trade has offered countless entrepreneurs—particularly immigrants and others with little income or capital—opportunities for self-sufficiency and upward mobility. At the same time, vendors enrich their communities by providing access to a wide variety of often low-cost goods and by helping to keep streets safe and vibrant.

With the booming popularity of food trucks selling creative, cutting-edge cuisines, as well as a sagging

economy, interest in street selling is perhaps greater than ever. Nonetheless, complicated webs of regulations in cities nationwide tie up would-be vendors, making it needlessly difficult or even impossible to set up shop in many cities.

This report examines five common types of vending regulations in the 50 largest U.S. cities. All but five major cities have at least one of these types of regulations, while 31 have two or more:

- Eleven of these cities ban vending on public property for some or all goods, limiting the places where vendors can sell and forcing them to partner with private property owners to operate—or to vend anyway and face fines or worse.
- In 34 large cities, entire areas are off-limits to vendors, often including potentially lucrative areas



such as downtown commercial districts or streets around sporting venues.

- Twenty major cities ban vendors from setting up near brick-and-mortar businesses selling the same or similar goods.
- Five of the 50 largest cities prevent mobile vendors from stopping and parking unless flagged by a customer, making it difficult for vendors to establish regular stops or easily connect with buyers.
- In 19 large cities, mobile vendors may stay in one spot for only small amounts of time, forcing vendors to spend much of their time moving instead of selling.

Often in intent, and certainly in effect, these regulations do little but protect established brick-and-mortar businesses from upstart competitors. Typically, the greatest proponents

of vending regulations like these—and opponents of reforms that would create new vending opportunities—are brick-and-mortar businesses. Moreover, the arguments they make for such protectionist regulations—“unfair” competition, health and safety risks and increased sidewalk congestion—fail to stand up to scrutiny.

Instead of supporting economic protectionism, cities can and should encourage vibrant vending cultures by drafting clear, simple and modern rules that are narrowly tailored to address real health and safety issues. Then they should get out of the way and let vendors work and compete.



INTRODUCTION

Yvonne Casteneda awakens at 5 a.m. to begin preparing food for her mobile vending business. She buys ingredients from a local supplier and then takes them to a commercial kitchen where she turns them into the delicious, low-cost burritos that her customers demand. From there, she loads the burritos in her food truck and begins running her route through the streets of El Paso.

Most days, Yvonne will stop at city parks, construction sites and a local plasma center. Before she finishes around dinner time, Yvonne will sell more than 50 burritos and an assortment of soda, candy, potato chips and other prepackaged items. She is proud of the business that she has built, and she works fastidiously to keep her truck in good repair and her city permits in order.

Yvonne's food truck supports her, her husband, who was put out of work by a back injury he suffered on the job, and their daughter. She purchased her 1980s van eight years ago and has updated nearly

all of its components since. Like countless other mobile vendors across the country, owning a food truck has offered Yvonne a gateway to self-sufficiency and entrepreneurship.

Yvonne Casteneda is not alone. In 2007, there were at least 760,000¹ street vending businesses nationwide with revenues exceeding \$40 billion.² These vendors sell a wide variety of goods, including hot dogs,³ gourmet food such as lobster,⁴ clothing,⁵ hats, purses, watches⁶ and other items. Vending is, and always has been, a part of the American economy.

These entrepreneurs bring benefits to themselves and their cities. Yvonne enjoys a good relationship with her customers and the larger El Paso community. She provides a useful service to her customers, from which she makes a modest income. That is why she was stunned when the city of El Paso, where she has lived her entire life, passed a law that threatened to put her and other El Paso vendors out of business.

The new law prohibited vendors from operating within 1,000 feet of any restaurant, grocer or convenience store—effectively turning El Paso into a “no vending” zone. It also prohibited vendors from stopping and awaiting customers, something most vendors do when they park at the curb during the breakfast or lunch rush while customers come and go.

So Yvonne and three other El Paso vendors, represented by the Institute for Justice, sued El Paso in federal court for violations of their economic liberty—the right to earn a living free from unreasonable government interference. The new laws did not protect the public; they protected brick-and-mortar businesses from competition. In response to the lawsuit, El Paso quickly revised its law again and eliminated the restrictions.

Today, mobile vendors can operate almost anywhere in El Paso, and Yvonne is free once more to operate her business and make a living for herself and her family. Unfortunately, many other cities have adopted protectionist restrictions similar to those that El Paso has now abandoned. The vending wars are far from over.



- IJ client Yvonne Castenada

A PIECE OF AMERICAN CITY LIFE

For as long as there have been American cities, there have been street vendors—and regulations intended to limit their opportunities to vend.

For much of American history, public markets supplied consumers with food.⁷ These markets started as open-air marketplaces in city centers. Later on, in response to buyers' and sellers' desires to trade during inclement weather, cities built enclosed market houses to replace these exposed commerce centers. Cities favored this model because it allowed them to profit from the economic activity of citizens; city governments would build the houses and then rent stalls to individual merchants. Both with open-air and enclosed markets, peddlers who could not afford to rent a stall would rent discounted spaces lining the outside of the market or simply set up nearby without formal authority. This created a formal separation between merchants and street vendors.⁸

As cities sought to control public spaces and set limits on when and where selling could take place, vendors often found themselves at odds with municipalities. For example, as early as 1691, New York City prohibited vendors from selling outside of the city-established markets until two hours after the market opened.⁹ Many other cities tried to reduce the number of vendors by

requiring them to purchase a license before engaging in their livelihood.¹⁰

Starting in the late 19th century, the popularity of the public markets began to decline. An urban population explosion caused by immigration and migration from the farm to the city drove the price of centrally located property up to the point where cities and private investors could not justify purchasing land for additional public markets. Private stores, made possible by newly developed wholesaling systems, filled the gap. These stores gave merchants greater flexibility in hours and locations. As a result, many chose to abandon the public market.¹¹

But even as public markets declined, street vendors continued a brisk business among consumers looking for lower-cost goods.¹² For instance, many grocers found it most profitable to operate in upscale urban areas or suburban communities. The lack of a food supply in poor and immigrant downtown areas led to vibrant street vendor communities, which, even if not permitted generally, were tolerated in these areas.¹³

New York's pushcart markets, for example, were populated mostly by recently landed Jewish, Italian and Greek immigrants, and vending was seen as a critical way for the newly arrived to establish themselves in business.¹⁴ Advocates for peddlers often pointed to the economic opportunities the trade offered to the poor. One such advocate described the choices facing vendors due to city-imposed restrictions as "[b]eg – steal or go on relief instead of earning an honest living by peddling."¹⁵

Despite a brief period of encouragement during World War I, cities in the beginning of the 20th century pushed to eliminate vendors. Although officials said the crackdown on vendors was to alleviate overcrowded streets and remove eyesores, there was an underlying desire to make recent immigrants and the poor conform to middle-class standards.¹⁶ New York City's Mayor Fiorello LaGuardia embarked on a quest during the 1930s to eliminate outdoor vendors from New York City.¹⁷ Likewise, Chicago officials moved to restrict vending in the 1920s as part of a larger political battle.¹⁸

These regulatory surges were often supported by a coalition of wealthier businesses such as large merchants,



In many cities, protectionist restrictions—often backed by established businesses—and a confusing legal environment have discouraged would-be entrepreneurs from starting businesses.

department stores and real estate interests. These interests saw vendors as posing both a direct competitive threat to their businesses and an indirect threat by increasing congestion and lowering property values.¹⁹ That evidence for these claims was slim did not impede the regulatory impulse.

By the 1930s, major changes to agricultural, refrigeration and transportation technology transformed the food distribution system, which caused grocery stores and supermarket chains to expand drastically. These changes did not favor street vendors.²⁰ Census records highlight this change: While there were more than three street vendors for every 1,000 workers during the 1880 census, only one in every 1,000 workers held the occupation in 1940. And in later years, the Census Bureau discontinued counting these workers in a separate category,²¹ even though vendors remained active in many large cities.

Today, many cities are seeing an increase in street vending. In particular, the growing popularity of food trucks, which can prepare specialty food items from a variety of locations, is forcing cities to reexamine old vending regulations. But at the same time, it is causing brick-and-mortar businesses to increase their calls for protectionist laws.

This fight is shaping up differently in each city that has confronted the issue. Some cities have worked with vendors to create regulations that encourage the development of new businesses. But in many other cities, protectionist restrictions—often backed by established businesses—and a confusing legal environment have discouraged would-be entrepreneurs from starting businesses.²²

Despite this, the desire to vend remains strong. For example, New York City has capped how many vendors can receive licenses to operate. The artificially low supply of licenses has created a secondary market where a license can go for as much as \$12,000. Other New York vendors who cannot afford a license instead have chosen to simply take their chances without one.²³

TODAY'S "TYPICAL" VENDOR

Today's vendors are a diverse group that sells from both mobile and fixed locations. They are immigrants, minorities, ex-professionals, retirees and young entrepreneurs building new businesses.²⁴

Mohammed Ali, a Bangladeshi immigrant, has been selling hot dogs from a cart for almost a decade. After arriving in New York City in 1990, Mohammed got a job with a restaurant in the Financial District. After the restaurant closed after 9/11, Mohammed was lucky enough to get a rare New York City vending license and now makes \$50 a day selling hot dogs. Although Mohammed's life in America differs from what he imagined it would be, there are some obvious benefits: "My future changed, my sons can go to college, speak good English."²⁵

In a Mexican-American

neighborhood in Chicago, Jose Tafoya sells tamales and other favorite Mexican snacks to the community from his cart. Since selling prepared food on the street is illegal in Chicago, Jose lives in constant fear of incurring fines by the city. His fears are not merely hypothetical: Jose has received three \$250 citations so far. But for Jose the risk is worth it—his small construction business is not enough to keep his family afloat, especially in the winter when construction work is sparse.²⁶

Raúl immigrated to Santa Fe from Mexico to find work. To supplement his income from working in construction, Raúl shines shoes by a local bar. He has become somewhat of a local legend for shining 50 to 60 pairs of shoes each weekend and using popular products only available in Mexico.²⁷

Not all vendors come from humble beginnings. At one time, Fernando Paz made close to half a million dollars a year as a mortgage broker. But then he lost his job and accumulated a large amount of debt. He now supports himself by working 12 hours a day selling tacos and burritos from a truck in Seattle. For his efforts, Fernando makes under \$40 a day. Although he operates legally on private property, Fernando faces serious resistance from nearby restaurants that are upset the city is trying to make vending easier.²⁸



Some vendors have capitalized on the recent popularity of sidewalk selling by offering to teach others the trade. A unique school in Chicago, Hot Dog University, teaches students how to succeed in the business of vending dogs and other snacks. The school has seen a wide variety of students enroll: Laid off corporate employees, ex-factory workers and even retired couples who want to supplement their retirement income have attended in hopes of becoming their own bosses. Darren and Lori West took the class last year after being laid off from the construction industry. They now make between \$200 and \$250 a day vending and are looking to expand their business.²⁹

EXPANDING ECONOMIC OPPORTUNITY

Whether it is the prospect of being self-employed or the promise of a better future, entrepreneurs are drawn to vending due to its unique economic opportunities. Affordable start-up costs, a way out of poverty or unemployment and the possibility of upward mobility make vending an attractive option, particularly for low-income or low-capital entrepreneurs.

Affordable Start-up Costs

Street vending allows entrepreneurs to establish their own businesses at a fraction of the cost of other potential ventures.³⁰ Vending offers a range of entry costs from nothing more than the expense of permits and merchandise to tens of thousands of dollars, providing an avenue to business ownership for people of all socioeconomic levels.

Some mobile vendors, such as the t-shirt vendors outside of Wrigley Field in Chicago, can set up shop on a public sidewalk for just the cost of a permit and the merchandise they sell. One entrepreneur, for instance, created a business in the Chicago market at Maxwell Street by investing only \$2,000 in leather working equipment. Even working only part-time, he earned \$15,000 a year—almost a 40 percent increase in his annual earnings.³¹





Even when business concepts are more sophisticated, the costs are still dramatically lower in the street vending context. Stephan Boillon, a chef in Washington, D.C., wanted to start his own business after losing his job in 2008. Short on capital, Stephan developed a concept for a restaurant that would sell only cold sandwiches, which would eliminate the need to buy expensive cooking equipment. But to set up even this simple concept in a brick-and-mortar restaurant would have cost Stephan \$750,000—not including operating costs such as rent, utilities and insurance. In contrast, the mobile food truck Stephan put on the road cost only \$50,000 to get up and running.³²

Start up costs can be even lower depending on the type of business. For example, prices for a simple hot dog or snack cart start around \$2,000.³³

In large part because of the low start-up costs, street vending offers entrepreneurial opportunities to those on the first rung of the economic ladder. This is especially true for minorities and immigrants often shut out of starting traditional businesses due to high capital requirements and complicated, ever-expanding government regulations,³⁴ including zoning restrictions that constitute large barriers in low-income neighborhoods.³⁵

A Way Out of Unemployment and Poverty

The economic benefits from peddling for low-income individuals have long been acknowledged. In 1726 the Governor of Philadelphia, in refusing to ban vendors, cited the opportunity that vending provided to the working poor.³⁶ Other American cities felt the same way. In New York City, for instance, the city council granted vending licenses to poor individuals as a way of encouraging work.³⁷ And during the 19th century, street vending continued to be a preferred occupation of recent immigrants looking for a place to start in the new country.³⁸

Cities recognized the potential benefits to street vending even during periods when vendors themselves fell out of political favor. In 1914, the city of Chicago recommended that street vendors be encouraged because they “...tend greatly to reduce the high cost of living.”³⁹ In

a subsequent report released later that year, Chicago said that “[i]f the opportunity of entering the peddling business in the City of Chicago were made financially easier to its people it is believed a large number of unemployed during times of unemployment or slack periods would enter the peddling business and thus be enabled to earn a living.”⁴⁰

Due to the recent recession, interest in vending as a solution to job losses is growing once again. The co-director of New York City’s Street Vendor Project, Michael Wells, recently said he handled a surge of calls from people who were trying to find a way to make a living after losing their jobs or being laid off. He estimates that up to 10,000 jobs could be created if New York City increased the number of available permits to accommodate those who are currently on New York’s waitlist.⁴¹

In Chicago, a similar vendor association, Asociación de Vendedores Ambulantes, estimates that more than 80 percent of its members, largely immigrants, consider vending to be their primary economic activity. Many of those members want to work for a living and turned to vending after having difficulty finding employment elsewhere. Vending allows these and other entrepreneurs to be self-sufficient even during hard economic times.⁴² Rather than just having their businesses unofficially tolerated by authorities, the Asociación is now asking that Chicago offer licenses to make their work legal.⁴³

Promise of Upward Mobility

Street vending not only creates initial economic opportunity, it also provides the possibility for upward mobility from even the humblest of beginnings.

Many entrepreneurs’ first steps towards long and successful careers came from street vending. Vienna Beef is a food company that makes, among other things, hot dogs and sausages. It started out as a street vending operation⁴⁴ and over time grew to a company with revenues in excess of \$100 million.⁴⁵ Ed Koch, mayor of New York City from 1978 to 1989, spent his teenage years as a Harlem street vendor.⁴⁶ Even for those who do not

reach the highest levels of fame and fortune, vending can help hone valuable business skills. Sheldon Good sold watches on the streets of Chicago as a kid and transferred those skills to a successful real estate career, later becoming the president of the Chicago Association of Realtors.⁴⁷

Many of today’s vending entrepreneurs envision their cart or truck as a starting point that will one day allow them to expand into a brick-and-mortar business. Sam Warner, a street vendor who sells designer clothing, happened into his job when he found himself unemployed and in a unique position to purchase designer clothing at wholesale prices. Over time, Sam refined his sales locations, techniques and suppliers and dreamt of opening his own brick-and-mortar store.⁴⁸ Jason Scott in suburban New Jersey recognized that a truck was the best way to start on the path to owning his own restaurant. In the summer of 2010, Jason successfully made the jump from a mobile food truck to a permanent restaurant.⁴⁹ Naples-born and -trained pizza chef Enzo Algarme and his partner Anastasiya Laufenberg opened a pizza cart in Arlington, Va., in 2007. In about three years, they parlayed the cart’s success into a well-regarded restaurant.⁵⁰

Street vending offers economic opportunity to those who need it most: low-income and low-capital entrepreneurs, immigrants and the unemployed. Encouraging street vending is a way to encourage these individuals to help themselves.

ENRICHING COMMUNITIES

Street vending not only provides opportunity for entrepreneurs, it can add vitality and vibrancy to communities by improving access to goods, particularly low-cost goods, adding variety and helping to keep streets safe.

Improving Access to Goods

The concept of “food deserts,” geographic areas where nutritious food is unavailable or only available at extremely high prices, has recently received a great deal of attention from scholars. These deserts occur most frequently in low-income and minority neighborhoods. While the cause of these food deserts is still unclear, some scholars believe a lack of capital among the poor and higher overhead costs required in low-income neighborhoods (such as increased security in high crime areas) are contributing factors.⁵¹ Although most studies on food deserts focus on major supermarkets, there is evidence that smaller businesses can make a significant impact on a neighborhood’s food supply.⁵² As one of these smaller businesses, street vendors can help to increase a community’s quality of life by improving access to food.

Street vendors have a long history of selling fresh food and other goods in areas where there are no

stores.⁵³ The combination of increased access to goods and gainful employment for the seller creates a positive outcome for the community.

An ethnographic study of street peddlers from the 1980s shows how vendors can help underserved communities. The study paints a clear, if bleak, picture of life in a Southern housing project:⁵⁴

Over the years a number of persons had operated a grocery store adjacent to the liquor store, but always crime had eventually forced the owners to close. Public transportation was sporadic (few bus drivers were willing to go into the area), and less than twenty-five percent of the area’s residents owned automobiles.⁵⁵

Businesses would not locate in the community, and residents had few ways to travel to shopping centers, the nearest of which was four miles away. The net effect was to severely limit the goods available to community residents.

Joseph Lester, an entrepreneur in this community, saw the situation as an opportunity. He established a vending business selling a variety of products to local residents, including perishable and canned food, candy and other snacks, paper products, hygiene items, cleaners and baby items. He made several stops each day in the housing projects chatting with residents, providing their children with small treats and selling goods to those who had few other ways to obtain them.

Joseph’s business was successful in that it let him support himself, but also because it brought a needed service to the community. Being mobile made it possible for Joseph to maintain a much needed business in a high crime area, a feat few stationary local ventures could manage.

Expanding Variety of Goods

Some communities may have regular access to goods but not to a wide variety of products for sale. Due to the flexibility vendors possess, these entrepreneurs can increase the variety of goods for sale.

Street vendors can offer products that are not profitable for sellers in fixed locations, as being mobile exposes vendors to a larger customer base, which is critical when selling niche products. For example, many street vendors specialize in ethnic products not carried by mainstream retail locations.⁵⁶

Vendors can also increase the variety of a city's food options. While a large city might have many food options, people usually spend most of their time in smaller areas close to their home or office. Over time, the food options in these areas can become repetitive and unexciting, but mobile food vendors can add some variety.

And consumers want variety. In 2006, Washington, D.C., surveyed 480 people who work and live in the city about vending. A staggering 82 percent of respondents said they would buy something from vendors if they offered something unique.⁵⁷

More recently, the Institute for Justice surveyed patrons of popular mobile food trucks in Washington, D.C. More than 60 percent of respondents, 41 out of 66, cited variety or novelty as a reason for purchasing lunch from a truck. On average, respondents travelled just two-and-a-half blocks to the trucks, in keeping with the idea that consumers appreciate variety when it comes to them. See Appendix A for additional survey results.

Providing “Eyes on the Street”

According to the influential urban theorist Jane Jacobs, “A well used city street is apt to be a safe street.”⁵⁸ Jacobs details several characteristics that lead to safer city streets. The more people who are active outside their homes, the more “eyes on the street” there are watching for crime and other undesirable activities. People need a reason to be out on the street, however, and commercial activity is one of the most compelling reasons. Furthermore, the more diverse the commercial activity, the more vibrant one can expect an area of a city to be. Jacobs referred to “public characters” as those who are always present and talking to members of the community and thereby increase the liveliness and safety of city streets.⁵⁹

Sidewalk merchants possess the characteristics that support the health



Street vending not only provides opportunity for entrepreneurs, it can add vitality and vibrancy to communities.

of a city neighborhood. Vendors are out on the streets for large portions of the day. This not only makes them perfect public characters, but it lets them monitor the streets for potential crime. And by setting up miniature commerce centers, vendors draw residents onto the streets to do the same.

The street vendors of Times Square in New York City proved they could be an effective force in stopping crime in May 2010. Several long-time street vendors in the area noticed a suspicious parked vehicle emitting smoke and alerted police. Police determined that the car contained a bomb and diffused it before anyone was injured.⁶⁰ These street vendors acted as a critical line of defense simply by being present and familiar with the normal elements of the area. On a smaller scale, in December 2008, street vendor and Malian immigrant Aboubacar Lah saw a woman attack and then begin to stab another woman on the street where he was selling in Harlem. Lah stepped in, and despite being wounded himself, was able to stop the assault.⁶¹

STREET VENDING REGULATIONS: 50 LARGEST U.S. CITIES

Despite the benefits of street vending to entrepreneurs and their communities, many city governments have put restrictive regulations in the

way of vendors. We examined the 50 largest U.S. cities, by population,⁶² focusing on five major types of vending restrictions: public property bans, restricted zones, proximity bans, stop-and-wait restrictions and duration restrictions. These are substantive constraints that limit vendors' ability to be successful or to even enter the trade in the first place. We found that all but five cities have at least one of these types of regulations, and 31 have two or more.

Table 1 shows the prevalence of each type of regulation among the top 50 cities, while Tables 2-6 provide greater detail on cities' regulations. Full citations can be found in Appendix B. Particularly with the resurgence of street vending and the popularity of food trucks, cities are constantly updating regulations; these tables and citations are current as of April 2011.

Public Property Bans

Though the details of the regulations differ, 11 cities have some kind of ban on vending on public property such as streets or sidewalks. As Table 2 shows, some of these cities ban only food trucks or food carts. Chicago and Dallas ban mobile food *preparation* while allowing the sale of pre-prepared and packaged food. Long Beach, Calif., bans carts or stands selling flowers and newspapers. Los Angeles allows vending from food trucks on city streets, but bans sidewalk carts.

In Oakland, Calif., food trucks may not operate on public property. Other vendors, such as those operating from pushcarts, may not display their wares for sale but instead must rely on door-to-door style sales.⁶³ Although Oakland recently established a pilot food vending program, these vendors are subject to numerous other restrictions, including strict geographic boundaries. Furthermore, only 60⁶⁴ vendors can operate through the pilot program in Oakland, a city of more than 390,000 people.⁶⁵ That is a ratio of about one food vendor for every 6,500 residents. As of 2006 Austin, population 790,000,⁶⁶ had 648 food vendors, or one for every 1,219 residents.⁶⁷

Generally, public property bans force would-be vendors to partner with private property owners in order to start

Table 1: Prevalence of Five Major Types of Vending Regulations in 50 Largest U.S. Cities

	Public Property Bans	Restricted Zones	Proximity Bans	Stop-and-Wait Restrictions	Duration Restrictions
Albuquerque, N.M.		X			
Arlington, Texas					
Atlanta			X		X
Austin, Texas					
Baltimore			X		X
Boston					
Charlotte, N.C.	X	X			X
Chicago	X	X	X		X
Cleveland		X	X		
Colorado Springs, Colo.					
Columbus, Ohio					X
Dallas	X				X
Denver		X	X		
Detroit			X		
El Paso, Texas		X			
Fort Worth, Texas	X				X
Fresno, Calif.		X		X	
Honolulu		X			
Houston		X			
Indianapolis			X		
Jacksonville, Fla.		X	X		X
Kansas City, Mo.		X	X		
Las Vegas					X
Long Beach, Calif.	X	X			X
Los Angeles	X	X			
Louisville, Ky.		X	X	X	
Memphis, Tenn.		X	X	X	X
Mesa, Arizona					
Miami				X	
Milwaukee		X			X
Minneapolis		X	X		
Nashville, Tenn.		X			
New York		X			
Oakland, Calif.	X	X	X		
Oklahoma City	X	X			
Omaha, Neb.					X
Philadelphia		X			
Phoenix	X	X			X
Portland, Ore.			X		X
Raleigh, N.C.		X	X		
Sacramento, Calif.		X			X
San Antonio	X	X	X		
San Diego		X			
San Francisco		X	X		
San Jose, Calif.		X			X
Seattle		X	X		
Tucson, Ariz.		X	X		X
Tulsa, Okla.	X	X			
Virginia Beach, Va.		X	X		X
Washington, D.C.		X		X	
Number of Cities with Each Regulation	11 (22%)	34 (68%)	20 (40%)	5 (10%)	19 (38%)

Table 2: Public Property Bans Among 50 Largest U.S. Cities

Charlotte, N.C.	Mobile food service vehicles may vend only on private property. They must be 400 feet from any other mobile food service vehicle.
Chicago	Food trucks may not sell on public or private property any food that is prepared or cooked on site.
Dallas	Mobile food preparation vehicles may not sell on any street, sidewalk or other public right-of-way.
Fort Worth, Texas	No mobile vending unit shall be allowed to sell merchandise, sell or serve food on any public street, sidewalk or other public right-of-way.
Long Beach, Calif.	A cart or stand selling flowers and newspapers shall not be located in the public way.
Los Angeles	No person shall on any sidewalk offer for sale any goods, wares or merchandise which the public may purchase at any time.
Oakland, Calif.	Food trucks may only vend from private property. Vendors may not display vegetables, fish or dairy products in or from wagons, vehicles or portable stands on the streets or sidewalks of the city.
Oklahoma City	No peddler or solicitor shall engage in business within any portion of any public right-of-way.
Phoenix	Mobile vendors and mobile food vendors may only operate on private property.
San Antonio	A mobile food pushcart may not operate on the public streets. Peddlers and canvassers are generally prohibited from operating on public property.
Tulsa, Okla.	No person may sell any merchandise from any stand, parked vehicle or other stationary position upon any street or alley.

a business, limiting opportunities both by restricting the spaces where vendors can operate and by giving existing businesses a veto over new ones. In some places, such as Chicago or Los Angeles, vendors defy the bans and take to the streets or sidewalks knowing that they may face fines or their carts and wares may be confiscated by authorities if caught.⁶⁸

Restricted Zones

Rather than banning street vending outright, some cities have restricted the areas in which vending can occur. In many instances, these

restrictions make profitable vending virtually impossible. These types of restrictions are by far the most common. As shown in Table 3, 34 of the top 50 cities—68 percent of those studied—have at least one restricted zone and many have substantially more. Restricted zones often include potentially lucrative areas such as downtown commercial districts and areas around sporting venues.

Although sidewalk vending is technically legal in Chicago, vendors must keep track of a dizzying and growing number of restricted zones. Aldermen continually add more such zones to please the whims of their individual constituencies. The result is eight full pages worth of city code detailing where vendors may not sell their wares.⁶⁹ While officials are able to say vending is legal within the city, the truth is that individual vendors have little choice in where they locate, which profoundly harms their ability to earn an honest living.

Table 3: Restricted Zones Among 50 Largest U.S. Cities

Albuquerque	Public solicitors may not vend in Historic Old Town Zone.
Charlotte, N.C.	No vending in the congested business district, coliseum district or stadium district.
Chicago	Patchwork of prohibited vending zones, including space surrounding sporting arenas.
Cleveland	A mobile food shop may only vend in a ward with the approval of that ward’s city council member.
Denver	Food trucks may not sell on the public way in an area known as the Central Business District.
El Paso, Texas	Food trucks may not stop, stand or park in the downtown area unless a special privilege is granted by city council.
Fresno, Calif.	No vending on “Mall Streets” unless one is a Mall Street Concessionaire.
Honolulu	No peddling except for newspapers may occur on a public place in certain specified areas.
Houston	Vending on public property may occur only in the theater/entertainment district.
Jacksonville, Fla.	Vending is prohibited in the area bounded by Florida Avenue, Talleyrand Avenue, the expressway and the St. Johns River.
Kansas City, Mo.	Street vending is prohibited on certain streets and in certain areas as defined by the ordinance.
Long Beach, Calif.	Vending carts are limited to developed nonresidential sites.
Los Angeles	Food trucks may not vend within 200 feet of certain parks. Except as specifically allowed, no person may vend upon any public beach lands or properties adjoining the Pacific Ocean or an adjacent boardwalk.
Louisville, Ky.	No vendor shall be licensed for a location in a Residential Zoned District or Office District.
Memphis, Tenn.	No vending within 200 feet of Mid-America Mall, Mid-South Fairgrounds, the Downtown Loop or any places of historical or public attraction.
Milwaukee	No direct selling may take place in the downtown area that is defined in the ordinance.
Minneapolis	Mobile food vendors may only operate within a defined district’s boundaries. Sidewalk food carts may operate only in the downtown Minneapolis area.
Nashville, Tenn.	The sale of goods or services by street vendors is limited to the downtown and certain commercially zoned districts.
New York	No vending within certain commercial districts or within several defined geographic areas.
Oakland, Calif.	Pushcart and vehicular food vending may only take place on certain streets and within certain zoning districts. No peddling whatsoever within a certain defined territory.
Oklahoma City	No food sales from vehicles shall be conducted within a specified area of the city.
Philadelphia	Street vendors may not vend within certain designated areas of the city.
Phoenix	Street vending is prohibited within the Downtown Vending District .
Raleigh, N.C.	Food trucks not allowed within downtown area. Pushcarts may not operate in areas that are not zoned for commercial use.
Sacramento, Calif.	It is unlawful to vend in “Old Sacramento.” Food vending vehicles may only operate in a heavy commercial and industrial zoning district, or a commercial and hospital zoning district.
San Antonio	Vendors may not operate within the defined area surrounding the AT&T Center. It is unlawful for any person to peddle on public property in the downtown business district.
San Diego	No person shall operate a mobile food unit on any public street, highway, road, parkway or sidewalk except in a Planned District.
San Francisco	No Mobile Food Facility Vendor shall peddle in a residential district, in a “public use” district that is located on Twin Peaks, or on the north side of Jefferson Street between Jones and Taylor.
San Jose, Calif.	No person shall peddle within the designated arena peddling prohibition zone.
Seattle	Except for vending printed matter on foot, it is unlawful to vend in certain areas. It is also illegal to vend in the area surrounding Safeco Field on a day when an event takes place.
Tucson, Ariz.	Peddlers may not park a vehicle for the purpose of peddling food or wares in the central business district except at certain defined spaces.
Tulsa, Okla.	No vending on the public way may take place within the part of Tulsa bounded First Street, Seventh Street, Detroit and Cheyenne.
Virginia Beach, Va.	No person may vend any goods from public property in the “resort area” during the “prime resort season.”
Washington, D.C.	Vending is prohibited upon sidewalks abutting certain squares. Vending may not take place on certain streets identified in the vending ordinance.

Figure 1: Sacramento's Restricted Zones Leave Little Room for Mobile Vending

City of Sacramento



Vending

Mobile Vending Zones

LEGEND

Outside Sacramento City Limits

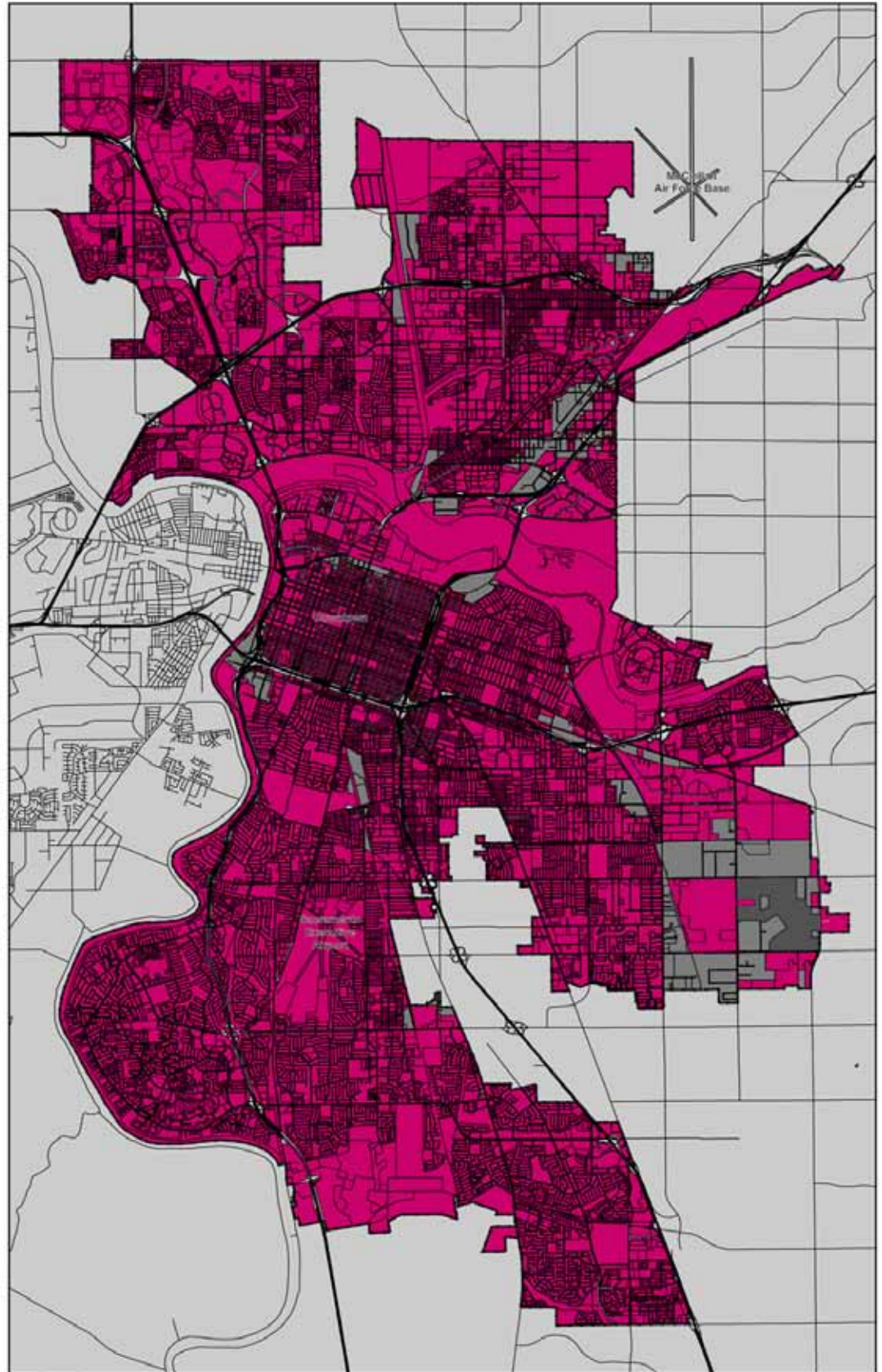
Vending Prohibited

Vending Allowed

City Boundary

Highway

Street



Likewise, in Sacramento, Calif., a patchwork of regulations denies food truck entrepreneurs the ability to serve eager customers. The city’s heavily populated downtown is effectively off limits.⁷⁰ Elsewhere, food vendors may serve from public streets, but only if they are 400 feet from another vendor and more than 100 feet from any stoplight or stop sign—and so long as they do not remain in any one spot for more than 30 minutes.⁷¹ Neither can a food truck operate from a stand-alone parking lot.⁷² And if the food truck operator decides to abandon public spaces, he is likewise out of luck: Sacramento law lets food trucks operate only on private property in a few

commercial, industrial and hospital zones. This effectively pushes vendors out to the city’s outskirts.⁷³ As Figure 1 shows, vending is allowed only in very small parts of the city.

Proximity Bans

Proximity bans limit how close street vendors can be to certain types of businesses, usually those that sell similar products or restaurants. These laws are

Table 4: Proximity Bans Among 50 Largest U.S. Cities

Atlanta	Persons vending on private property shall not be permitted to operate within 1,500 feet of a permanent business selling the same or similar products.
Baltimore	Food vendors may not sell within 300 feet of a business that sells similar food.
Chicago	Food trucks are not allowed to operate within 200 feet of a restaurant.
Cleveland	A mobile food shop may not vend within 100 feet of a fixed food service operation while the operation is open.
Denver, Co.	Pushcarts, flower carts or other vendors may not be within 200 feet of a restaurant or business selling similar products without securing the business’ permission.
Detroit	A vendor may not sell food or goods within 100 feet of any established place of business that sells the same goods unless the place of business provides a signed waiver to the buildings and safety engineering department.
Indianapolis	A food cart may not operate within 50 feet of a ground-level restaurant.
Jacksonville, Fla.	Sidewalk vendors in the downtown area may not vend within 100 feet of any permanent business which sells the same types of products or services; 300 feet outside of the downtown area.
Kansas City, Mo.	Street vendors shall not sell any service or item within 50 feet of an established business offering similar products.
Louisville, Ky.	No mobile vendor shall vend within 300 feet of the entrance to any business establishment that is open and offering similar products for sale.
Memphis, Tenn.	Food trucks may not vend within 50 feet of the entrance of a restaurant when in the central business improvement or within 300 feet of a restaurant’s entrance elsewhere.
Minneapolis	No mobile food vendor application will be accepted for a location where a restaurant is adjacent or within 100 feet on the same block.
Oakland, Calif.	A vehicular food vendor shall not locate within 200 feet of any fast food restaurant, other vehicular food vendor, full-service restaurant or delicatessen
Portland, Ore.	No sidewalk food vendor or flower vendor application will be accepted for a location where a restaurant, fruit and vegetable market or flower shop is within 100 feet unless the application is submitted with the written consent of the restaurant, fruit and vegetable market or flower shop.
Raleigh, N.C.	Sidewalk food carts may not be within 50 feet of the entrance of a food business or outdoor eating area.
San Antonio	Mobile food vending operations shall not be carried on within 300 feet of any permitted food establishment unless written, notarized permission is given by the food establishment owner.
San Francisco	Area businesses may comment on applications for new vending location. In weighing the application, the government may consider whether the proposed operation is located within 300 feet of a business that sells the same type of food or other merchandise.
Seattle	No vending of flowers may occur within 200 feet of an established florist without the written consent of the florist.
Tucson, Ariz.	Peddlers’ vehicles must be at least 50 feet from any objecting business in the areas within the central business district where peddling vehicles may vend.
Virginia Beach, Va.	No person shall peddle ice cream or other food items in any business area within the city. The term “business area” shall mean an area within 300 feet of two or more retail businesses.

the most blatant attempt to protect brick-and-mortar businesses from competition. Of the largest 50 cities, 20 prevent vendors from setting up anywhere from 50 to 1,500 feet away from competing brick-and-mortar businesses.

Proximity bans vary in both distance and products covered, as seen in Table 4. El Paso's 1,000-foot proximity restriction, now repealed, was one of the largest, and Figure 2 shows how much of the city it made off-limits for vendors. Atlanta has the

largest proximity ban, at 1,500 feet, though the ban applies only to vendors on private property. (Atlanta has created a government-granted monopoly on public-property vending; see sidebar on page 24.) Baltimore prohibits food trucks from selling within 300 feet of a business that sells similar food; in Chicago, food trucks are not permitted within 200 feet of any restaurant. Jacksonville, Fla., and Louisville, Ky., forbid all vendors from locating within 300 feet of a business selling similar goods.

Restrictions in some cities offer more direct evidence of protectionist intent. Denver, Portland, Ore., San Antonio and Seattle have exceptions to proximity bans that permit selling near a brick-and-mortar business with that business' permission, effectively giving incumbents veto power over

Figure 2: El Paso's Repealed Proximity Ban Made Much of the City Off-limits to Food Trucks



Table 5: Stop-and-wait Restrictions Among 50 Largest U.S. Cities

Fresno, Calif.	Mobile vendors may stand, stop or park only at the request of a bonafide purchaser.
Louisville, Ky.	No mobile vendor shall park, stand, stop or allow a vehicle to remain in any place longer than is necessary to transact immediate business.
Memphis, Tenn.	A “huckster” vehicle (which sells only fruits, vegetables, chestnuts and packaged nuts) shall be kept in motion except when making sales.
Miami	A motor vendor may not remain in a place for longer than necessary to make a sale after having been approached or stopped for that purpose.
Washington, D.C.	A roadway vending vehicle shall not remain in a place for longer than necessary to make a sale after having been approached or stopped for that purpose.

potential competitors. In San Francisco, “affected businesses” within 300 feet of a proposed vending location may argue against the new location.⁷⁴ And in deciding whether to let the new vendor operate, city officials can consider the fact that a nearby business sells the same type of merchandise.⁷⁵

Stop-and-wait Restrictions

Five cities prevent mobile vendors from stopping and parking unless flagged by a customer, as shown in Table 5. Even if a patron stops them, mobile vendors in these cities must move along once all current customers have been served. This makes it impossible for mobile vendors to establish regular stops or easily connect with customers who might want to purchase their goods. It also creates potential traffic hazards: IJ attorneys witnessed mobile vendors in El Paso slowly circling around blocks so that they could stop when hailed by customers, and multiple vendors reported adopting this strategy because of the city’s stop-and-wait restrictions.

The rise of Twitter as a social networking tool has helped some vendors get around such rules. In Washington, D.C., for example, food trucks tweet locations in advance so customers can line up and be waiting when the trucks arrive.⁷⁶ But, according to the law, any lull in service during an otherwise busy period would force trucks to relocate even when more customers might be on the way. In D.C., trucks’ difficulties are further complicated by regulations that require some types of cooking equipment be stored while driving,

thus forcing vendors to pack up and stow all equipment each time they move.⁷⁷

Duration Restrictions

Even in cities where laws allow mobile vendors to stop and wait for customers, the amount of time they can remain in one spot is severely limited. As Table 6 shows, these duration restrictions exist in 19 of the 50 cities we surveyed and range anywhere from a brief 10 minutes in Long Beach, Calif., to two hours in Chicago. These laws, which force vendors to spend large portions of their day moving from location to location, dramatically reduce the ability of mobile entrepreneurs to be successful.

Of the 19 cities we found with duration restrictions, Baltimore has one of the worst laws. The city’s 15-minute time limit is bad enough, but an additional restriction prevents vendors from setting up within 300 feet of any location they have sold at in the past 48 hours.⁷⁸ Vendors

Table 6: Duration Restrictions Among 50 Largest U.S. Cities

Atlanta	No vehicle shall stop or stand and do business for more than 30 minutes.
Baltimore	In a residential area, no street vendor of food products may stand or park his or her vehicle: (1) for more than 15 minutes at a given location; (2) within 300 feet of any location at which the vehicle stood or parked during the preceding 48 hours.
Charlotte, N.C.	No peddler may occupy any space upon any street within one block or occupy any space within a 300-foot distance for a period of more than 30 minutes during any 24-hour period.
Chicago	A food truck may not sell food for more than two hours on any one block.
Columbus, Ohio	No person shall park or stand any vehicle from which anything is offered for sale on any street for a period exceeding 15 minutes.
Dallas	Mobile food preparation vehicles may not stop for more than 60 minutes at one location.
Fort Worth, Texas	Transient food vendors may not stop for more than 60 minutes at one location to sell or serve food without securing Mobile Vendor Certificate of Occupancy.
Jacksonville, Fla.	Street vendors may not remain stopped on any public right-of-way for more than 30 minutes unless the vendor is not selling or displaying any merchandise.
Las Vegas	No ice cream truck or mobile food vendor may vend at the same location more than once a day or for longer than 30 minutes at any one location.
Long Beach, Calif.	No retail food vehicle shall stop for more than 10 minutes unless there are customers waiting to buy the product.
Memphis, Tenn.	A food truck, once parked, must remain in the same spot for at least 30 minutes and no longer than six hours.
Milwaukee	Any person that sells food from a vehicle (other than a motorized food peddler) shall not remain in any location adjacent to any one block area for more than one hour on any one day.
Omaha, Neb.	No person may park or keep a vehicle longer than 30 minutes in one block for the purpose of selling merchandise contained in such vehicle.
Phoenix	No vendor shall park a vehicle on any public street for more than one hour in any eight-hour period at one location. The parking of a vehicle within 300 feet of the original location is considered one location.
Portland, Ore.	No vendor may conduct business in a roadway adjacent to or across from residential property for more than 10 minutes. The vendor must vacate the block where he vended for two hours upon expiration of the 10-minute limit.
Sacramento, Calif.	No vendor may operate for more than 30 minutes in one location, without moving to a new location at least 400 feet away. The vendor may not return to that location again in the same calendar day.
San Jose, Calif.	No motor-vehicle based or mobile unit peddler may peddle at a location, or within 500 feet of that location, for more than 15 minutes within any two-hour period.
Tucson, Ariz.	No peddling may take place for more than 60 continuous minutes, or 120 minutes in any 24-hour period at one location, which is defined as any place within 300 feet from the original parking space.
Virginia Beach, Va.	No vendor may remain within any one-block area for more than 15 minutes before moving to another block. The vendor may not return to that location within an eight-hour period.

who want to sell for just six hours a day would need to line up 48 unique locations and be prepared to move 24 times a day to comply with the law.

Both duration restrictions and stop-and-wait restrictions might have made more sense in an era where most vendors were ice-cream trucks, but they are simply outdated for today's food trucks—and make it difficult if not impossible for them to operate. Aside from the challenges of

finding multiple suitable locations and alerting customers, modern-day mobile kitchens are not as easily mobile as the name suggests. For each move, they may have to cool hot oil, dump waste water and pack away equipment. That takes valuable time away from serving customers.

Other Restrictions and Hassles

Although this report focuses on five common types of vending restrictions, many other obstacles perplex and confound potential vendors. Some cities, for instance, have banned the sale of specific goods on the street. For

A man wearing a white t-shirt and a tan Atlanta Braves cap is looking down at a collection of merchandise, including baseball caps and t-shirts. The background shows more merchandise hanging on a rack.

Atlanta's Vending Monopoly Threatens Entrepreneurs and Jobs

Larry Miller and Stanley Hambrick own and operate well-known vending stands outside of Turner Field, where the Atlanta Braves play. Their professional operations offer snacks and fully licensed Braves merchandise at a fraction of the cost inside the stadium. Both Larry and Stanley have been able to provide economic opportunities for their friends and family members, many of whom help work the stands on game days. Stanley in particular views his stand as his legacy and hopes to hand over the family business to his son one day. These businesses, which have been in place for more than 20 years, create jobs, are a fixture in the community, and help keep the sidewalks around Turner Field safe and friendly.

All of this is now under threat. Two years ago, Atlanta gave a single private company the exclusive right to control vending on public property in the city—the first program of its kind anywhere in the country. As the monopoly builds vending kiosks in various areas of Atlanta, the existing vendors must either leave or rent a kiosk for anywhere from \$500 to \$1,600 a month. This means that a vendor who was paying only \$250 per year for a vending site must now pay up to \$19,200 in rent. This program has cost jobs; indeed, an estimated 16 vendors were thrown out of their jobs during the first phase of the program.

Now the monopoly has its eyes on Turner Field. According to the Mayor's office, the company wants to start erecting vending kiosks around Turner Field late in the 2011 season. The tiny kiosks the company favors, which were designed with advertising primarily in mind, are ill-suited for the open-air vending that works best at Turner Field. And renting a kiosk for thousands of dollars per year is a cost these modest businesses simply cannot afford. If the monopoly succeeds, Larry and Stanley's vending businesses will be destroyed. As Larry says, "If they put me inside of a kiosk, it would be like putting me in a coffin."

But Larry and Stanley are fighting back. To protect their own rights and the economic liberty of all Georgians, Larry and Stanley have teamed up with the Institute for Justice to file a challenge to Atlanta's vending monopoly. This lawsuit argues that the city of Atlanta lacked the authority to turn over all public-property vending to a single company and that creating a vending monopoly violates the Georgia Constitution. The lawsuit aims to free Atlanta's vending community and send a warning to other cities to think twice before entering into similarly anti-competitive arrangements.

- IJ client Larry Miller

example, it is illegal to vend flowers anywhere in Chicago⁷⁹ or to vend “silly string” in Boston.⁸⁰

Other laws add additional hurdles. In Minneapolis, vendors must have resided in the area for at least a year to obtain a permit. In San Antonio, peddlers are not permitted to vend from the same spot more than three times a month—even though they are vending solely from private property.⁸¹ And in New York City, officials have capped the number of vending licenses and closed the waitlist. This effectively excludes anyone not already established in the occupation from legally vending in the city.

Even when vending is technically permitted, getting into the field can be nearly impossible. Starting a vending business should be a relatively simple affair. But in too many cities, would-be vendors face an unnecessarily convoluted permitting process simply to earn an honest living.

Miami, for instance, has an annual lottery where it distributes an artificially low number of licenses for street vending in the downtown area. Before a would-be vendor can even register for the lottery, she must secure: 1) an occupational license from the city; 2) an occupational license from the county; 3) a separate license from the Florida Department of Business and Professional Regulation, Department of Agriculture, or the city, depending on what she wants to sell; 4) state and local tax certificates; 5) a certification that all taxes have been paid; 6) a current DMV registration and plate number of the cart; 7) a “Cart Certification Form” signed by three different bureaucrats

from three different departments; and 8) at least \$500,000 in insurance coverage.⁸² Few people would look at this laundry list and decide that street vending is the business for them.

Until recently, Cleveland had a similarly complex and confusing vending system. Would-be vendors had to apply for and receive up to 25 separate licenses.⁸³ One prominent food truck, Dim and Den Sum, had to collect 14 different permits that, in total, cost it almost \$3,000.⁸⁴

Cleveland recently streamlined its permitting process, and now food trucks only need to pass a health inspection and get a single license that costs \$150. But while the new ordinance fixed some problems, it created new ones. Among the worst are a 100-foot proximity restriction and a requirement that, before a food truck opens, its owner must get permission from the city council member in whose ward the truck will operate.⁸⁵

The complexity of many cities’ vending codes can even confuse the bureaucrats charged with administering and enforcing them. A popular burrito cart in Washington D.C., Pedro and Vinny’s, decided to open a second location. Weeks after getting a license, District officials forced the cart to close because, according to them, its owners had not gotten a necessary public-space permit. But when the owners of the cart called, they were told they did not need the permit after all. Even worse, the cart had to shut down when D.C. regulators said that they had erred in granting the cart a vending license in the first place.⁸⁶

Many cities also have curfews that limit the hours during which vendors can sell. Sacramento, for instance, does not permit food trucks to operate after dusk, eliminating their ability to serve customers after business hours in locations with few restaurant options, or to serve at night at potentially lucrative locations near coffee shops or clubs.⁸⁷ Many cities, such as Denver,⁸⁸ limit evening hours to 9 p.m., which prevents mobile food vendors from setting up to offer convenient service during evening events and for late-night eating in areas of the city where many brick-and-mortar restaurants close early.

Restrictions in Smaller U.S. Cities

This report focuses on the 50 largest U.S. cities, but many smaller cities also have laws that limit vending opportunities. Boulder, Colo., for instance, has almost



Roxana Boroujerdi: Quintessential Bootstraps Entrepreneur

Roxana Boroujerdi embodies the American Dream. In 2001, she left a successful career as a case manager with Washington's Department of Social and Health Services after one of her former clients assaulted her. A single mom at the time, Roxana needed a job to support her family, so she decided to create her own: She started Fun Times Ice Cream with a single ice cream truck and a lot of determination.

Roxana's hard work, entrepreneurial spirit and charming demeanor paid off. After 10 years, she has grown her business to three trucks and a pushcart. She provides employment for three ice cream vendors who sell in various towns and at private events around the Seattle-Everett, Wash., metropolitan area.

Unfortunately, Roxana's tireless work ethic has run into a brick-and-mortar wall in Everett, where vendors face numerous restrictions designed to thwart honest competition. To legally sell on a public right-of-way, food vendors in Everett must have the consent of abutting business owners. Worse, they are prohibited from operating within 250 feet of any restaurant, café or eating establishment unless they have the permission of every such business. And were that not bad enough, Everett has designated an enormous "no vending activity" zone around a popular downtown sports and entertainment arena in order to protect the arena's concessionaires from competition.

When Roxana tried to sell ice cream near the arena during a children's event, police instructed her to leave the restricted area. Police similarly told her she could not sell during a downtown parade because abutting brick-and-mortar businesses objected. City officials even told Roxana she could not sell near the waterfront on the Fourth of July or during concert events because waterfront restaurants would not appreciate her competition. In short, Roxana's right to earn an honest living in Everett has been subject to the mercy of bureaucrats and politically-connected competitors.

In any economy, let alone these difficult times, government should be removing barriers to entrepreneurs. Roxana's business would boom if she were permitted to sell in areas of Everett where pedestrian activity is vibrant. For now, however, her right to engage in and grow her business is limited by the city and the brick-and-mortar restaurants, businesses and concessionaires to whom it has given an effective veto power.

entirely banned mobile food vending downtown, relegating food trucks to a handful of private downtown locations and private office parks on the outskirts of the city.⁸⁹ In New Orleans, food vendors may not operate within 600 feet of a restaurant or other food establishment.⁹⁰ Pittsburgh bans vendors from operating within 500 feet of brick-and-mortar shops that sell similar goods unless they obtain a special waiver from the city.⁹¹ And in addition to a 250-foot proximity ban, Everett, Wash., a suburb of Seattle, requires the consent of every abutting property owner to vend on its streets and has made large parts of the city off-limits altogether (see sidebar, page 26).

Street vendors in Worcester, Mass., must stay at least 500 feet away from all “common victuallers,” a colonial-era term that refers to brick-and-mortar restaurants.⁹² Vendors in Worcester cannot remain in one location for more than five minutes without making a sale. When the vendor moves, he or she must travel at least 500 feet away from his or her previous location and cannot return for one hour.⁹³ And to stay in a single place, a food vendor must not only get the consent of restaurants within 250 feet of his or her proposed location, but the consent of everyone in the area who has held a common victualler’s license during the past 12 months.⁹⁴

THE PROTECTIONIST DRIVE FOR REGULATION

Of the five major types of vending regulation we examined, proximity bans are the most blatantly protectionist, as they literally outlaw one business setting up shop near, and therefore competing with, a similar business. Yet all of these restrictions have been actively supported by established brick-and-mortar businesses in various cities, suggesting that their true aim is to limit vending opportunities and thereby competition.

The rise of Washington, D.C.’s bustling food truck scene and the business community’s response to it present a clear illustration of the forces that support greater restrictions on vending, as well as the anti-competitive nature of various types of rules. The city’s food trucks have taken off despite operating under unclear and confusing regulations. And while the city has considered clarifying its laws, such reforms have been met with calls for even greater regulation from brick-and-mortar restaurants and business groups.

A task force convened in 2009 to make recommendations to improve the District’s vending laws was dominated by established business interests. Groups that represent brick-and-mortar restaurants such as the Restaurant Association Metropolitan Washington, the Golden Triangle Business Improvement District and the Dupont Circle Merchants and Professionals Association have been outspoken proponents of greater regulation. So too have the owners of various “depots” that warehouse the city’s many sidewalk food carts and provide their hot dogs, chips and sodas. Like restaurants, the food carts and depot owners see the new food trucks, with a dizzying variety of creative cuisines, as dangerous competition.⁹⁵

These groups have lobbied for the same types of regulations seen in other cities.

For example, in response to proposed vending rules, the Adams Morgan Business Improvement District urged the city to adopt, among other rules, a 30-minute duration

restriction, a 100-foot proximity ban and restricted zones that would keep food trucks out of city-designated “entertainment districts,” such as the Adams Morgan neighborhood, entirely.⁹⁶

Arguing for the 30-minute duration restriction, the group wrote, “They should be required to stay mobile, and never be allowed to stay in one location more than 30 minutes. ... This way, they do not destroy the ENTIRE lunch-business or dinner-business of anyone who does have a property-tax-paying-business” (emphasis in original).⁹⁷ The business group urged that any rules adopted ensure that vendors “do not unfairly compete or unreasonably interfere with the operations of permanent businesses.”⁹⁸ To underscore the point, the group submitted with its comments four pages of signatures of existing Adams Morgan businesses endorsing the group’s proposed regulations. These businesses, at least, see tighter restrictions on vending as a way to protect their interests.

D.C. is not alone. Almost any time a city considers liberalizing its regulations to allow more vendors or make it easier to vend, brick-and-mortar opposition springs up. As Seattle has considered new rules to open up its market,

restaurant owners have spoken out, concerned that new competition would hurt their businesses.⁹⁹ In Raleigh, N.C., food trucks are forbidden in the downtown area, but the city has considered allowing trucks to operate on private property—although not within 50 feet of a restaurant, unless the restaurant gives permission. Brick-and-mortar restaurants have opposed even that limited opening for food trucks.¹⁰⁰

Los Angeles County, home to a thriving food truck movement, passed a one-hour duration restriction after restaurants complained about taco trucks eating into their business; the law was later struck down in state court.¹⁰¹ When Jersey City, N.J., considered changing its 20-minute duration restriction to a three-hour limit, restaurant owners complained to a



Almost any time a city considers liberalizing its regulations to allow more vendors or make it easier to vend, brick-and-mortar opposition springs up.

city councilman that the reform would hurt their businesses.¹⁰² The proposed reforms that eventually emerged from city deliberations included a one-hour duration restriction and a prohibition on food trucks operating within 100 feet of each other and 300 feet of brick-and-mortar restaurants.¹⁰³

After Boulder's regulations forced Hosea Rosenberg—a winner on the television show *Top Chef*—to shut down his truck offering upscale “street food,” a grassroots movement arose to pressure the city council to revise its food vending ordinance.¹⁰⁴ But the new rules are still onerous for anyone wanting to start a food truck business in the city. Although the city now allows some vending downtown—previously there could be none—it only allows vendors to operate in a small number of private locations. That is because the new rules actually *added a new proximity ban* requiring food trucks to stay 150 feet away from brick-and-mortar restaurants.¹⁰⁵ According to the city, “There needs to be a balance between the operation of brick and mortar restaurants and the operation of mobile food vehicles

so that the vehicles do not compete unfairly with these businesses.”¹⁰⁶

Anti-competitive motives are also at work in Monrovia, Calif., a distant suburb of Los Angeles. A recent revision to the city's mobile food vendor law made it more restrictive, banning vending in its popular “Old Town” district.¹⁰⁷ Explaining the city's reason for the ordinance, City Manager Scott Ochoa said, “We sit squarely with the [brick and mortar restaurants] who are doing business and paying taxes” in Old Town.¹⁰⁸

After an entrepreneurial grandmother in Santa Rosa, Calif., was profiled in a local newspaper for building a successful family business vending tamales, local officials argued that she was violating the city's 30-minute duration restriction, which was supported by brick-and-mortar restaurants.¹⁰⁹

Brick-and-mortar business' animosity toward street vendors sometimes takes the form of using existing laws to chase away vendors. In Chicago, restaurants try to catch vendors illegally parked or otherwise breaking the city's stifling rules.¹¹⁰ According to the head of a vendors association in Los Angeles, restaurant employees parked all day along a stretch of Wilshire Boulevard, parking tickets notwithstanding, to keep food trucks away from their restaurants—thus exacerbating the very parking problem they allege is created by the trucks.¹¹¹ San Francisco awarded entrepreneur Jay Hamada permits for two parking spaces for his JapaCurry food truck. But soon after he started selling from one, a dozen nearby restaurateurs sent a letter to police demanding the permit for that spot be revoked.¹¹²



WHY LIMIT VENDING OPPORTUNITIES?

Often in intent, and certainly in effect, vending regulations such as proximity, duration, stop-and-wait and other restrictions serve to protect established brick-and-mortar businesses at the expense of up-start mobile entrepreneurs.

Established businesses and others make a number of common arguments to support such restrictions—that vendors are “unfair” competition, pose health and safety risks and create sidewalk congestion.¹¹³ These claims fail to stand up to scrutiny.

Vending Competition is Not “Unfair”

Perhaps the most common complaint from stationary businesses is that competition from vendors is “unfair.” They claim that because vendors do not pay real estate costs, utilities or taxes, they can charge lower prices and compete on an “uneven playing field.” “If we have to play by the rules, they should as well,” says Stephen Adams, the president of Merchants of Upper Market and Castro in San Francisco.¹¹⁴

But this argument ignores all of the downsides that come from operating on the street. As Seattle food truck owner Kurt Beecher Dammeier, who also owns two brick-and-mortar restaurants, put it,

*There are a lot of advantages you have with a physical location that you don't have with a truck, and there are a lot of costs you have with a truck that you don't have with a physical location. It's like comparing apples and oranges.*¹¹⁵

For starters, vendors typically offer fewer services: Customers are exposed to the weather, have no place to sit and cannot be served by waitstaff. Vendors have a harder time protecting their merchandise from theft and have no guarantee that they will be able to find a good available location.¹¹⁶ Because of their small size, food vendors typically have a much more limited menu than their brick-and-mortar competitors and cannot get additional supplies “out of the back” when needed (see “A Day in the Life” sidebar, page 31). By contrast, brick-and-mortar businesses enjoy a consistent location shielded from the weather, places for customers to sit, and conveniences like bathrooms and cash machines. Additionally, vending businesses typically generate a smaller profit margin than

brick-and-mortar businesses¹¹⁷ and frequently have a shorter window of time in which to sell.¹¹⁸

Put another way, brick-and-mortar businesses receive a great deal in return for their higher costs. Their larger investments enable them to offer services vendors cannot. For vendors, the lower costs are what make the trade attractive and affordable, and sacrificing the comforts and conveniences of a physical location is worth it. The differences in costs between stationary and mobile businesses simply reflect different business models and different entrepreneurs' views on the trade-offs between larger investments and levels of service. It is not clear what is “unfair” about this.

Moreover, vendors are in fact subject to many of the same types of costs as brick-and-mortar competitors—or different costs entirely. Carts or food trucks must be stored in approved facilities for which vendors pay rent. Food vendors must also rent kitchens to prepare and store food.¹¹⁹ Food trucks often have to pay a fee that is meant to cover the taxes on their expected sales.¹²⁰ Permitting and insurance are costs vendors, like stationary businesses, have to pay.¹²¹ And unlike brick-and-mortar establishments, vendors must pay to move their carts, stands and trucks to locations each day, which might involve gas, parking and possibly the purchase of a special hauling vehicle.¹²²

In some cities, vendors also face more hurdles when opening than stationary businesses. Another Seattle vendor who also owns brick-and-mortar locations, Molly Moon Neitzel, noted, “I needed more inspections to operate a mobile food unit than to open either of my shops. I've been e-mailing with the health

A Day in the Life of a Vendor

Jeff Kelley does not open his business until 11:30 most mornings. But by the time his food truck serving loaded hot dogs, gravy-covered fries and fresh-baked whoopie pies hits the streets of Washington, D.C., the owner of Eat Wonky has been at work longer than many of the customers who flood the streets at the lunchtime rush.

The day starts around 8:30 a.m. when Jeff arrives at a city-approved depot for food-truck storage in southeast D.C. He spends an hour washing, cutting and soaking the potatoes that will become his locally famous Wonky Fries. Jeff then fully stocks the truck with bottled drinks, dishes, utensils and paper products. As he said, "When you are out of forks on the truck, you are just out of forks. You can't send someone into the back to get more." He loads up the food and hurries to fill the truck's water tank so he can leave the depot by 10:30 a.m.

Jeff's depot, like all of those approved by the D.C. government, is at least a 30 minute drive away from areas of the city where customers are hungry for lunch. Once the truck arrives at the day's lunch spot, Jeff must find parking, which can take up to 30 minutes. After the truck is parked, Jeff and the chef he hired to help run his business prepare for service by starting the cooking equipment, heating oil in the deep fryer, finishing food prep and updating the truck's location on the social media sites Twitter and Facebook. By the time Eat Wonky opens the window, usually around 11:30 a.m., customers are waiting.

Jeff serves lunch until around 1:30 p.m. After the window closes, clean up must take place before the truck can legally move. The fryer oil must cool and be transferred to a container safe for travel, and leftover food must be properly stored. Jeff usually arrives back at the depot by 3 p.m. and spends another two hours cleaning the cooking equipment and the truck and disposing of waste water. If he does not have an evening service planned, he heads home around 5 p.m. to do his accounting, website management, and the other general office work that comes with owning a business.

At the absolute maximum, his truck can serve about 200 customers during a lunch shift but usually serves far fewer. Weather, big events that pull customers elsewhere in the city, flexible federal employee schedules, regular holidays and congressional recesses all significantly affect how many people turn up for lunch. Even when Jeff carefully plans around all of these conflicts, sometimes the business just is not there. "Sometimes it's just dead and there is no apparent reason," Jeff explained.

Despite the hard work, Jeff prefers running his vending business to his old job of commercial real estate agent for a private equity fund. He was looking for the full entrepreneurial experience and was not getting it: "The only real way to do it was to get out there and make something happen on my own."

inspector today, because I don't understand all the fees, and I'm a savvy person."¹²³ She said starting her ice-cream truck was "more of a time-suck and a headache" than opening a new physical location.

Another aspect to the "unfair" competition complaint is the simple fact that vendors can, depending on local laws, park near or even directly in front of brick-and-mortar businesses and possibly sell similar items. As one Raleigh restaurant owner said, "What we don't support is them coming down [and] parking in front of our businesses we've worked so hard to open."¹²⁴

This aspect of the complaint boils down to brick-and-mortar businesses simply not wanting new competition. But it is not clear why vendors are different than any other new competitor such that they should be regulated away. "Just step up your game," said Chicago food truck operator Matt Maroni. "McDonald's doesn't ask Burger King if they can open up across the street."¹²⁵ Or, as a would-be Raleigh vendor asked, "Is it the role of City Council to decide who gets to compete?"¹²⁶

Finally, it is not necessarily true that vendors cut into nearby brick-and-mortars' business. Sociologist John Gaber points out that vendors and brick-and-mortar businesses often sell different kinds of goods, with vendors tending toward cheaper items and stationary businesses selling higher-priced goods. "The direct competition between the two is not really there realistically," he said.¹²⁷

Plus, street sellers can add vitality and variety to an area, drawing new customers for all. Economist Steve Balkin and colleagues found that when Chicago's Maxwell Street Market for pushcart vendors was forced to move, nearby stationary shops *lost* business as the commercial vitality and number of potential customers in the area declined.¹²⁸ In D.C., vendors hope to enliven some areas and even partner with established businesses for the good of all. As D.C. food truck owner Justin Vitarello said, "We can activate some spaces." Another D.C. vendor is partnering with stationary businesses to boost sales for both by, for example, offering discounted drinks at a restaurant with the purchase of a lobster roll from his food truck.¹²⁹

Legitimate Health and Safety Regulation Need Not Shut Out Vendors

Those opposed to street vending often cite health and safety as reasons not to allow vendors, particularly vendors that sell food. A Chicago spokeswoman, for example,

said the city forbids mobile food preparation to protect customers.¹³⁰ But the solution to health-and-safety concerns is not to ban or limit vending opportunities, but rather to pass narrowly tailored and effective laws that actually address health and safety concerns.

In Washington, D.C., for instance, food vendors must comply with the same health department inspections as traditional restaurants.¹³¹ Indeed, food vendors are often visited with more frequency than their brick-and-mortar counterparts. One mobile food truck owner had his business inspected eight times in seven months. When he worked at a local restaurant, though, the inspector came by only once in the same length of time.¹³² In fact, D.C. laws state that vending trucks must be inspected every six months,¹³³ while there is no set time table for brick-and-mortar health inspections.¹³⁴

In some communities, food vendors welcome such health inspections with open arms. For example, at the end of 2010, Los Angeles announced that mobile food vendors would be subjected to the same grading system as brick-and-mortar restaurants. Mobile food entrepreneurs welcomed the city inspections as an opportunity to dispel long-held myths about street food.¹³⁵ Erin Glenn, the head of an association of lunch trucks in Los Angeles, said of the new regulations, "I think it's a step in the right direction to improve public health, and we're all for it."¹³⁶

The trouble with the kinds of regulations identified in this report is that they do little or nothing to address health and safety concerns. Indeed, when El Paso, in response to IJ's lawsuit, undertook a review of its vending regulations, it instructed

the city health department to ensure that any regulations “related only to health and safety.” As a result, the department recommended repealing the 1,000-foot proximity ban and stop-and-wait restrictions, among other regulations.

Of the proximity ban, Michael Hill of the El Paso Department of Public Health, said,

[T]here was no health reason that we could find that would preclude [parking next to a food establishment]. That requirement was put in in 2009 to address concerns of the fixed food establishments, who didn’t think it would be good for a mobile vendor to park right outside their business, but there’s not a health reason or a Texas food rule that I can find that justifies that.¹³⁷

As the El Paso City Council recognized in accepting the health department’s recommendations and repealing a proximity ban and other regulations, health and safety concerns are no reason to impose restrictions so onerous that vending becomes difficult

or even impossible. After all, many restaurants pose the same concern; for instance, less than four percent of the restaurants in New York City and Los Angeles were without any health violation at their last inspection.¹³⁸ No one, however, would suggest that cities should ban all restaurants. Legitimate health and safety regulation can co-exist with a robust and open vending marketplace.

No Evidence of Harmful Sidewalk Congestion

Local businesses often assert that by increasing sidewalk congestion in an area, vending makes it harder for customers to patronize brick-and-mortar stores.¹³⁹ Because there is little evidence on whether mobile vending causes or exacerbates congestion, though, the Institute for Justice collected original data to test it.

Our researchers measured foot traffic and congestion, defined by the amount of time it took pedestrians to cross from one side of a block to the other, in two Washington, D.C., locations when popular food trucks were present for lunch and when they were not. Further details on methods can be found in Appendix C.

The first site, an area known as Federal Center in southwestern D.C., is close to several government buildings, a subway station and a handful of deli-style restaurants. The subway entrance is on one end of the western side of the block and, at the time of our observations, there was substantial construction on the other end. The eastern side of the street contains the front doors to a major government office building. In total

Table 7: Foot Traffic With and Without Food Trucks

	December 15, 2010 (With Truck)	January 13, 2011 (Control – No Truck)	February 10, 2011 (Control – No Truck)
Takorean (Federal Center)	772	939	673
Truck Side	336	296	263
Non-Truck Side	436	643	410
	February 15, 2011 (With Truck)	February 23, 2011 (Control – No Truck)	
CapMac (Dupont Circle)	2921	2893	N/A
Truck Side	1043	951	N/A
Non-Truck Side	1878	1942	N/A

Table 8: Average Time for Pedestrians to Travel the Block, in Seconds

	December 15, 2010 (With Truck)	January 13, 2011 (Control – No Truck)	February 10, 2011 (Control – No Truck)
Takorean (Federal Center)¹⁴⁰			
Truck Side	42	41	43
Non-Truck Side	47	47	46
CapMac (Dupont Circle)	February 15, 2011 (With Truck)	February 23, 2011 (Control – No Truck)	
Truck Side	74	75	N/A
Non-Truck Side	75	76	N/A

on both sides of the street there were 772 pedestrians when the Takorean truck, serving Korean-style tacos, was present and 939 pedestrians present when the truck was absent, as shown in Table 7. Because the results were so dramatically different, researchers gathered additional foot traffic data in the absence of the food truck. On that second control day, researchers counted 673 pedestrians.

The second site, close to Dupont Circle in northwest D.C., is a long block filled with many dining options, a handful of office buildings and a few retail shops. The southern side of the street has substantially more restaurants than the northern side, where CapMac, a truck serving macaroni and cheese dishes, chose to park.

We found that the presence of a food truck did not drastically increase foot traffic. In the Federal Center area, the instance with the highest amount of food traffic occurred on a day when no food trucks were present, indicating that other unknown factors impact foot traffic. Comparing truck data with the other control point shows the truck is associated with just 99 additional pedestrians over a two-hour period surrounding lunchtime.

Data from our Dupont Circle experiment reiterate these findings. The presence of the CapMac food truck was associated with a minor increase of pedestrians, just 28, over a two-hour time period, which amounts to an increase of less than 1 percent of total foot traffic. Furthermore, the presence of the food truck did not have a dramatic effect on pulling individuals away from the restaurant-heavy southern side of the street. With the truck absent from the street, approximately 67 percent of pedestrians walked along the southern side of the street.

When the truck was vending that number dropped slightly to 64 percent. This amounts to only 82 fewer pedestrians over two hours.

In addition to measuring foot traffic, researchers also took measures of sidewalk congestion to determine if the presence of food trucks worsened congestion. Accordingly, researchers timed pedestrians to see how long it took to travel the block. Average times are displayed in Table 8.

Our results do not support the claim that vendors increase sidewalk congestion. The average time it took a pedestrian to travel the block varied by only one second when a food truck was added. Furthermore, travel times on the different sides of the street did not differ greatly when a truck was present, and in all cases travel times were longer on the side without the food truck.

The truck at Federal Center served approximately 50 customers the day we collected data, and the Dupont Circle truck more than 70, but even with this large body of customers making purchases there was no meaningful effect on congestion. Our data show heavy congestion is not a serious problem caused by vendors.

During another data collection period at the popular Red Hook Lobster Truck, researchers noticed customers spontaneously organizing to keep the sidewalk clear for other pedestrians. Despite a line for lobster rolls as long as 30 to 40 people at the height of the lunch rush, customers formed a single file line on the edge of the sidewalk allowing ample room for others to pass by. This example shows that even if there are places where sidewalk congestion is an issue, there are simple and effective solutions that do not require limiting the ability of vendors to earn a living.

STREETS OF DREAMS





CONCLUSION AND POLICY RECOMMENDATIONS

Vending has long been part of the urban landscape in America and has provided countless entrepreneurs, particularly immigrants and those with little income or capital, with opportunities for self-sufficiency and upward mobility. Street sellers can create jobs, help keep streets safe, give consumers the goods and services they want and add to the vitality of cities. But for that to happen, cities must get rid of the convoluted and protectionist laws that stand in vendors' ways. Here are some steps cities can take to encourage a vibrant vending culture:

- Eliminate or revise obsolete restrictions. This includes laws that prevent mobile vendors from stopping and waiting for customers, as well as laws that only allow mobile vendors to serve customers in a particular location for only brief amounts of time. Refusing to modernize the regulatory framework because of a desire to protect other businesses is just as bad as creating new protectionist restrictions.
- Repeal bans on street vending. Where vending is allowed, stop using restricted zones as a means to protect existing businesses. It may make sense to limit

access to narrow streets or sidewalks where congestion and safety are at issue. But cities should not make areas such as entertainment or commercial districts or other areas with potential customers off-limits to vendors simply to keep them from competing with brick-and-mortar businesses.

- Repeal proximity restrictions—laws that say how far away vendors must stay from brick and mortar businesses that sell similar products. These laws are blatantly protectionist and serve no legitimate health or safety purpose.
- Streamline and simplify the permit process. Red tape often frustrates would-be vendors with redundancy, overwhelming amounts of paperwork and inconsistent and unclear answers to questions from bureaucrats.
- Provide clear and simple statements of existing vending law and eliminate arbitrary and inconsistent enforcement.

In short, cities should draft and implement clear, simple and modern rules that are narrowly tailored to address health and safety issues—not economic protectionism. Then they should get out of the way and let vendors work.

Appendix A – Survey Instrument and Results

Authors of this report engaged in original data collection in Washington, D.C., to supplement the extant literature on street vending. During a study of foot traffic and sidewalk congestion at popular mobile food truck spots, consumers of the food trucks were interviewed using brief two-minute survey. The survey below was administered to every third person in line.

ID _____

Read: *Hi, my name is _____ and I'm from the Institute for Justice. We are doing a study on street vending and I'd like to ask you a few questions about your visit to the _____ truck today. It will only take about 2 minutes.*

1. How far did you travel today (in city blocks) to visit this food truck? If you aren't sure, give your best estimate.

2. How did you know this food truck would be at this location today?

3. What is your favorite thing about food trucks when compared to other food options?

SHOW CARD

4. Read: *Which of the age categories on this card do you fall into?*

- | | | |
|----------------------------|----------------------|-----------------------|
| A. Under 18 years old | B. 18 – 24 years old | C. 25 – 34 years old |
| D. 35 – 44 years old | E. 45 – 54 years old | F. 55 to 64 years old |
| G. Older than 64 years old | | |

OBSERVE – DO NOT ASK

5. Gender: Male Female

Read: *Thank you very much for your time.*

**Table 9: Washington, D.C., Food Truck Consumer Survey Results
(percentages of totals in parentheses)**

	Total	Takorean	Lobster	CapMac
Respondents Approached	79	17 (22)	39 (49)	23 (29)
Refusals	13	1 (8)	8 (62)	4 (31)
Total Respondents	66	16 (24)	31 (47)	19 (29)
Gender				
Male	28	7 (25)	11 (39)	10 (36)
Female	38	9 (24)	20 (53)	9 (24)
Age				
Under 18	0	0	0	0
18-24	5	0	4 (80)	1 (20)
25-34	38	6 (16)	19 (50)	13 (34)
35-44	15	9 (60)	2 (13)	4 (27)
45-54	6	1 (17)	5 (83)	0
55-64	2	0	1 (50)	1 (50)
Over 64	0	0	0	0
Average Travel Distance (city blocks)				
	2.6	1.2	3.2	2.4
Knowledge of Location				
Web/Twitter/Facebook	42	8 (19)	26 (62)	8 (19)
Word of Mouth	15	3 (20)	5 (33)	7 (47)
Saw it on street	9	5 (56)	0	4 (44)
Favorite Thing about Food Trucks				
Variety/Novelty	41	11 (27)	19 (46)	11 (27)
Location/Convenience	6	2 (33)	3 (50)	1 (16)
Speed	3	0	1 (33)	2 (67)
Other	16	3 (19)	8 (50)	5 (31)

Appendix B – Citations for Vending Restrictions in 50 Largest U.S. Cities

Public Property Bans:

Charlotte Code App. A § 12.510; Chicago Code § 7-38-085; Dallas Code § 17-8.2(h)(2)(F)(ii); Ft. Worth Code App. A. § 5.406(C)(6); Long Beach Code § 21.45.135(b)(2); Los Angeles Mun. Code § 42.00(b); Oakland Code § 8.09.050(d)(2); Oklahoma City Code § 39-17; Phoenix Code § 10-160; San Antonio Code §§ 13-66(5), 16-236; Tulsa Code § 27-1203.:

Restricted Zones:

Albuquerque Code § 13-3-1-7; Charlotte Code § 6-436; Chicago Code §§ 4-244-130, -140, -145-147; Cleveland Code § 241.05(j); Denver Code § 54-675; El Paso Code § 12.46.020(b); Fresno Code § 14-1806; Honolulu Code § 29-6.2(c); Houston Code § 40-263; Jacksonville Code § 250-117(c); Kansas City Code § 50-454; Long Beach Code § 21.45.170; Los Angeles Code § 80.73(b)(2)(A)(3)-(5), § 42.15 (A); Louisville Code § 115.359(B); Memphis Code § 6-36-5; Milwaukee Code § 95-1-7(a-3); Minneapolis Code §§ 188.485(c)(1), 188.510(5)(a); Nashville Code § 13.08.040(B)(6)(a); New York City Code § 20-465(g), New York City Admin. Code § 17-315(l); Oakland Code §§ 5.48.080, 5.49.050, 8.09.030; Oklahoma City Code § 21-395; Philadelphia Code § 9-203(7)(o); Phoenix Code § 31-24(3); Raleigh Code § 12-1024(g); Sacramento Code § 5.88.040; San Antonio Code §§ 16-240(a), 16-236(b)(2)(a); San Diego Code § 42.0166; San Francisco Public Works Code § 184.85(b)(3); San Jose Code § 6.54.295; Seattle Code §§ 15.17.010, 15.17.050; Tucson Code § 20-248.1; Tulsa Code § 21.1.113; Virginia Beach Code § 26-3.1; D.C. Mun. Regs. tit. 24, §§ 515, 526.

Proximity Bans:

Atlanta Code § 30-1464(a)(6); Baltimore Code Art. 15 § 17-24(a); Chicago Code § 7-38-115(f); Cleveland Code § 241.38(b)(6); Denver Code §§ 49-540(5), -549.2(3), -550.2(3); Detroit Code Art. 2 § 41-2-3(c); Indianapolis Code § 961-211(b); Jacksonville Code §§ 250-301(f)(14), -505(b)(9); Kansas City Code § 50-453(a)(15); Louisville Code § 115.360(C)-(D); Memphis Code § 16-262(5); Minneapolis Code § 188.485(c)(4); Oakland Code § 8.09.050(D)(4); Portland Code § 17.26.050(I); Raleigh Code § 12-1024(g)(2); San Antonio Code § 13-63(a)(10); San Francisco Public Works Code § 184.88; Seattle Code § 15.17.100(K); Tucson Code § 20-248.1; Virginia Beach Code § 13-37.

Stop and Wait Restrictions:

Fresno Code § 9-1107(f); Louisville Code § 115.360(f); Memphis Code § 9-52-70(f); Miami Code § 39-38(13)(d); D.C. Mun. Regs. tit. 24 § 516.1.

Duration Restrictions:

Atlanta Code § 30-1411(d); Baltimore Code Art. 15 § 17-21(a); Charlotte Code § 6-437; Chicago Code § 7-38-115(b); Columbus Code § 2151.16(a); Dallas Code § 17-8.2(h)(2)(F)(iv); Ft. Worth Code App. A. § 5.406(B)(2); Jacksonville Code § 250-603(h); Las Vegas Code §§ 6.47.070(L), 6.55.070(A)(2); Long Beach Code § 5.66.020(A); Memphis Code § 16-262(1); Milwaukee Code § 74-1-2; Omaha Code § 36-172; Phoenix Code § 31-24(1); Portland Code § 16.70.550(a)(2); Sacramento Code § 5.68.170; San Jose Code § 6.54.240(a)(1); Tucson Code § 20-248; Virginia Beach Code § 33-6(a)(2).

**Appendix C – Foot Traffic and Congestion Data
Collection Methods and Conditions**

Experiment and control data on foot traffic, sidewalk congestion and consumer opinion were collected from various locations frequented by mobile food trucks in the District of Columbia. Measures of foot traffic and sidewalk congestion were gathered when there was a food truck at a location (experiment) over a several hour period during lunchtime. The same data were collected on a different date when no food trucks were present as a control sample.

Locations were selected 24 to 48 hours in advance based on the planned food truck stops (followed via Twitter) and popularity of location.¹⁴¹ Data were not collected during inclement weather and researchers attempted to ensure other weather conditions were as similar as possible between the

two data collection periods. Only Tuesdays, Wednesdays and Thursdays were used for data collection due to the high number of federal employees in Washington, D.C., who use “flexitime,” which enables employees to take every other Monday or Friday as a vacation day. Specific days, times and conditions of data collection are listed in Table 10.

Once a location was selected, researchers identified the relevant city block. Foot traffic was measured for both sides of the street (both truck-side and non-truck-side) by counting the number of people who passed through the center of the block on foot.¹⁴² Congestion was measured on both sides of the street by timing the amount of time it took for a pedestrian to walk from one end of the block to the other.¹⁴³ Every third eligible pedestrian was selected as a subject. Joggers and children were excluded from this measure.

Table 10: Foot Traffic and Congestion Data Collection Conditions

Truck Location	Date	Type	Temperature	Time
3 rd St. between C and D, SW (Federal Center)	December 15, 2010	Experiment	26.4-29.0°F	11:30-1:25
3 rd St. between C and D, SW (Federal Center)	January 13, 2011	Control	31.2-32.8°F	11:30-1:25
3 rd St. between C and D, SW (Federal Center)	February 10, 2011	Control	27.0-28.0°F	11:30-1:25
G St. between 7 th and 8 th , NW ¹⁴⁴ (Chinatown)	January 12, 2011	Experiment	32.6-33.7°F	11:30-1:00
M St. between 19 th and 20 th , NW (Dupont Circle)	February 15, 2011	Experiment	39.2-42.2°F	11:30-1:30
M St. between 19 th and 20 th , NW (Dupont Circle)	February 23, 2011	Control	38.4-42.7°F	11:30-1:30

ENDNOTES

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