



INSTITUTE FOR JUSTICE

May 1, 2020

Via Email and USPS

Hon. Gretchen Whitmer
Governor
State of Michigan
PO Box 30013
Lansing MI 48909-7513

Ms. JoAnne Huls
Chief of Staff
HulsJ1@michigan.gov

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

Dear Governor Whitmer and Ms. Huls:

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.¹ Accordingly, the Institute for Justice (IJ) **requests that you waive restrictions on food trucks operating at rest stops for at least while Michigan's emergency orders are in place.**

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 choices.

America's truckers are critically important to consumers, retailers and manufacturers in Michigan. Truckers need your help. As the COVID-19 pandemic has demonstrated, Michiganders 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. Drivers often work 70-hour work weeks and may be on the road over 300 days a year. For multiple reasons, their health and safety are imperative to successfully combating COVID-19.

Michigan can promote truck driver health and safety by giving them access to healthy food options. A poor diet can lead to driver fatigue,² which both decreases productivity and increases the chance for accidents. Because many restaurants are closed, truck drivers now rely on finding a meal at Michigan's 77 rest stops.

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

² CMV Driving Tips – Driver Fatigue, <https://www.fmcsa.dot.gov/safety/driver-safety/cmv-driving-tips-driver-fatigue>

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But vending machines and other limited food options do not provide enough sustenance for drivers. Food trucks can provide these essential workers with a nutritious, hot meal. That is why other states now allow food trucks to operate at rest stops during this pandemic, including Arizona, Arkansas, California, Connecticut, Florida, Idaho, Indiana, New Mexico, West Virginia, and even Ohio.

Michigan law³ prohibits food truck drivers from operating at rest stops out of fear of losing federal highway funding. But now, states may open their rest stops to food truck operators without the threat of losing federal aid. **This change paves the way for Michigan to waive these restrictions and allow food trucks to operate at rest stops.** The FHWA did the right thing by suspending its ban and Michigan should follow suit.

It also was reported nationally that state police evicted The Meat Guy's BBQ Shack from one of Michigan's Welcome Centers.⁴ The Lyons-based entrepreneurs wanted to provide truck drivers with hot meals. State officials, however, shut them down even though the Center's operator gave them permission. This was unfortunate but you can reverse it.

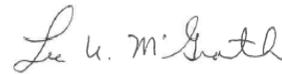
Doing so would provide truckers with the food options they need to stay healthy and perform their essential services safely. Your action will generate goodwill amongst truck drivers, consumers and manufacturers. Michiganders will recognize the Governor for her thoughtful leadership in a time of crisis.

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, we 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 IJ's work at <https://ij.org/COVID-19> or by contacting us. Thank you.

Sincerely,



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cc: Mark Totten, Chief Legal Counsel to the Governor, via TottenM1@michigan.gov
Paul Ajegba, Director, Department of Transportation, via Ajebap@michigan.gov

³ M.C.L.A. 252.52(2)

⁴ Truckers in coronavirus crisis finally get hot meals and lots of special interests hate it, <https://www.foxbusiness.com/economy/truckers-coronavirus-hot-meals-special-interests>