



State of Rhode Island
GOVERNOR'S COMMISSION ON DISABILITIES
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COMPLIANCE REVIEW REPORT

Date claim received: July 20, 2022

Address: Town of Bristol, RI public parking spaces along State Street and public parking locations.

Compliance Issue(s): Inadequate number, type and location of accessible parking spots to access dining, public services and retail establishments.

COMMENTS: The complaint was initially filed with the RI DOJ attorney and forwarded to the Governor's Commission on Disabilities upon which a formal complaint was filed with the GCD. Correspondence with the town building inspector resulted in a review of documentation and a site visit on August 2, 2022. While it is understood that the conditions due to the historic and natural contours of the site do not fully conform to ADA standards for parking and access, it remains the town's responsibility to maximize access without delay. The town's decision to offer outdoor dining must include access to all at the time those services are available to the public.

FINDINGS:

Existing State Street Accessible Parking:

The town provided two accessible parking spots with signage on the west side of State Street at the top and bottom of the street (in front of the Bristol House of Pizza and Judge Roy Bean Saloon). Both locations are not compliant as they do not have the required width of 8 feet nor the required 8 feet of access aisle on the right-hand side to create a van accessible space.

New parking to be added on State Street:

An additional van accessible space must be added (in front of bar31) half-way between the top and bottom of the street across from the pedestrian pathway. Vertical signage is required. A wheel stop is needed to prevent parked vehicles from blocking the accessible route to the sidewalk and outdoor dining area.

One van accessible space with access aisle and vertical signage in the Public parking lot on the east side of State St.

New parking to be added to Public parking lots:

Two accessible spaces with a shared 8 foot access aisle at Town Dock lot at the bottom of State Street in front of Bristol Harbor Landing closest to the curb cut at the sidewalk to access the adjoining cross walk to State Street.

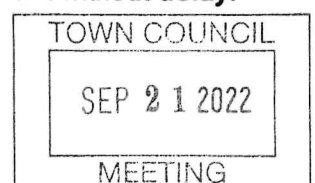
One van accessible space with access aisle and vertical signage at the Public lot across from the Harbor Marina parking lot.

Harbormaster's office parking: On August 10, 2022 the ADA Coordinator met with the harbormaster and examined the issues at the accessible entrance to the office.

FINDINGS: A van accessible parking space and signage needs to be created with additional striping in front of the accessible ramp to prohibit parking in the accessible route.

The signage for the existing accessible parking for ferry access must be repaired/replaced.

Any other existing accessible spaces created throughout the town must be made compliant without delay.



OUTDOOR DINING:

The town must ensure that all establishments follow ADA requirements for outdoor dining access. The new information provided by the DOJ confirms that outdoor restaurant and retail areas, many of which were introduced during the pandemic, must comply with the ADA. Businesses must ensure there is an accessible route from the accessible parking to the outdoor eating or retail area by making sure outdoor fixtures (e.g., sandwich boards, heaters, planters, chairs, tables, umbrellas, etc.) are not blocking the path of travel. Additionally, businesses must ensure there is an accessible route through any outdoor eating or retail space, that any outdoor check out area is accessible, and that outdoor operations do not block accessible parking spaces. **“It also reminds municipalities, who often must approve the use or expansion of outdoor dining, that these areas must not obstruct the accessible path of travel on sidewalks. Similarly, outdoor dining spaces should not reduce the availability of accessible parking spaces, in streets and parking lots.”**

The guidance also reminds businesses with outdoor operations to be cognizant of objects that protrude into the sidewalk at heights that cannot be detected by a person with visual disability (e.g., umbrellas, canopies, table tops, tree branches or displays). Even if the protruding object is something maintained by the city such as, for example, a tree branch, the business is obligated to report the issue to the city to have the tree trimmed. The DOJ recently sent a letter to all cities and town regarding outdoor dining and the ADA. ([download \(justice.gov\)](https://www.justice.gov/oeo/letter-outdoor-dining-ada))

The Owner has 30 business days to submit plans that address the accessibility violations as defined by these standards:

- A. The standard for Determining Violations for Public Accommodations and Commercial Facilities where the most recent certificate of occupancy for the facility was issued after January 26, 1993, or if a physical alteration of the property began after January 26, 1992, the elements which must be accessible are 28 C.F.R. 36 Subpart D "New Construction and Alterations.
- B. For commercial facilities whose first certificate of occupancy for the facility is issued after January 26, 1993 or if the physical alteration of the property begins after January 26, 1992 the standard for accessibility will be the State Building Code's (and the Americans with Disabilities Act or Federal Fair Housing) Accessibility Standard for New Construction applicable at the time of construction, renovation or alteration to the portions of the building or structures cited in the complaint.
- C. The standard for public accommodations or commercial facilities with physical alteration of the property begun after January 26, 1992, the accessibility standard will conform to 28 C.F. R. 36.402 "Alterations", 36.403 "Alteration: Path of Travel", 36.404 "Alterations: Elevator exemption", and 36. 405 "Alterations: Historic Preservation".
- D. Standards for Public Entities
 - 1. No qualified individual with a disability shall, because a public entity's facilities are inaccessible to or usable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs. Or activities of a public entity or be subjected to discrimination by any public entity.
 - 2. As required by 28 C.F.R. 35. 151 "New construction and alterations" each facility or part of the facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed (or altered) in such manner that the facility or part of the facility is readily accessible to and usable by individual with disabilities, if the construction or alteration was commenced after January 26, 1992. For public entities that are recipients of federal financial assistance, then all construction or alteration commenced after the effective date of their federal funding source(s) Section 504 regulations must meet the federal accessibility standards of that funding source.
 - 3. The accessibility standard specified in 28 C.F.R. 35.151 is the Uniform Federal Accessibility Standards (UFAS) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).
 - 4. Public entities are also required to conform to the provisions of 28 C.F.R. 35. 163 "Information and Signage".

This form may be required by building officials in cases involving public facilities. If you have questions, please contact the Commission directly.

Attachments:

Reviewer: Denyse M Wilhelm Title: Asst ADA Coordinator

Date: August 16, 2022