



INSTITUTE FOR JUSTICE

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Via Email and USPS

Secretary J. Eric Boyette
Secretary of Transportation
1 South Wilmington St.
Raleigh, North Carolina 27601
Jeboyette@ncdot.gov

Chairman Michael S. Fox
Board of Transportation
3710 Hazel Lane
Greensboro, North Carolina 27408
Msfox@ncdot.gov

Re: North Carolina's restriction on food trucks operating at rest stops during COVID-19

To Secretary Boyette and Chairman Fox:

On April 3rd, the Federal Highway Administration (FHWA) announced that it will not take any actions against states that allow commercial food trucks to operate at rest stops and provide meals for interstate commercial truck drivers.¹ Unfortunately, North Carolina continues to prohibit food trucks from operating at rest stops during the COVID-19 pandemic. From a health and safety perspective, it is now more important than ever that truck drivers are supported so that they can safely continue their essential work. My colleagues and I request that you waive restrictions for food truck businesses at rest stops now.

Throughout its nearly 30-year history of public interest advocacy, the Institute for Justice (IJ) has worked to remove and reduce arbitrary and anticompetitive regulations for small businesses. IJ has defeated state-sanctioned monopolies for casket sales, taxi cabs, healthcare providers, food trucks and more. For example, IJ brought a lawsuit [challenging Carolina Beach's](#) town council's ordinance requiring food truck owners to own a brick-and-mortar restaurant in town and a week later the town repealed the ordinance. These victories opened marketplaces, encouraged new businesses and jobs, and gave consumers greater options.

¹ <https://www.fhwa.dot.gov/media/noe.cfm>



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America's truckers are a critically important consumer group and they need your help. As the COVID-19 pandemic has demonstrated, North Carolinians and all Americans heavily rely on commercial truck drivers. They transport essential goods like medical devices, groceries and PPEs across the country to where they are most needed. These drivers often work 70 hours during an 8-day period and are on the road for over 300 days a year. Their health and safety are imperative to successfully combating COVID-19.

North Carolina can promote truck driver health and safety by giving them healthy food options. A poor diet can lead to driver fatigue,² which both decreases productivity and increases the chance for accidents. Because numerous restaurants have closed pursuant to Governor Cooper's stay-at home order, truck drivers now rely on finding a meal at one of North Carolina's 34³ rest stops. But these rest stops' vending machines and other limited food options do not provide enough sustenance for drivers. Food trucks can provide these essential workers with a more nutritious and hot meal. That's why numerous states have allowed food trucks to operate at rest stops during the COVID-19 pandemic, including Arizona, Arkansas, California, Connecticut, Florida, Idaho, Indiana, New Mexico, Ohio, and West Virginia.

Currently, North Carolina law⁴ prohibits food truck drivers from operating at rest stops out of fear of losing federal highway funding. **But now, the FHWA has announced that states may open their rest stops to food truck operators without the threat of losing federal aid. Therefore, it is now under your power to waive these restrictions and allow food trucks to operate at rest stops.** Doing so would provide long-haul truckers with the food options that they so desperately need to stay healthy and perform their essential services safely.

This pandemic has upended much of American life. It is critical that government at all levels work to reduce barriers on our road to recovery. To that end, my IJ colleagues and I thank you for considering this proposal, one of several we have put forward as part of IJ's response to COVID-19. You can find more information about that at <https://ij.org/COVID-19>. If you have any questions, please call me at 703-682-9320 ext. 345 or email me at jgandy@ij.org.

Sincerely,
Jessica Gandy
Institute for Justice
Legislative Attorney

² <https://www.fmcsa.dot.gov/safety/driver-safety/cmV-driving-tips-driver-fatigue>

³ <https://www.ncdot.gov/travel-maps/traffic-travel/rest-areas/Documents/rest-area-locations.pdf>

⁴ 19A NCAC 2E.0407(a)