



NON-HIGHWAY IMPLICATIONS OF ITINERANT VENDING ALONG TEXAS ROADWAYS

DEPARTMENTAL INFORMATION EXCHANGE

PROBLEM STATEMENT

Roadside vending is a common sight along Texas highways. Vendors sell everything from food to crafts to pets. In contrast to the seasonal nature of the traditional produce vendor, these merchants have a degree of permanency, setting up their operations on a regular basis at the same location.

Operating a business within the highway rights-of-way may not be in the best interest of the Texas Department of Transportation, the traveling public, or even the merchant. Issues of highway maintenance, operations and safety are integral to the entire question of allowing business activity within the rights-of-way. A secondary equity issue is that these merchants are using state property rent free, thereby reducing their operating costs compared to competing merchants located off the rights-of-way.

OBJECTIVES

The Texas Transportation Institute (TTI) conducted study 1248, *Non-Highway Implications of Roadside Vending Activity in Selected Texas Counties*, in cooperation with the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA) to evaluate the impact of roadside vendors on established businesses and on the public health, tax collection issues, and additional traffic safety issues pertaining to roadside vendors.

This study concentrated on the state's major centers of roadside vending activity. Five counties were chosen jointly by TxDOT and TTI, based on level of activity and previous research, for observation by the researchers. The five counties studied were Harris, Dallas, Bexar, Travis, and Angelina. Additional information was collected from other states, Texas cities, TxDOT personnel, Texas Department of Public Safety (DPS) officers, and on-site visits to roadside businesses.

A further objective of this study was to develop a video documentary highlighting the pertinent findings of the research for use by TxDOT personnel with government and civic organizations.

FINDINGS

The following insights were gained from this study.

- Accident potential varies widely among the selected study sites based



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In cooperation with the
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on factors such as level of traffic congestion, traffic speed, sight distance and ingress/egress requirements.

- There is a wide degree of variation in the types and quality of the items sold at roadside vending operations. The types of goods observed during this study ranged from pets and plants to auto parts, commercial items, and food.

- Almost all sites consistently demonstrated damage to the shoulder, pavement and ground adjacent to the roadside vending operations.

- Operators of established businesses consider themselves in competition with roadside vendors for some of the same customers and dollars and, in addition, consider the competition unfair, perceiving that itinerant merchants avoid rent, overhead expenses, and taxes.

- Overall, sales tax avoidance is not a problem in Texas. The consensus among comptrollers is that the majority of itinerant merchants comply with the sales tax laws, and the limited avoidance that does occur is due to simple human error.

- The Texas Department of Health has developed guidelines for safe-guarding the health of Texas citizens buying food from mobile food vendors.

- Interviews with local law enforcement officials from the study counties suggest that roadside vending is seldom an operational



Elaborate displays are used to attract passing motorists, possibly distracting the drivers attention.

concern of the agencies. Problems, when they do occur, are handled on a case by case basis and, while safety or accident potential is a concern, few accidents can be directly attributed to vending operations.

CONCLUSIONS

A seven-minute research video documentary was developed by TTI and presented to the Legislative committee members voting on House Bill 1027, a bill proposing statutory control of vendors on state highway rights-of-way. This bill passed in the House but not in the Texas Senate. However, it is now back in the legislature with the House Committee on Transportation.

Balancing the occurrence of economic activity on the roadside (where a competitive advantage

can be found) with the requirement of public protection from unnecessary roadside hazard is recommended. It may be that a compromise, setting aside roadside selling "zones" or leasing the right-of-way to vendors, may satisfy the most people.

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The information described in this summary is contained in detail in TTI Research Report 1248-2, "Non-Highway Implications of Roadside Vending Activity in Selected Texas Counties," Steve Roop, Dock Burke, November 1991. A video documentary, titled "Roadside Vending: Impact on Texas Highway Rights-of-Way," is also available. The contents of this summary do not necessarily reflect the official views or policies of the FHWA or TxDOT.