

**COUNCILMEMBER MURIEL BOWSER, CHAIR
COMMITTEE ON PUBLIC SERVICES AND CONSUMER
AFFAIRS**

Public Hearing

On

B18-257: Vending Regulation Act of 2009

Tuesday, June 9, 2009

2:30 p.m.

Room 412

**1350 Pennsylvania Avenue NW
Washington, D.C. 20004**

TESTIMONY OF

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Good afternoon Councilmember Bowser, Members of the Committee and Committee staff.

I am Andrew J. Kline, General Counsel, Restaurant Association Metropolitan Washington (“RAMW”). RAMW has over 600 members and is the principal representative of the restaurant industry in the District of Columbia. Councilmember Bowser, thank you for scheduling this hearing and giving us an opportunity to testify before your Committee on this issue.

Thank you also for introducing the “Vending Regulation Act of 2009”. RAMW supports the concept of street vending, as the vending business can represent, in some instances, an opportunity for individuals to begin and operate a retail business with minimum capital outlay. We believe, however, vending should appropriately regulated, with two goals in mind: First, public health and safety must be protected. Second, businesses with permanent locations which pay rent, utilities, sales tax, and other expenses not associated with a vending cart, should be protected from unfair competition. Both of those issues are probably best left to be addressed in agency regulations.

We do have one concern with the Bill that has been introduced. Section 5(b)(3) of the Bill seems to grant, in perpetuity, the right of an existing-licensed vendor to continue at their current location. This provision does not take into account the dynamic nature of commercial neighborhoods and uses. An existing licensed

vendor on a desirable corner will have the legal right to control the corner and inhibit other desirable uses. For example, a restaurateur looking at the corner location for a proposed restaurant, with perhaps an eye for a wonderful sidewalk café, will be discouraged from proceeding if there is a vendor there. Under Section 5(b)(3) of the Bill, the vendor will have legal right to remain on the corner. It will take an “Act of Council” to amend the law and reassign the vendor to another location which might not inhibit potential development. Although we support the entrepreneurial possibilities made available by vending, they should not, by law, inhibit the growth of our permanent businesses which create employment opportunities for many more residents than are benefitted by vending businesses.

Section 5(b)(3) as written, gives more rights to a vendor than are given to most businesses who lease their locations for fixed terms and are not protected in perpetuity by the District of Columbia. Vendor locations should never be permanent, but should be subject to review on a periodic basis to determine whether they interfere with pedestrian traffic patterns, existing businesses or potential development.

With the exception of the concern about this grandfather clause, we fully support the effort to regulate vending and applaud your efforts to do so.

Again, thank you for giving me the opportunity to testify before you today. I am happy to answer any questions.