

Designing Fair and Effective Street Vending Policy: It's Time for a New Approach

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Abstract

Cities have experienced an upswing in food trucks and other forms of street vending in the past decade. This upswing has led to new debates over how, where, and when street vending should be allowed. Using evidence from three research projects, this article examines three assumptions that underlie discussions about street vending regulations—that extensive regulations are necessary to (1) protect property interests, (2) prevent pedestrian congestion or other impacts, and (3) keep the street orderly. The findings suggest that fewer regulations are needed to meet legitimate public purposes, and cities would benefit from a new approach in which they reduced street vending regulations and actively planned to enhance compatibility with other urban activities.

Introduction

In 2008, Roy Choi and his Kogi taco truck inspired a food truck phenomenon across the United States. His Korean tacos reinvented the traditional *lonchera*, or taco truck, into an urban global fusion food experience. Chefs in other cities were experimenting with food trucks and, by 2012, 1,400 food trucks were operating (Esparza, Walker, and Rossman, 2014) in as many as 1,100 large and small cities nationwide (FoodTrucksIn.com, n.d.). Taco trucks often had served events, work sites, and, in some cities, immigrant neighborhoods, but the new food trucks have sought locations throughout the city at all times of day. This trend has caused city councils, restaurant associations, food truck operators, brick-and-mortar business owners, and urban residents to debate how and when food trucks operate.

U.S. street commerce is severely restricted, but the attention to food trucks has created an opportunity to reconfigure street trade regulation and policy. Food trucks, along with farmers markets, public markets, and sidewalk vending, have created a renaissance in street commerce (Morales

and Kettles, 2009a). The various types of vending are treated differently, however. The number of farmers markets is increasing, and food trucks have advocated successfully for more favorable regulations. Even though sidewalk vendors also have organized, sidewalk vending continues to be mostly prohibited (Martin, 2014; Reyes, 2015). In some cases, the attention to new food trucks and their demands has made it more difficult for longtime vendors who have been operating in ways that did not generate complaints or enforcement (Tomicki, 2010).

The new trends raise important questions. Will the new food truck movement create space for more street commerce? Will it instead privilege some vendors over others and reinforce the inequitable patterns of opportunity? This article examines three assumptions that underlie vending regulations: (1) that adjacent property interests must be protected from street vendors and their customers, (2) that preventing pedestrian congestion justifies street vending prohibitions, and (3) that specific regulations are needed, if street vending is to be allowed. The contemporary restrictive vending landscape is not based on evidence about street vending impacts. Instead, these assumptions have roots in the 19th century, and they were used recurrently in 20th century street vending debates. They can be considered pitfalls, however, because they never resolved the conflicts even though they disadvantaged vendors and their customers. Residents and public officials in 21st century cities have different concerns and priorities than their counterparts a century ago. Cities therefore need a new approach to street commerce.

Investigating these three assumptions suggests that an alternative approach is possible. The next section of this article outlines the research and trends to provide the context for the new regulatory period and the complexity of existing regulations. The following section discusses findings from three analyses. The first subsection examines the public discourse about the adoption or revision of vending ordinances, with a focus on Albuquerque, New Mexico; Chicago, Illinois; and New Orleans, Louisiana. The second subsection summarizes findings from a research project that used direct observation of food trucks in Chicago in October 2013 to understand how the trucks influenced sidewalk dynamics. The final subsection is based on observations of food vending during parades called *second lines* in New Orleans during the 2014–2015 season and asks what observers can learn from informal vending. Together, these discussions provide a new starting point for municipal professionals engaged in street vending discussions. Fewer regulations and actively planning to enhance compatibilities between vending and other urban activities would address street commerce impacts more effectively than the current regulatory approach.

The Changing Context of U.S. Street Food Vending

The 2010s are a critical time to reconsider how to plan for street commerce in the United States. Unlike Colombia, India, and Mexico, where constitutional courts granted some rights to work on the street (Meneses-Reyes and Caballero-Juárez, 2014), the United States has never affirmatively granted these rights. Instead, for more than a century, the most common policy approach has been regulating and prohibiting vending (Baldwin, 1999; Ehrenfeucht, 2012; Kettles, 2007; Morales, 2000).

Regulations do not cause or prevent street commerce, however. Street vending has relatively low barriers to entry, including low startup costs. Many households use a mix of formal and informal strategies to make a living, and street vending and informal services can augment other work

(Raijman, 2001; Uzzell, 1980; Venkatesh, 2006). In the United States, like elsewhere, consumers patronize street vendors because their goods are inexpensive and they are convenient (Bromley, 2000; Cross and Morales, 2007; Donovan, 2008).

Restrictive regulations, however, cause many of the estimated 20,000 vendors in New York City, New York, to operate informally (The Street Vendor Project, n.d.). Despite sidewalk vending prohibitions, Los Angeles, California, has between 10,000 and 50,000 street vendors who generate upward of \$500 million annually (The Economic Roundtable, n.d.; Hsu, 2014). In 2010, only an estimated one-half of the food trucks in Los Angeles were licensed by the Los Angeles County Department of Public Health (Shouse, 2011).

The current regulations stem from 19th century efforts by the business elite and small business owners to modernize the city and domesticate urban streets (Baldwin, 1999; Bluestone, 1991; Ehrenfeucht and Loukaitou-Sideris, 2007; Scobey, 2002). Municipalities adopted increasingly specific and restrictive regulations to exercise social control over the large immigrant populations for whom the street was both workplace and living room (Baldwin, 1999; Ehrenfeucht, 2012). The specificity of the regulations developed in part because particular brick-and-mortar businesses challenged vendors with whom they competed, leading to complex regulations that responded to particular controversies (Ehrenfeucht, 2012; Scobey, 2002).

Nevertheless, changing shopping practices ultimately reduced street vending more than the web of regulations (Bluestone, 1991). These restrictions similarly have not prevented street commerce from growing during times when people needed work. Sidewalk vendors often work in low-income immigrant neighborhoods, where street vending is familiar and newcomers seek incomes (Bromley, 2000; Cross and Morales, 2007; Kettles, 2007; Loukaitou-Sideris and Ehrenfeucht, 2009; Martin, 2014; Raijman, 2001; Stoller, 2002), and in other low-income neighborhoods (Venkatesh, 2006). Street vending in Los Angeles and New York notably increased with more immigration in the 1980s (Kettles, 2007; Stoller, 1996). During the recession in the late 2000s, more people turned to street commerce and day labor (Crotty, 2014; Hsu, 2014).

During this period, restaurants struggled and food trucks also became a new opportunity for restaurateurs (Esparza, Walker, and Rossman, 2014; Martin, 2014; Newman and Burnett, 2013). The \$20,000 to \$50,000 needed to start a food truck was much less than the \$400,000 to start a restaurant (Shouse, 2011). Changing consumer preferences also influenced street commerce. Patrons who wanted novel and fresh food supported the new food trucks (Intuit, 2012; Myint and Leibowitz, 2011; Shouse, 2011; Zukin, 2010). Farmers markets also reflected a desire for local, fresh food and a response to a global food system that had become environmentally damaging and exploitive (Hess, 2009; Morales and Kettles, 2009a). All types of street commerce appealed to consumers who wanted to support local businesses rather than global chains (Hess, 2009; Urban Vitality Group, 2008).

It is advantageous to consider all street commerce as a broader trend. Given the range of food-related health concerns and growing awareness of food deserts, increasing access to healthy food is a public priority. Street food, including markets, can make more fresh food available (Morales and Kettles, 2009a). New York City's Green Cart program, for example, increased the caps on vending permits for vendors selling fresh fruit and vegetables. The city also assists vendors who want to accept Electronic Benefit Transfer cards (New York City, n.d.).

More people also have become increasingly dependent on contingent work and obtain income from multiple sources (Peck and Theodore, 2001; Theodore, 2003; Valenzuela, Jr., 2003, 2001). Although street vending occurs disproportionately in low-income communities, college graduates are also reenvisioning work, both constructing opportunities out of limited choices and seeking different types of work. They are working in agriculture, crafts, specialized manufacturing, and the service sector (Dawkins, 2011; Hess, 2009; Jurjevich and Schrock, 2012). Because street commerce creates markets for local products and produce, it can help urban residents earn a living or supplement their incomes.

In addition, urban cultural and planning trends promote dynamic public environments. Pop-up bars and restaurants, street vending, food trucks, and public markets can contribute to placemaking efforts and community economic development (Bishop and Williams, 2012; Morales, Balkin, and Persky, 1995). Local policymakers and economic development professionals also have tried to facilitate distinctive local economic development and vernacular cultural practices (Carr and Servon, 2008).

At the same time, enabling one type of street vending while restricting others can unintentionally lead to unfair vending opportunities. Public officials embraced food trucks because their customers and proprietors are middle-income residents associated with gentrification and creative class-oriented urban redevelopment (Esparza, Walker, and Rossman, 2014; Martin, 2014; Newman and Burnett, 2013). The politics within localist, fresh food movements has limited views of healthy food, which has led to alternative food practices that reproduce racial difference (Slocum, 2007). One Toronto, Ontario, Canada initiative failed because too many public objectives were layered into a highly regulated street vending program (Newman and Burnett, 2013).

Finally, establishing vending districts or markets has been a repeated response to street vending conflicts. These efforts privilege the concerns of street vending opponents and disregard factors that make street vending profitable and convenient (Donovan, 2008; Huang, Xue, and Li, 2014). Even though some vendors participate and attempt to vend legally, markets have not replaced sidewalk vending (Donovan, 2008; Kettles, 2007; Stoller, 1996). Instead, street commerce—including markets, sidewalk vending, and food trucks—can be seen as a range of activities that serve different niches and have distinct benefits.

A Complex Regulatory System

Street vending regulations are restrictive, complex, and varied. Los Angeles prohibits most sidewalk vending, New Yorks caps the number of vending permits, and Seattle, Washington, allows only products such as flowers to be sold. Where allowed, vendors must comply with local permitting and licensing requirements. They are also subject to parking restrictions, local ordinances that require streets and sidewalks to stay clear of obstructions, and litter prohibitions. In all cases, street food vendors are subject to state and local health regulations that guide food handling and preparation.

In cities where vending is permitted, vendors are subject to restrictions about how and where they vend. These restrictions can include minimum distances from business entries, crosswalks, and restaurants and may also include restricted districts. They limit the length of time that vendors can

stay in one location, or they require vendors to move when not making a sale (Esparza, Walker, and Rossman, 2014; Morales and Kettles, 2009a). In a survey of food truck regulations in 11 cities, 2 had caps on the number of permits, 4 had time limits on parking, 7 had proximity bans near restaurants, and all 11 had restricted zones (Esparza, Walker, and Rossman, 2014).

The complex regulations can make it impossible for vendors to operate legally. Irregular enforcement enables street vending even in restrictive environments but also leaves vendors vulnerable. Vendors can be fined. They lose time during court appearances and revenue when their goods are confiscated, which creates an unstable work environment. Between 2006 and 2010, New York issued 127,758 notices of violation (Kettles, 2014). Because much enforcement is mostly complaint driven (Kettles, 2007), business owners' complaints and, at times, harassment determine how and where vendors operate as much as specific regulations (Devlin, 2011). Even in Portland, Oregon, where food trucks are authorized, Newman and Burnett (2013: 245) argued that Portland's "laissez-faire attitude towards minor infractions" has contributed to the street food scene's success.

The Assumptions Underlying the Current Regulatory Approach

Are restrictive policies necessary? In the 2010s, the food truck regulation discussions have focused on protecting brick-and-mortar establishments. Business groups—business improvement districts, restaurant and hotel associations, and business associations—have supported strict regulations, and city officials have publicly stated that protecting businesses is a primary concern. Because cities cannot explicitly limit competition, they subsequently use pedestrian congestion to justify the ordinances if and when they are challenged. Because the vendors promote their interests and many residents actively support vendors, however, cities also have attempted to balance competing positions. Nevertheless, because street vending regulation and enforcement are complaint driven, the result is a process that unfairly supports some vendors over others instead of addressing direct impacts. A close look at vending activity and the debates, however, suggests that planning could resolve direct impacts and the regulations are not serving obvious public purposes. The following subsections outline the current approach and possible alternatives.

Assumption 1: Adjacent Businesses Must Be Protected

Sidewalks have an ambiguous position as public spaces that also are the front yards of abutting businesses and residents. As public spaces, they are where people travel, see or communicate with others, and trade and socialize. Sidewalk activity nonetheless affects nearby properties more than other residents and businesses (Loukaitou-Sideris and Ehrenfeucht, 2014). U.S. restaurant and business associations have argued that food trucks are unfair competition to or adversely affect abutting brick-and-mortar businesses (Kettles, 2007; Loukaitou-Sideris and Ehrenfeucht, 2009; Newman and Burnett, 2013; Stoller, 1996). They argue that food truck owners do not pay rent and have lower water and disposal fees. Because food trucks can arrive for the most lucrative hours, they can skim business during busy times without the sunk costs. In Portland, the Oregon Restaurant & Lodging Association also has argued that stationary food carts are unfair competition because they have lower costs than restaurants, but they do not change locations (Newman and Burnett, 2013).

City officials respond to concerns about unfair competition in city after city, in both the public media and council chambers. A search of the LexisNexis® Academic Search database's Major World Publications using the keywords "food trucks" from January 1, 2008, to July 15, 2015, returned more than 500 articles from 2011 to 2015 that discussed food truck proponents and opponents. The two main topics included the arrival of food trucks as a new food trend and debates over new regulations. The most frequently reported concern was the effect on established restaurants, or, in the *Tampa Bay Times*' words, "Bricks and Mortar vs. Wheels and Steel" (Lang, 2012). The following paragraphs consider the controversies in Albuquerque, Chicago, and New Orleans in more detail.

In the case of Albuquerque, the city had few restrictions when new food trucks started operating. In 2015, the city had approximately 100 food trucks. In early 2015, the city considered a new ordinance restricting food trucks from operating within 100 feet of brick-and-mortar restaurants unless they received explicit permission from the property owner. According to Isaac Benton, the city councilor who proposed the ordinance, the point was to strike a balance between the restaurant and mobile vendors, citing the potential for unfair competition. The New Mexico Restaurant Association supported the ordinance because it would reduce direct competition, but the 100-foot rule would effectively restrict access to the most lucrative locations, such as the Central Avenue corridor near the University of New Mexico (McCay, 2015). In nearby Santa Fe, the Santa Fe Downtown Merchants Association representative also responded, "I don't think it's fair for the 22 restaurants within a block of the Plaza" (Last, 2015) to a proposal to allow food trucks on the Santa Fe Plaza at night.

In Chicago in 2010, two chefs approached their aldermen about revising Chicago's mobile food vending ordinance to allow cooking. When Chicago Alderman Scott Waguespack introduced such an ordinance, he met with resistance from Alderman Tom Tunney, who was a member of the Illinois Restaurant Association, because the trucks would compete with brick-and-mortar restaurants (Esparza, Walker, and Rossman, 2014). Illinois Restaurant Association President Sheila O'Grady stated that food trucks should be confined to food deserts (*Huffington Post*, 2011). After the proposed ordinance languished for more than a year, in 2012, the mayor and numerous aldermen passed an ordinance that allowed food trucks to cook (City of Chicago, 2012), but the food trucks were prohibited within 200 feet of restaurants except at designated food truck stands and were required to move every 2 hours. Given the density of restaurants, the 200-foot proximity restriction effectively eliminated food trucks from most of the city's downtown Loop. Two food truck operators have challenged the 200-foot restriction. Chicago overturned a 200-foot regulation previously, in 1986, but it was reintroduced in 1991 (Gowins, 2014).

In 2011, when New Orleans food truck operators began to put pressure on the city to revamp its food truck regulations, the city responded with a less restrictive ordinance. The previous ordinance capped active vendor permits to 100, set 45-minute time limits, and had a 600-foot restaurant and school buffer. In 2012, the first proposed ordinance reduced the restaurant buffer to 100 feet. Councilmember Stacy Head and the city attorney questioned whether a restaurant buffer was constitutional (Allman and Woodward, 2012), and Mayor Mitch Landrieu subsequently vetoed the ordinance. Although other councilmembers defended the restriction because it was protecting

cuisine-based tourism, a primary New Orleans industry, the provision was not reintroduced. Nevertheless, the subsequent ordinance restricted food trucks from downtown and the historic French Quarter.

In addition to implementing locational restrictions, cities propose time limits to prevent food trucks from operating like stationary businesses. Chicago and New Orleans have 2- and 4-hour limits, respectively. Albuquerque also recently considered a 4-hour limit. Requirements vary by city, from the time necessary to make a sale (an ice cream truck model) to Portland's stationary food carts. Nonetheless, food truck regulations are changing rapidly. Washington, D.C., lifted its requirement that trucks move unless selling to a customer (Esparza, Walker, and Rossman, 2014). Los Angeles enacted a 1-hour restriction in 2008, but it was overturned because it preempted the state's vehicle code (Morales and Kettles, 2009a).

Are such regulations necessary to protect brick-and-mortar restaurants and businesses? One way to answer this question would be to examine how street vending affects adjacent businesses. Restaurants can benefit from vibrant sidewalk life. One business survey in Portland found that 69 percent of surveyed restaurant owners and 94 percent of other business owners ranked food carts as positive or very positive (Urban Vitality Group, 2008). Street food may compete with takeout establishments, however, where it becomes a local, fresh alternative to fast food (Intuit, 2012; Newman and Burnett, 2013; Urban Vitality Group, 2008), but it is not clear over what distances. New food trucks, for example, use social media extensively, and more than one-half the respondents in one survey found the truck through social media. Therefore, street vending might not primarily compete with adjacent eateries (Wessel, 2012). In many cases, street vendors differ from nearby brick-and-mortar businesses because they have less selection and fewer goods, no seating or other amenities associated with full-service restaurants, no changing rooms when selling clothes, and no protection from the weather (Kettles, 2007).

Adjacent businesses have also expressed concerns about trash, noise, scents, and aesthetics (Kettles, 2007; Urban Vitality Group, 2008). In Portland, one analysis found trash was a problem for food carts operating on private property but not on public property, where trashcans were available. Most respondents from both public and business surveys heard no noticeable noise from food carts. In a public intercept survey, 65 percent noticed the scents but, of those, 86 percent found them pleasant (Urban Vitality Group, 2008). Further analysis could better evaluate potential effects, and most could be addressed through planning.

A different question is whether the restrictions serve a legitimate public interest. People seek food that is affordable and convenient. Readily available street food might change buying behavior because residents have more convenient options. In one survey, 48 percent of respondents reported a food truck purchase replaced food at or from home (Intuit, 2012). Fewer than 20 percent of respondents in a survey of Portland food cart customers anticipated frequenting vendors that moved to brick-and-mortar establishments with higher prices (Urban Vitality Group, 2008). In addition, cities do not have the legal authority to control commerce or competition. Municipalities can address concerns that fall within their police power that allow for regulations to protect public health, safety, and general welfare. Even though the public discussion focuses on competition, municipalities defend their street vending ordinances based on impacts including pedestrian congestion or trash.

Assumption 2: The Potential for Pedestrian Congestion Justifies Street Vending Restrictions

The street is overseen by multiple agencies with different objectives (Loukaitou-Sideris, Blumenberg, and Ehrenfeucht, 2004), and most work under what Blomley (2011) called “traffic logic” that assumes unimpeded travel is the street’s purpose. Other uses—whether people or stationary objects—are considered impediments. For more than a century, unimpeded travel has been the legal justification curtailing other sidewalk activities, even though the conflicts leading to the prohibitions were based on competition or the desire to modernize the disorderly city (Ehrenfeucht and Loukaitou-Sideris, 2007).

The reason for this justification is clear. Local governments can draw on their police power to eliminate sidewalk and street obstructions, but they have less authority to restrict other productive activities. They cannot overtly protect one business from another (Novak, 1996). As a result, parallel discussions occur. For example, in late 20th century New York City, business associations were forces behind campaigns to remove vendors (Loukaitou-Sideris and Ehrenfeucht, 2009; Stoller, 1996), and former mayor Rudolf Giuliani established the Street Vendor Review Panel as part of his initiative to eliminate street-level disorder (Stoller, 1996; Vitale, 2008). The Panel, however, evaluates potential impacts based on pedestrian congestion.¹

Are vending restrictions necessary to ensure that pedestrians can walk along sidewalks without unreasonable disruptions? Fifty years of research on pedestrian behavior and public space suggests that street vending and walking can be compatible. Pedestrians are attracted by other people and activities, and they enjoy unexpected occurrences (Gehl, 2011; Goffman, 1971; Lofland, 1998; Stevens, 2007; Whyte, 1988). Pedestrians are also able to walk through changing and varied pedestrian environments without formal regulations (Whyte, 1988). They can change direction, move in front of or behind others to get through narrow spaces, and walk past people with little disruption to flow or speed (Goffman, 1971; Helbing et al., 2001; Whyte, 1988). Finally, in dense areas and crowded cities, pedestrians become more efficient (Whyte, 1988). This research suggests that the presence of street vending will not impede pedestrian flow.

An analysis of food trucks operating in Chicago supports these findings and suggests that both street design and patterns of public-space behavior facilitate compatibility between pedestrians and food truck customers. In October 2013, pairs of graduate students observed seven sites in the Chicago Loop for 37 2.5-hour periods to understand how food trucks affected pedestrians and how food truck customers and pedestrians interacted. During the observation periods, 82 food trucks operated at the sites, and 77 of those trucks were observed. Food trucks were present during 34 observation periods, 1 of which was a food truck rally in Daley Plaza. Following a protocol, the observers counted the number of food trucks and food truck customers, the number of customers in line at regular intervals, and how often food truck customers or other sources disrupted pedestrian flow. The observers also wrote extensive qualitative field notes.

Consistent with findings from the pedestrian behavior literature, when lines or customer clusters formed, pedestrians were able to walk through or veer around lines with only slight pauses and

¹ N.Y. ADC. LAW § 20-465.1; NY Code - Section 20-465.1.

redirection. An instantaneous reroute to step through a line or to walk around it would take less than 1 second. Pedestrians would pass a truck in approximately 3 seconds—based on Whyte (1988), who found that pedestrians on downtown streets in cities with more than 1 million residents walked at a rate of 280 to 300 feet per minute, or 5 feet per second—and adjustments to avoid collisions took fractions of seconds (Helbing et al., 2001; Whyte, 1988). When lines were long and pedestrian traffic heavy, pedestrians could be delayed by seconds as they shifted into a single-line formation or paused to enable pedestrians to come through from the other direction, and pedestrians with bicycles or trollies were also able to move through the lines with seconds delay.

The street design and common pedestrian behavior also reduced the impact of the food trucks. The 2 to 3 feet of sidewalk space near the curb regularly had signposts, bike racks, trashcans, and planters that created a vending zone. Unless the sidewalks are crowded, pedestrians leave distance or shy away from the curb and fixed objects such as trashcans and utility posts (TRB, 2010). As a result, food truck customers would stand and wait in these spaces, and pedestrians would walk by with no disruption.

A third factor helped create compatibility between pedestrians and food truck customers. The food truck customer lines and crowds shifted in ways that reduced impact to pedestrian travel. The lines moved as people walked through and around them because the waiting customers attempted to get out of the pedestrians' paths. In one observer's words—

As more people line up, the more diagonal in general the line gets. This is contingent, at this point, around 11:15, on how much foot traffic there is. It seems that lines have an awareness of how much foot traffic there is in general, and usually act accordingly, getting more diagonal so as to allow for the foot traffic zone to exist.

At times the lines would be perpendicular to the truck, but, at other times, an L-shaped line would run parallel to the food truck or the line would angle into the sidewalk.

Both the extensive public space research and this analysis of Chicago food trucks indicate that street vending and pedestrian travel can be compatible. Pedestrians could walk around or through the food truck lines without much trouble because pedestrians are efficient walkers, but the customers were also responsive to pedestrians, and the lines separated or moved in ways that reduced impact to pedestrian flow. In addition, existing street design created space for vending. Together, these findings suggest that cities can plan for street vending, and vendors can operate with little pedestrian delay.

Assumption 3: Specific and Complex Regulations Are Necessary

Can street vending offer lessons about how to approach vending regulation and planning? Cities often begin street vending discussions from controversies that arise or in response to challenges to existing regulations. They proceed to modify existing regulations or enact new ones. This process occurs even when residents and public officials support street vending and even though it has led to the complex regulatory environment that forces vendors to work outside the law.

In the 2010s, the City of New Orleans began to pay attention to street commerce. It discussed food trucks and turned its gaze to multiple forms of vending, including those that accompanied

Sunday parades called *second lines*. For 9 months a year, community organizations called social aid and pleasure clubs (SA&PCs) organize afternoon parades that, for about 4 hours, wind through neighborhood streets. The SA&PC members, accompanied by live brass band music, lead the parade. The parades attract neighborhood and citywide residents who join on foot, bike, motorcycle, four wheeler, and horse, resulting in hundreds of people walking and dancing through the streets. Second lines include planned stops at neighborhood bars, clubhouses, or other community sites where the SA&PC members enter and come out again, restarting the parade's movement. The stops can be as short as 15 minutes, but at times they last 30 minutes or more.

Vendors join the second line selling water and beer, JELL-O shots, homemade praline candy, sweet potato pies, and other sweets. At the stops, more food and drink vendors set up. Some have catering trailers with smokers and barbeque; others sell snowballs from food trucks; and many people sell hamburgers, turkey necks, and mixed drinks from flatbeds of pickups. Few second line vendors obtain permits, however, and, when the city stated its intent to enforce vending regulations, it became clear to city officials that the vending regulations were written in a way that second line vendors could not comply. The councilmembers proposed a specific ordinance instead of reducing restrictions to enable more vending flexibility. The proposed fee would be as low as \$25 and the permits would be easy to obtain. The permit, however, would also restrict the time before the event when the vendors could set up, prohibit selling alcohol, and require vendors to remove litter.

To understand the impacts of second line vending and how the proposed regulation would affect the vendors or the event, the author and a research partner participated in second lines throughout the 2014–2015 season. The season comprised 32 parades that rolled for between 2 and 4 hours each Sunday. In one case, a parade did not roll because of a problem with the permit. Each observation session included observing vending as second lines moved through city streets and watching the vendors close and leave at designated stops. In 10 observations, vendors had parked or set up before the parade arrived, and, in other cases, vendors had set up at the parade's start. Six observations included traveling back along the route to determine how observable the impacts were after the parade passed.

The observations showed vending had little additional spatial impact that was separate from the impact of the parades. Vendors selling unopened bottles of water, beer, and Gatorade pulled coolers that were on wagons or carts or adapted tricycles and moved along with the parade. Vendors selling sweets usually did so from baskets they carried in their hands. Vendors participated with different frequencies and, across the season, a wide variety of vendors sold fruit, potato chips, and packaged snacks from pushcarts, wagons, and tricycles. When stopped, the second line would take over the street and block traffic for its duration. The vendors who set up ahead of time parked in parking spots or on the neutral ground (or median), a common if not legal practice. Some pulled up in an intersection when the parade arrived but left as it passed. For larger parades, food vendors arrived at the first stop early to get a good spot. As the parade passed, they quickly pulled away, often to go to a stop farther along the route.

The analysis also showed that the restriction on alcohol would impede second line vending. In New Orleans, drinking alcohol in public is legal, and walking with drinks is common. During the parades, the participants would buy drinks as they continued to walk. At times there would be a

pause at the time of sale, but as often the exchange occurred without either person breaking stride. Because the parades move, participants would have to leave the parades to enter a bar. Bars and corner stores were infrequent throughout the route, but some stops occurred at bars and in other cases where bars were nearby. In these cases, without vendors, the bars would get a greater share of drink business. Other than competition with the bars and corner stores, there was no apparent reason for the alcohol restriction.

Although litter was a visible impact from the parades, it was not clear that the proposed regulation would be effective. New Orleans has very few public trashcans and no street cleaning, and some neighborhoods have a significant number of unmaintained, abandoned properties. Litter was dealt with informally. Along the route, after the parade passed, evidence of the parade such as drink and JELL-O shot containers would remain, but it would not be notably different from litter on nearby streets. After the parade moved from a stop, in some situations, someone stayed back to pick up litter, or an abutting business or residents began to pick up litter. In most cases, within an hour (the time passed before the researchers returned to the site), the sites would not obviously look like an event had passed. Some neighborhood residents complained, however, because they cleaned the streets after a second line. Participants took numerous actions to centralize trash, such as piling bottles off the street or tossing them into the neutral ground at the base of the tree, and nearby trashcans were full and overflowing, suggesting proactive ways to reduce litter.

In this case, no agreement was reached and the city did not enact a specific second line vending regulation. Vendors continue to participate, suggesting that reducing the restrictions would have caused no new problems. Kettles (2006), Kim (2012), and Morales (2010) found that vendors organize themselves, both responding to and creating local norms and coordinating with other vendors. In this case, participants also acted in ways consistent with second line norms. This finding suggests that observing the street and talking with vendors and other participants could provide a starting point about how to reduce litter without burdening vendors with the responsibility for reducing all the impacts from the event.

A Policy Approach: Regulating Less and Planning More

Municipal professionals have the opportunity to adopt a new approach to street vending. Cities can learn from ongoing vending and use this information to plan for greater compatibility among street vendors and other activities. This approach has two steps. Morales and Kettles (2009a, 2009b) have argued that, to enable street vending and public markets, right-of-way restrictions should be relaxed and zoning regulations modified. Extensive research demonstrates that vending can function well with fewer regulations.

The first step to the new approach would be to reduce the restrictions to allow street commerce in varying forms in a wide variety of places. Because public space users self-organize and are adaptable, seeking compatibility is a reasonable response and can result in narrowly tailored guidelines that enable more public space use.

The second step would be to collect evidence about real impacts from vending and to proactively design policies, such as providing more trash receptacles, to address impacts. Performance

standards can require that customer lines leave room for pedestrian flow or that vendors work a reasonable distance from sidewalks and entrances. This approach is based on a new assumption: that street vending can be compatible with other activities. Reducing restrictions to allow street vending of all forms and planning for street vending can reduce identified impacts and break the cycle of informal vending and uneven enforcement.

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