



INSTITUTE FOR JUSTICE

May 4, 2020

Via Email and USPS

Secretary Julie Lorenz
Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, Kansas 66603
Julie.lorenz@ks.gov

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

Dear Secretary Lorenz:

On April 3rd, the Federal Highway Administration (FHWA) announced it will not act against states that allow commercial food trucks to operate at rest stops to provide meals for interstate commercial truck drivers.¹ This change presents an opportunity for you to address state law² that prohibit food trucks from operating at rest stops during the COVID-19 pandemic.

The Institute for Justice (IJ) respectfully requests that you allow food trucks to operate at rest stops for at least while emergency orders are in place in Kansas.

Throughout its nearly 30-year history of public interest advocacy, IJ has worked to remove and reduce arbitrary and anticompetitive regulations for small businesses. For example, IJ has defeated state-sanctioned monopolies for casket sales, taxi cabs, healthcare providers, food trucks and more. These victories opened marketplaces, encouraged new businesses and jobs, and gave consumers greater choice.

America's truckers are critically important to the livelihood of all Kansans and they need your help. Kansans 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. A commitment to truck drivers' health and safety is imperative to successfully combat COVID-19. Kansas has previously demonstrated its commitment to truck drivers' safety and health by implementing the Truck Parking Information Management System last year.³

¹ Notice of Enforcement Discretion, <https://www.fhwa.dot.gov/media/noe.cfm>

² K.S.A. 68-432

³ System to help truckers find safe parking, <https://www.gctelegram.com/news/20190105/system-to-help-truckers-find-safe-parking>

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Kansas can now promote truck driver health and safety by creating opportunities for healthy food options. This is important. A poor diet can lead to driver fatigue,⁴ which both decreases productivity and increases the chance for accidents. As numerous restaurants have closed pursuant to Governor Kelly's stay-at home order, truck drivers now rely on finding a meal at one of Kansas' 59 rest stops.


Even though Governor Kelly has a thoughtful plan to reopen the state, many restaurants will remain closed and unable to adequately address the needs of drivers. 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 is why numerous states have allowed food trucks to operate at rest stops during the COVID-19 pandemic, including Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Indiana, Minnesota, New Mexico, Ohio and West Virginia.

Currently, Kansas law prohibits food truck drivers from operating at rest stops out of fear of losing federal highway funding. But now you have the power to open Kansas' rest stops to food truck operators without the threat of losing federal aid.⁵ **The FHWA's change paves the way for you to allow food trucks to operate at rest stops.** The federal government did what was right by suspending its ban and Kansas should follow suit.

Your 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. Your action will generate goodwill that will benefit your Department. Truck drivers and consumers will recognize you for your thoughtfulness and leadership in a time of crisis.

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, I thank you for considering this proposal, one of several IJ has put forward in response to COVID-19. You may find more information about IJ's work at <https://ij.org/COVID-19> or by contacting me at (703) 682-9320 ext. 345 or by email at jgandy@ij.org.

Sincerely,



Jessica Gandy
Legislative Attorney

cc: William Lawrence, Chief of Staff to Governor Kelly, via Will.lawrence@ks.gov

⁴ CMV Driving Tips – Driver Fatigue, <https://www.fmcsa.dot.gov/safety/driver-safety/cmv-driving-tips-driver-fatigue>

⁵ K.S.A. 68-404(a); K.S.A. 68-423c