

Late item 126 received at meeting



U.S. Department of Justice

United States Attorney's Office
District of Rhode Island

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June 15, 2022

Chris Vitale
Town of Bristol
Bristol Town Hall
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Bristol, RI 02809

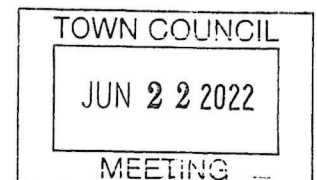
Re: Americans with Disabilities Act Obligations for Outdoor Dining

Dear Colleague:

We are aware that in response to COVID-19 pandemic precautions, many local cities and towns have allowed restaurants to expand their outdoor dining spaces onto sidewalks, streets, and parking lots. We are writing today to simply remind municipalities and any restaurant within your jurisdiction that the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101 *et seq.*, applies to all restaurant dining spaces, including outdoor areas.

Under the ADA, restaurants must ensure that all dining areas and routes to such areas are accessible. An accessible route is one that is free of obstacles – such as sandwich boards, heaters, planters, chairs or tables – that would make it difficult or impossible for a person with a mobility disability to access the business space. Indoor and outdoor seating must include tables that are accessible to a person using a wheelchair, and tables must be arranged far enough apart so that a person using a wheelchair can maneuver around them while other diners are seated. If an outdoor dining area is placed on the street below curb level, a portable ramp can be used to create an accessible path of travel from the restaurant building and sidewalk to the outdoor dining area. Please also note that many objects, such as umbrellas, canopies, tables, tree branches, or displays are at heights that cannot be detected by someone using a cane to assist with their vision disability. These protruding objects make the sidewalk dangerous to people who are blind or have low vision.

For local governments, who often must approve the use or expansion of outdoor dining, complying with the ADA could also mean making sure, during the permit process as well as on an everyday basis, that outdoor dining does not block curb ramps, sidewalks, or accessible street parking so that persons with disabilities may continue to use them. Specifically, outdoor dining spaces must not block access or reduce the width of nearby sidewalks to less than 36 inches. Additionally, outdoor dining spaces should not reduce the availability of accessible parking spaces in streets and parking lots.



We encourage you to consider and discuss the obligations of the ADA with any restaurant within your jurisdiction that seeks to create or expand an outdoor dining area. The U.S. Attorney's Office for the District of Rhode Island is committed to enforcing the Americans with Disabilities Act. This letter summarizes only a few of the ADA's requirements. Additional useful technical assistance on the ADA's requirements, including a detailed discussion of the ADA's requirements applicable to state and local governmental entities and public accommodations, such as restaurants, can be found at www.ada.gov.

Please contact me at (401) 709-5010 or Amy.Romero@usdoj.gov if you have any questions or concerns. We hope that the warmer weather allows all diners in the District of Rhode Island to safely enjoy good food and friends at their favorite local restaurants.

Sincerely,

ZACHARY A. CUNHA,
United States Attorney

A handwritten signature in black ink, appearing to read 'Amy R. Romero', with a stylized flourish at the end.

AMY R. ROMERO
Assistant U.S. Attorney