Federal Highway Administration

U.S. Department of Transportation

Attn: Gregory G. Nadeau, Administrator

21400 Ridgetop Circle #300

Sterling, VA 20166

Docket #: FHWA-2016-0021

Mr. Nadeau,

I am writing to provide feedback on the Federal Highway Administration’s request for comment on commercial activity on interstate rest areas. As the [INSERT JOB TITLE] of the [INSERT AGENCY OR BUSINESS NAME], it is my responsibility to administer the Randolph-Sheppard Program in my state. As you know, the Randolph-Sheppard Act creates a priority for blind entrepreneurs to operate vending machines at highway rest areas. While this is not the entirety of the program or the priority’s scope, it is a significant portion of the opportunities available to our vendors.

Nationally, about half of all blind entrepreneurs operating under the Randolph-Sheppard priority earn their living by managing rest area vending machines. Currently in [INSERT STATE], [INSERT NUMBER] blind vendors manage [INSERT NUMBER] vending machines at rest areas. [Alternative for states with third party vending: Currently, rest area vending helps support (INSERT NUMBER) of blind entrepreneurs in maintaining their businesses and supporting their families.] Any change to the priority or the regulations governing rest areas should be calculated to have minimal impact on these hardworking business owners.

The first question posed in the FWHA’s notice is central to our business interest in rest area vending. There have been significant technological advancements in automated vending since 23 U.S.C. 111 and 23 CFR 752.5 were written thirty years ago. And while neither of those sources offer a definition of vending machines, the Randolph-Sheppard regulations do:

*“Vending machine" for the purpose of assigning vending machine income under this part, means a coin or currency operated machine which dispenses articles or services, except that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services, machines providing services of a recreational nature, and telephones shall not be considered to be vending machines. 34 CFR 395.1(y)*

The Randolph-Sheppard community believes that this definition captures the essential functions of a vending machine and stands the test of time, regardless of technological advancements. Ultimately, a vending machine is one capable of executing an automated transaction exchanging currency for product. Whether today’s vending machines accept coin, paper bills, credit cards, or smartphone payments, they are still performing the basic function of a vending machine – exchanging product for currency.

The Randolph-Sheppard definition also allows for future innovation in vending technology. Because the above definition focuses on the machine’s function, other forms of automated transactions could fall within its scope. For instance, micro-markets are small, unattended stands that offer customers a range of products in exchange for payment. The customer selects and item for purchase, scans it at the register, and pays without the assistance of a cashier. Under the Randolph-Sheppard definition of a vending machine, these micro-markets satisfy every condition and perform the same function as traditional vending machines. This means that the program can grow and innovate within the current scope of its own regulations. If the Federal Highway Administration (FHWA) must adopt a definition for vending machines, then I strongly urge you to adopt one consistent with the Randolph-Sheppard definition provided above.

The other four questions posed in FHWA’s notice involve expanding commercial activities and products offered to travelers at rest areas. Because of the great number of livelihoods dependent on rest area vending within the Randolph-Sheppard community, any expansion of commercial activity should not jeopardize the opportunity for blind entrepreneurs to earn a living and support their families. On the contrary, blind vendors and state licensing agencies are eager to work with state tourism departments, local farmers, and other interested parties to offer a diverse selection of products at interstate rest areas. So long as new products are offered through the existing Randolph-Sheppard priority, increased commercial activity at rest areas can benefit all parties involved.

The Randolph-Sheppard community has built hundreds of thriving businesses with the interstate rest area priority, and is hopeful that technology and new partners will help these businesses serve more travelers for years to come. I appreciate the opportunity to provide feedback on FHWA’s questions regarding commercial activity at rest areas, and I would be happy to answer any questions you may have.

Sincerely,

[INSERT NAME AND/OR ELECTRONIC SIGNATURE]