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Food Trucks, Cultural Identity, and Social Justice

From Loncheras to Lobsta Love

Edited by Julian Agyeman, Caitlin Matthews, and Hannah Sobel

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3 Decriminalize Street Vending: Reform and Social Justice

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Enthusiastic media coverage of food trucks in the United States—their quirky “foodie” offerings, their festivals and competitions, and even their reality shows on cable television—might lead observers to think a new urban food trend has emerged overnight, revitalizing public space in the process. The backstory, and the ongoing struggles over street vending and public space, are more complex. The sale of food in the streets has a long, contentious history in the United States and abroad. Street vendors regularly inflame “quality of life” concerns among brick-and-mortar business owners large and small, as well as among concerned residents, who press municipal officials to remove vendors from “their” corner or block, a NIMBYism that invariably requires police intervention to be achieved. In some larger cities, street vending regulations severely restrict or outlaw the practice altogether; in others, a lack of regulations empowers police to “regulate” vendors as they see fit.

Any discussion of food trucks and social justice must begin from the empirical reality that street food vending is a deeply stratified industry, one that is profoundly shaped by the class and race politics of public space. Shiny trucks selling artisanal grilled cheese sandwiches and sixteen-dollar lobster rolls do not seem to provoke “quality of life” panics or forceful police interventions. Indeed, the owners of upscale food trucks don’t often identify as street vendors but entrepreneurs; state and media actors have in turn legitimized this distinction, embracing these more affluent street vendors as “models for small business innovation,” as Senator Nancy Pelosi called them (Schwartz and Sankin 2012). What is it about the “new” street food purveyors that distinguishes them from both past and present cohorts of urban street vendors—the neighborhood ice cream trucks, the lunch trucks catering to construction workers and other manual laborers, the fruit and vegetable vendors by the subway exits, or the tamale and taco vendors waiting outside the stadium when the game or the concert lets out?

Perhaps the most crucial difference is social class and its persistently racialized structure. The warm welcome extended to “gourmet” food trucks, those using comparatively expensive ingredients and selling foodstuffs at higher price points than other food vendors, is an abrupt about-face in the annals of street vending policy in American cities, which until quite recently have uniformly been set to limit or deter street peddling. Not coincidentally, the overwhelming majority of street food vendors are poor and working class immigrants and people of color. Too often, the same city officials whose reports dismiss street vendors as “obstacles to pedestrian circulation” (NYC DOT 2008) are also granting sidewalk café permits to brick-and-mortar restaurants or special use permits for “pop-up” gourmet food truck courts sans vitriol. These municipal authorizations in turn have been pivotal to the rapid expansion of a “food truck industry,” which IBISWorld (2015) market research now estimates to be a \$1 billion sector.

Yet this food truck revolution, as some boosters refer to it, has not reduced the primary and near-universal occupational hazard for the majority of street vendors in the United States and beyond: criminalization. Indeed, there are ways in which the criminalization of lower-income immigrant street vendors benefits the gourmet food truck economy, evidenced by a variety of social distancing practices, least of which is a fetishization of the truck itself as signifier of class difference. To chart the contours of food vending injustice requires consideration of the conditions that sustain and strongly pattern the criminalization of street vendors, as well as the conditions under which the sale of food on the street is not criminalized.

Street vendor criminalization derives from a broad repertoire of urban governance tactics to disappear the urban poor, especially poor people of color, from the city’s public spaces, including its commercial spaces. The street vendor labors against this project, presenting an alternative, both symbolically and materially, to the corporate-led organization of production and consumption in the modern city. Street vendors are therefore policed aggressively as working people of color who do not know their place in this sociospatial hierarchy. In contrast, upscale food truck owners can more easily claim belonging to the “small business community,” presenting themselves as knowledgeable cultural producers (Martin 2014), rightful members of the owning and governing classes. The gourmet food truck presents another sort of alternative: a more affluent, often white and/or native-born, antidote to the persistent street vendor “problem.” This advantaged status protects against much of the state violence that their lower-income counterparts, usually immigrants and racial minorities,

continue to experience for carrying out the exact same social practice. The rapid expansion of gourmet food trucking is in many respects a turn of gentrification by innovation, a class and race transformation of marginalized economic and spatial practice.

This chapter draws on participant observation and over seventy interviews carried out between 2009 and 2012 in New York City’s street vending industry.¹ I worked with two immigrant street vendor organizations, the Street Vendor Project (SVP) and VAMOS Unidos, on everything from office to campaign work. I interviewed roughly fifty vendors from these two organizations, along with the organizations’ directors and staff members. I also interviewed fifteen gourmet food truck owners, some of whom were members of the New York City Food Truck Association (NYCFTA), as well as the NYCFTA’s director. A few other interviews were carried out with longtime advocates for vendors who are artists and military veterans.

My research in New York City reveals a sharp division in both quantity and quality of vendor criminalization along the axes of race, class, and nativity. SVP and VAMOS vendors, who are most commonly first-generation immigrants and people of color, experience the brunt of police enforcement, fines, and arrest. Comparatively affluent gourmet food truck owners, who are commonly native-born or highly educated second-generation immigrants, do not get arrested and do not experience policing as a major constraint to their livelihoods; instead, they tend to find fault with the overall system of vending regulation in New York City as needlessly inefficient. The fines they do accrue are less of an economic setback for them, and as a group through the NYCFTA they aim to build bridges with the city as class insiders. Most do not identify as street vendors but as entrepreneurs and innovators building a new, smarter, cleaner industry.

As the demographic composition of street vending shifts, vending policies have not developed to lift all boats equally. In the case of New York, the state’s *de facto* embrace of gourmet food trucks has facilitated gentrification of the food vending sector, causing food permit prices to double inside a handful of years. At the same time, most vendors remain persecuted by police—as is the case in Chicago and Los Angeles, both cities with sizeable immigrant vendor populations who remain criminalized while more “gourmet” food truck economies have flourished thanks to state support. In this way municipal governments actively facilitate the appropriation of street food vending as both culture and industry through policies that concentrate the profits from this appropriation into fewer and comparatively more affluent hands.

In these larger cities, food trucks can increase social injustice for less affluent food vendors and benefit from their criminalization, demonstrating their own “good citizenship” to city hall. Achieving social justice for street vendors, then, can in no way be achieved without addressing the centrality of criminalization and policing in vendors’ working lives. Street vending reform that protects and promotes food truck owners, for example, does not address industry stratification in working conditions, including the condition of criminalization, and may in fact worsen existing inequalities.

Workers and the Urban Process

Although the idea that capital builds cities is now taken for granted, it remains perplexing for some to contemplate that working classes build cities too. Labor, in its old and new forms, has disappeared from much contemporary analysis of the urban process, following a long century of restructuring urban space against the interests of both workers and the urban poor (Harvey 1989, 2005; Wilson 1997). Yet as Herod (1997, 2003) has shown, labor nonetheless plays a formative role in economic geography. The search for work has fueled the mass urbanization of late capitalism and profoundly shapes everyday urbanisms, as most struggles over street vending reveal. Efforts to modernize and globalize cities throughout the twentieth century generated a variety of mechanisms to manage dramatic and tandem increases in labor migration and the informal economy, in which street vending constitutes one of the leading occupations (ILC/ILO 2002; ILO 2008; ILO/ES 2002). Municipal policies and governing practices around public space thus include measures of racialized labor discipline over so-called surplus populations, such as early twentieth century modernization efforts to “de-ethnicize” public space (Wasserman 1998) by relocating immigrant street vendors into enclosed public markets.

Maintaining a bourgeois structure and culture of urban public space has been a central preoccupation in urban governance since Engels ([1845] 2009) documented the spatiality of class divisions in Manchester. Yet in recent decades, the maintenance of urban public space’s hegemonic order has become inextricable from the politics of race and policing. As the racialization of poverty in the United States has intensified, public space has become an increasingly hostile territory for city dwellers of color (Davis 1992; Low and Smith 2005; Low 2000; McCann 1999; Mitchell 2003). These conflicts include struggles over the right to work in city streets and parks. From informal day laborers and street vendors to more illicit trades,

disciplining lower-income workers of color is now a central component of the state’s sociolegal control of urban public space (Theodore, Valenzuela, and Meléndez 2006; Vitale 2009).

In New York, the reform of street vending regulations from the late 1970s and into the 1990s provides a window into this racialized labor discipline. Mayor Edward Koch enacted most of today’s street vending regulations in New York, with important modifications later made by Mayor Giuliani and Mayor Bloomberg. In the later years of his tenure as mayor, Koch admitted that he ceded near total control to corporations in the reforms, rooted in a system of caps on legal authorizations for vending and the eviction of street vendors from central business corridors in Manhattan (Devlin 2010). These restrictions were enacted in the wake of the 1965 Hart-Celler Immigration Act, as more immigrants of color from across the Global South entered the United States, and New York worked to recover from the 1975 fiscal crisis by “re-branding” itself as a global city (Greenberg 2008). Throughout the years of these contentious reforms, street vendors responded by staging strikes, marches, and demonstrations, filing lawsuits, and enacting at least one hunger strike in protest of the proposed restrictions. Street closures and attacks on vendors increased again during Mayor Giuliani’s tenure through an appointed Street Vendor Review Panel, along with a highly militarized removal of African and African American street vendors from 125th Street, a central retail corridor in Harlem. In the past forty years Mayor Michael Bloomberg was the only leader who increased the number of food vending permits available, through the creation of a GreenCarts program to bring fresh produce to food deserts. Yet Bloomberg also dramatically increased the cost of administrative street vending violations, which are easy to accrue and highly detrimental to income security.

Working conditions for New York City street vendors have thus been greatly degraded as a result of these reforms. The number of permits for food vending vehicles and licenses for both food handlers and merchandise vendors have been capped for nearly forty years. Food vending permits for vehicles (carts or trucks) were capped at roughly three thousand, and merchandise licenses were capped at under one thousand. Food handling licenses to work on a food cart or truck remain uncapped, and there are roughly nineteen thousand vendors who hold such a license.² Many who possessed food vending permits as these reforms came into effect held onto them and now function as a shadow rentier class in possession of an increasingly profitable commodity. In a less corporate version of the New York City taxi cab medallion system dominated by middlemen brokers, food permit holders rent out the use of their permits to vendors who

actually work on the mobile vending unit. First Amendment vendors, those who sell artwork and/or printed materials, were exempted from the permit and license system pursuant to artist-led litigation; military veterans have an exceptional status and their own system of licenses apart from the general one as well.

Beyond these authorizations, there are a variety of spatial rules, including over five hundred streets closed to vending altogether, and strict rules governing the size and placement of vending units, be they carts, trucks, or stands. In addition, seven different municipal agencies have some kind of jurisdiction over street vendors in New York. The majority of violation summonses that are issued come from the police. The New York Police Department (NYPD) spends over \$4.5 million annually on a special unit that focuses solely on policing vendors in Manhattan's Midtown and Financial Districts (IBO 2010). However, any police officer can essentially stop and ticket a vendor; this helps to explain how, in fiscal years 2008 and 2009, \$15.8 million in fines was assessed, the majority of which went uncollected (IBO 2010).

These regulations are so complex and at times contradictory that they increase informality and precarity for street vendors, of which there are estimated to be at least twenty thousand.³ Vendors are all but assured to be in violation of one or another of these codes and laws. As one of the only gourmet food truck owners who belongs to the largely immigrant SVP attests: "The whole industry is basically criminalized." Vendors are subject to such overwrought oversight for spatial reasons—that is, because they work in public spaces, not shielded by private property. The laws that govern their every move are even more convoluted on the street than they are on paper. As former SVP staff lawyer Matthew Shapiro explains: "A lot of times the regulations don't fit with the facts on the ground. Because vendors are out there, and there are hundreds of restricted streets, and so if you find a street that is legal, you've got to be 20 feet from a door, 10 feet from a crosswalk. There are planters and phone booths on the sidewalk. There ends up being so much more restricted space than what's actually restricted under the restricted streets list. We tell the vendors, oh look, you can vend on any street that's not restricted. It's not true."

Particularly restrictive for food vendors, the cap on food permits (held by individuals, but attached to vehicles) ensures that an overwhelming majority of licensed food vendors are workers and not owners of their own operation. This cap also pushes many to work independently, some with the food handling license but without the unattainable food vending permit, and others without any authorizations. Some food vendors have been

able to access one of the one thousand newly created GreenCarts permits. Tellingly, however, GreenCart permit jurisdictions are organized by police precinct, not by food desert boundaries or even city council districts.

Such legal confusions amount to what an SVP organizer named Darya concisely termed conditions of impossibility. After returning from a meeting for StreetNet International, an international alliance of over three hundred vendor organizations from over fifty countries, Darya pointed out that in poorer cities, "there are just [police] raids at all once, people are running and like, 'Let's get the hell out of here!' But [in New York], there's this more systematic, slow exercise of power. It's the exact same purpose of a raid, but it's done over time and it's a much more subtle way of creating the conditions of impossibility for street vending."

Racial Profiling in the Workplace: Policing Immigrant Vendors of Color

A growing body of literature on street vendor criminalization reveals that some confluence of racialization and criminalization is a perfunctory state response to vendors' presence in public space across an astounding range of cities (Bhowmik 2010; Crossa 2009; Cross and Morales 2007; Donovan 2008; Duneier 1999; Dunn 2014, 2015; Graaf and Ha 2015; Estrada and Hondagneu-Sorelo 2011; Martínez-Novo 2003; Meneses-Reyes and Caballero-Juárez 2013; Rosales 2013; Stoller 2002; Swanson 2007; Swider 2014). Street vendors tend to be (im)migrants, disproportionately comprised of women, and largely of poor to working-class backgrounds (ILC/ILO 2002; ILO 2008; ILO/ES 2002; Roever 2014; WIEGO 2014). Unlike the regulatory vortex in New York, for vendors in many cities it is a lack of vending regulation that serves as the principle mechanism of criminalization; police can run roughshod over vendors quite easily when no formal state mechanisms recognize or legitimate their right to work in public spaces. The formation of street vendor unions is a common result (Celik 2010; Gallin 2001; Dunn 2014, 2015), allowing vendors to work together to claim and defend a right to work without police harassment, corruption, arrest, and violence.

New York is home to two different street vendor worker centers: membership-based, nonprofit unions that help vendors with grievances, negotiate with police precincts, and campaign for vending reforms. The larger of the two, the SVP, is a multiethnic organization based in Manhattan and largely comprised of male⁴ vendors who work in Manhattan. Of the SVP's over 1,300 members, only a small percentage are women, mostly Latinas; most men are first-generation immigrants coming from well over

twenty countries; and there is a small but important group of African American military veterans who sell merchandise and is quite active among the member leadership. The other worker center, VAMOS Unidos, is based in the Bronx with informal satellite offices in Brooklyn and Queens. This group is Latina/o, mostly comprised of women who live and work in the outer boroughs; its membership numbers around five hundred. Each group has a lean handful of staff and annual operating budgets in the range of \$300,000.

Overall, the street vendors who are members of these organizations are some of the most precariously employed. They tend to be food vendors; many who belong to SVP rent their food permits or work on mobile vending units for someone else renting a permit, whereas those who belong to VAMOS tend to sell food without a permit, save for a small but growing number who have been able to access a GreenCarts permit with help from the VAMOS staff. Yet there are also members who are doing quite well for themselves, from merchandise vendors with twenty years of experience to the owner of a well-known “gourmet” food truck to family-run vending businesses that pull in a solid middle-class income. This latter group is noteworthy but very much in the minority.

My participant observation in these organizations’ offices included going through thousands of vending violation summonses from the police and the Department of Health, along with criminal violations that are less expensive than administrative ones—and policing was also far and away the leading topic of conversation in my interviews with SVP and VAMOS vendors. All of them had been ticketed countless times, and well over half had been arrested at some point—usually for vending without a food permit or merchandise license. Other grounds for arrest include being suspected of selling counterfeit goods; not having one’s license displayed properly (i.e., wearing the license on one’s person as required, but having the front side hidden from view accidentally or momentarily); leaving one’s station momentarily unattended to use the bathroom; refusing to move or comply with police directions; minor-aged children of vendors standing near their parents’ vending unit being arrested as unlicensed workers; and finally but quite commonly, being arrested on grounds that the vendor did not understand at the time of arrest.

Most vendors recount their experiences with arrest as a form of racism and/or nativism, often stressing, as Austin (1994) found, that their work is honest and not criminal. One Latino couple who are fruit vendors in the Bronx pointed out that though they regularly see drug deals happening around their block, the police stop vendors with more frequency. Arrested

for selling handbags deemed counterfeit before he had even set up his table, Moustafa, a Senegalese merchandise vendor, said it took four different appearances at court before his case was dismissed. He explained: “The funny thing is, every two or three weeks, the [police] officer comes back to me and asks ‘How’s the case going?’ I say, listen, don’t ask me about the case no more, the judge don’t understand, nobody understand that you say it’s counterfeit ... Most tickets would be dismissed because there is no right for that ticket, whether they just use that to keep busy like they’re doing something.”

According to a 2010 Independent Budget Office report (IBO 2010), Moustafa’s interpretation is likely correct to some degree. Although the city issues nearly \$16 million in tickets most years, they collect less than \$1 million in revenue on those tickets. Since it began maintaining records on ticket violations in 2005, SVP has handled over 5,500 tickets for its members, with about 70 percent of these ultimately being dismissed. My work putting together VAMOS’s ticket database from 2011 to 2012 covered over three hundred tickets brought in by the members since the group formed in 2007; working with a pro bono law firm, VAMOS was able to get about half of those tickets dismissed and thus enable forty-five vendors to renew their licenses (which cannot happen if a vendor has outstanding fines from violations).

With experiences such as these being as pervasive as they are degrading, it is not difficult to grasp the need for two vendor worker centers. As Matt at SVP explains: “If somebody can’t renew their license because they have too many tickets, then how are they going to continue to work? ... My job is to make sure these people are able to work. And if they’re able to work, they’re able to become part of this organization, and they can join us to help achieve these broader goals.” Such goals include negotiating with police precincts, running campaigns at the municipal level against antivenue bills or, more recently and successfully, winning a campaign for the city council to lower the maximum fine for administrative vending violations from \$1,000 to \$500 (rolling back an increase instituted by Mayor Bloomberg). Police precinct work usually aims to resolve specific place-based conflicts. In 2011, SVP worked with a group of produce vendors that constitute an open-air market along Forsyth Street in Manhattan’s Chinatown neighborhood to deescalate a marked increase in ticketing and vehicle towing that was hurting the vendors’ businesses. In 2010 in Brooklyn, VAMOS organized its members to protest against the Department of Parks when one of its officers had an altercation with a pregnant vendor. To date, the organization has worked with at least seven different police

precincts in Brooklyn, Queens, and the Bronx to reduce vendor criminalization, including work to reduce the arrest of vendors' children, most of whom were minors at the time of arrest watching over the cart when their parent went to use a restroom. Members confirm that these negotiations almost always result in a decrease in police interventions.

Whereas VAMOS tends to pursue more grassroots, on-the-ground work with its members, SVP generally pursues more symbolic politics, publicizing blatantly unjust vendor criminalization. One such case was the arrest of two popular taco truck vendors and the confiscation of their truck. Although the vendors were not violating any laws, the arrest was made on the grounds that they were vending from metered parking spaces, which the law defines as illegal for vending "goods" but not food. SVP decided to challenge the police actions in court, with the support of the vendors involved.

Those vendors, Alberto and his mother Patty, were overcome by the groundlessness and the trauma of the arrest; Patty was brought to the hospital to be treated for a panic attack, and Alberto felt beaten down first by the injustice of the arrest and then by the loss of nearly \$5,000 worth of food, goods, and cash from the impounded truck. The family had to ask for a loan from Alberto's aunt in Mexico to get the truck running and restocked again. They relocated a few times, but continued to encounter resistance from the police at each location. "We were trying on Broadway," Alberto explains, "but even there they said 'You got to go, you got to go and we're going to tow you every time you come.' So I was thinking they were the racist type, you know? And that was it, it's awful." The constant criminalization of their work caused the family a massive amount of stress. As Alberto recounts, "Every time I see a cop, I would feel this thing in my guts, like a bad feeling, scared, panicked ... I still get scared by the police sometimes, you know?"

The judge ruled against SVP in the lawsuit, an outcome that added insult to injury for Alberto and Patty and one that also angered many gourmet food truck vendors, for whom the metered parking space was a crucial issue. One gourmet truck owner claimed SVP's approach was counterproductive. "It increases the hurdle for us ... Our approach has more been to go to the city and say, look, the rules aren't really up to date and don't work, right? We want to work with you to come up with something that makes sense for everybody. A less hostile approach I guess. And that—we don't view the city as the enemy. I can't say that [SVP] does. I can't really speak for them, I've never been to their meetings. But for us, we're trying to get a constructive relationship with the city."

Gentrifying Precarious Retail: An Insider Approach in an Excluded Industry

New York's new class of gourmet food truck owners entered into a profoundly marginalized industry fraught with regulatory challenges. In 2011, a small number of gourmet food truck owners came together to form the NYCFTA, led by David Weber, who also co-owns the popular Rickshaw Dumpling truck (and restaurant).⁵ In 2011, there were under thirty members, but forty-five food truck businesses now are members of the association. As one might expect, this group represents a different constituency in the city's vending landscape, one that is a small minority at present but has achieved a tremendous amount of success in a short period. A crucial factor in that success has been a city government amenable to the group's arrival and facilitative of its profitability.

Although many upscale food trucks are not members of the NYCFTA, the association restricts its membership to the owners of branded food trucks; franchises or vendors who do not own their mobile food vending unit may not join. Several members run multiple trucks, and some own brick-and-mortar restaurants or plan to open one soon. A few NYCFTA members own food truck businesses in other cities as well. Others run only one truck and change their offerings based on the season and/or turn toward private catering in addition to street vending.

Gourmet truck owners in New York tend to be white and native-born (with some notable second-generation immigrant truck owners as well) and highly educated; those who belong to the NYCFTA pay monthly dues that are three times SVP's yearly dues and ten times VAMOS's; these dues help subsidize administrative costs for event planning and lobbying. The group is specifically motivated to reform the city's vending regulations that constrain the ability of food truck owners to hire staff quickly and that limit where food trucks may park legally. As its website states, the NYCFTA aims to "reinvent food truck vending," to assure that food trucks operate as "good citizens," and to "advocate on behalf of food trucks with local and state government for fair laws that reflect the changing realities of street vending."⁶

Most of these more affluent food vendors entered street vending because they could not access the commercial real estate rental market; they saw street vending as a way to build their brand and attract investors. As one truck owner explained: "I tell everybody that we're not selling tacos here. We're selling our brand." Indeed, when asked open-ended questions about their working conditions, gourmet food vendors tend to speak the

languages of marketing, business plans, and mitigating risk. Many would prefer to run brick-and-mortar businesses, given their product and clientele. One explained: "When people want to pay [only] \$8 for lunch, something has to give to make those economics work. You know, I want organically sourced, yummy things that are totally healthy, and I want to eat in a super friendly and clean, nice environment, and I want my staff to speak perfect English and be extremely cordial and responsive—all the desires that people have translate into a price. ... People want it right at the base of their office building, but the rent right there is \$250 per square foot. The real estate question is a crucial part of the entire calculation. ... All things being equal, if the rent were cheaper, I'd rather open a store."

Their experiences with the police are in the main a nuisance, but manageable for most. Gourmet vendors have far less trouble with police, and none of the fifteen that I interviewed had ever been arrested for street vending. By and large, many owners did not speak extensively about the police. According to one: "We haven't had that many problems with the police. We've only had, like, one run in. The only thing we could complain about is the Health Department." Another owner explained: "I think the police only come if the—the local merchants or whoever calls to report you. And you know, you try to be on their good side, and you never try to park in front of restaurants, and be respectful. And I think if you follow all those things, I think you'll be successful."

When gourmet vendors did talk about the police, they often characterized the policing of vendors as inefficient, but not as an injustice. As Weber explains:

We're happy to follow a broad set of laws, and we do. But there's so much oversight of the industry. And we work really hard to be sensitive and comply with as much as we can. [Customers] are asking us to come, and then the NYPD is asking us to leave. So we're just trying to educate everybody about what's going on, and then come up with a broad set of agreements that everyone can agree on. So we can satisfy the needs of New Yorkers, satisfy the administration, and maybe free up some of these police officers to focus on things that are *really* important.

Such viewpoints express a dramatically different relationship with the state than the one lower-income immigrant's experience. The comparatively weaker impact of policing on gourmet vendors' livelihoods has been crucial to their growth and expansion in New York. As anyone familiar with the industry knows, it is highly unlikely that these vendors are operating in full legal compliance with vending codes, given the more than

thirty-year-old cap on food vending permits. As the caps give rise to an underground rental market, comparatively affluent vendors can drive up the going rate for permit rentals—and they have.

Food vendors in New York would rather not disclose the details of how they obtained the permits for their carts or trucks. When I first began to ask about permits in early 2011, the few vendors who would discuss the details mentioned prices in the \$10,000 to \$13,000 range. By 2012, Eddie Song, a co-owner of the highly celebrated Korilla BBQ Korean fusion food truck, "came out" about his permit situation in an interview, admitting that he had to pay \$20,000 in cash to rent the permit for his truck (Marritz 2012). Since then, Sean Basinski, the head of SVP, has stated several times that permit rentals in this price range are now the norm. For all practical purposes, the caps on food permits have privatized the market for them, and that property market is now undergoing rapid gentrification.

Unless reform is undertaken, this gentrification by innovation will continue to push out or block lower-income vendors from renting food permits—permits that would provide them with greater autonomy in their workplace and more protection from arrest. For more affluent vendors, access to the street food market has already yielded significant upward mobility. Between 2011, when the NYCFTA first formed, and 2012, Weber attests that 40 percent of the group's members now own their own brick-and-mortar restaurants (Clark 2012). In contrast, staff from the SVP attest that only a handful of their 1,300 members have made this same transition during the organization's ten-year existence; for VAMOS Unidos, organized in 2007, only one vendor out of five hundred has been able to leave the street and open her own restaurant.

Beyond this immediate material effect, the success of upscale trucks has attracted corporate interest in "street marketing," usually one-off events by multinational brands that use food trucks to hawk their brands and/or new products. In New York, brands include Victoria's Secret, the AMC television network, Gap, and Air France, to name a few. One NYCFTA member described the organization as a "one-stop shop" for brands looking to rent trucks for such promotional purposes, providing a likely handsome revenue stream for the members of that organization. The culture of street vending has been appropriated for commodification, not simply by small-scale restaurateurs but by massive multinationals eager to market to the ever-profitable urban youth demographic.

This question of street vending's cultural appropriation, rather than material displacement through a permit market, may prove more salient to

patterns of street vending gentrification in other cities because it proceeds in dialectical tension with immigrant vendor criminalization. Food trucks working with greater economic power and catering to a more upmarket clientele can produce street food that conforms to upper-strata cultural expectations of both dining out and public space. Although much of the culinary repertoire of these trucks is appropriated from immigrant and working-class cuisine (see Johnston and Baumann 2010 on foodie culture), their classed (re)presentation of street food has enabled street vending reforms that empower truck owners but not those working from the sidewalk (Frommer and Gall 2012). This is precisely the battle unfurling in both Chicago and Los Angeles, two other large cities with sizeable immigrant vendor populations that remain criminalized on the sidewalk, while the food truck economy has found ways to flourish (Martin 2014; Frommer and Gall 2012).

In New York, several gourmet food vendors pointed to what they perceived as the differences between their innovative industry and an outdated industry comprised of poor immigrants. Speaking about what little they knew of SVP, one gourmet vendor noted, "One general sense I get [about SVP] is that they represent vendors, food vendors, from illegal ones to legal ones. So even the lady in the subway who's selling those churros, she doesn't have a permit but she's represented by the Project. What's specific about us is that we're gourmet food trucks, we're kind of like a new breed, and we're trying to raise the standard in a legal way." Against this perception stands the strong likelihood that nearly all food vendors are operating in a state of dubious legality at best; moreover, profiting from the appropriation of a people's culinary culture while distancing oneself from the people themselves is many things, but it is not innovative. The continuing criminalization of these "illegal vendors" serves to strengthen the niche market of "high-quality street food," in a good vendor/bad vendor dynamic that reproduces class, race, and nativist stratification in this most precarious of retail sectors.

Shifting the Focus from the Built Environment to Its Builders

Are food truck owners street vendors? For many food truck owners, the answer would likely be no—even though the sale of food on the street is one of the most common social practices of urban life. Perhaps the tenaciousness of the distinction helps to explain why food truck owners and enthusiasts alike fetishize the truck itself—to invoke social distance from

food vendors of lesser means, to denote ownership and perform conspicuous production of the "artisanal" variety. Food trucks cost a minimum of \$35,000 and can go well into six figures once flashy paint jobs, oven and other cookware upgrades, and even thumping sound systems are in play. In common parlance, *food truck* has come to connote *higher-class street vendor*. The silent referent, in many cities, continues her work, like her more monitored counterpart, but under far more hostile conditions.

Should laws governing street food be bifurcated between the street and the sidewalk, when we know that difference is shaped almost entirely by race, nativity, and socioeconomic standing? Although many technocratic justifications could be made for maintaining a two-tiered system of street food citizenship, reform that leans even nominally in the direction of increasing social justice would seek to redress the strongly patterned class- and race-based stratification present in street vending today. The current policy landscape is one in which vendors who look like class peers of planners and policymakers can effectively achieve, more often than not, reforms that work for them. There is no evidence that this pathway of reform has any beneficial impact for low-income vendors who are class or race outsiders to business-friendly city hall power structures.

Participatory planning is a possible pathway for street vendors to build power through inclusion, one that would require shifting planners' perception of vendors as inanimate "obstacles" in the streetscape to urban inhabitants who bring life to the city, generating employment and much-needed affordable retail options for other low-income urbanites. As Skinner (2009) documents, organized street vendors collaborated with city planners to incorporate space for their trading in the redevelopment of Warwick Junction, a major transport hub in Durban, South Africa. Although the associational power and savvy of the vendors was key to this development, so too was Durban city hall's decision to prioritize the quality of life concerns of the urban poor.

One could plausibly argue that a similar reorientation in US municipal politics is beginning to take shape. Community-labor coalitions, living wage campaigns, and the Fight for \$15 movement have, in the wake of Occupy Wall Street, brought actionable plans to redress urban poverty to the table in dozens of cities. These initiatives have street vending counterparts in the campaign to legalize sidewalk vending in Los Angeles and in a bill backed by a long-standing Latina/o vendor group in Chicago's South Side to grant licenses to sidewalk vendors there as well. New York's vendor groups are also gearing up for their next campaign to tackle the caps on food permits and merchandise licenses.

Social justice for street vendors cannot be achieved by continuing to ignore the profound stratification that food trucks and food truck policies have intensified in several cities. Reforming street vending requires social justice in the process of reform, which means that street vendors of all strata—not only food truck owners—must build power and voice in the planning and policy-making process. Planners and policy-makers might ask a new set of questions about the built environments they are charged with governing: Who builds them? And are those who build and sustain the everyday lives of our streets able to inhabit their creation, or not?

Notes

1. All quotes from street vendors, food truck owners, and their advocates that are presented in this chapter are drawn from these interviews. Interviews were conducted in 2011 and 2012 during the course of fieldwork carried out in New York City.
2. Personal correspondence with a Department of Health official, 2011.
3. Street vendors are not independently classified in the US Census, and the municipal records kept on street vendors in New York do not cover First Amendment vendors or those who vend without any authorizations.
4. Gender does function as an important axis of stratification, particularly among lower income vendors; see Dunn 2014, 2015.
5. I interviewed food truck owners who were and were not members of this organization; due to the branded nature of each gourmet food truck business, I have not named any gourmet food truck owners interviewed, except for David Weber when citing comments he made in his capacity as leader of the NYCFTA.
6. See <http://www.nycfoodtrucks.org/>.

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4 To Serve and to Protect: Food Trucks and Food Safety in a Transforming Los Angeles

Mark Vallianatos

One of the strangest evolutionary products of the industrial age in the Southland is the lunch truck. It flourishes here as nowhere else in the world.

—Leap 1959

Food trucks are magical urbanism on four wheels. They unmoor food from the "brick and mortar" of traditional retail, bringing meals and commerce to parts of the city where it is barred by zoning or absent due to economics. Industrial catering trucks provide a break from tightly controlled assembly lines. Taco trucks offer quick and fulfilling food to workers ending shifts far from home, to locals too worn out from the day to want to cook, and to anyone out on the town or enjoying a break on the streets.

There is nothing magic about getting sick from a meal. In an era of public health letter grades and Yelp reviews, we expect our food to be safe, just as we sometimes like it to be "street." We simultaneously value the spontaneity and informality of food trucks and rely on policy and bureaucracy to keep their products safe as it travels from commissary to curb.

This chapter considers food trucks through a lens of food safety. Focusing on the LA region, it examines the coevolution of food trucks and policies to regulate them in order to investigate how regulators and society address real and perceived dangers. I explore how new forms of food trucks arose and how their design and business models became embedded in safety regulations. Policy is just one of many factors that shape how food trucks are designed and where and how they operate. Changes in vehicle and food service technologies and shifts in economic and geographic patterns also have influenced the mobile food industry profoundly. I look at policy because it is one of the key ways that we try to collectively determine *how we should live*.

In the case of food trucks, this has come to mean: How do we ensure that the food they sell is safe to eat? As businesses staffed by people of different