



Restaurant Outdoor Dining

Within State ROW Guidelines

For Letter of authorization

Attachment 1

These guidelines may allow restaurants to utilize state owned ROW for outdoor dining, subject to applicable municipal and state approval(s).

The Rhode Island Department of Transportation (RIDOT) has established a process that may allow applicants to obtain a license to: 1) use a “sidewalk” (the area outside the paved portion of the state roadway right-of-way designated for vehicular traffic and on-street parking) along a state highway for outdoor dining/seating, and 2) allow on street seating areas upon a state road in areas where it would normally not be permitted. RIDOT requires that Municipal Police Chief or Chief Public Safety Official concurrence be provided.

The APPLICANT is required to do the following:

- 1.** Apply to RIDOT Office of Property Management for a ROW use Letter of Authorization (LOA) for fair-market value. See RIDOT webpage for more information.
- 2.** To accept the premises in the highway right-of-way as is and subject to all restrictions, easements and matters of record.
- 3.** To allow no alterations to the highway right-of-way without the express written permission of the RIDOT Chief Engineer.
- 4.** To obtain all applicable municipal approvals for outdoor dining.
- 5.** To comply with all requirements of the Americans with Disabilities Act as it relates to the highway right-of-way and keeping the sidewalks clear at all times for pedestrian traffic.
- 6.** To remove or secure any outdoor Restaurant equipment after each workday and/or whenever the Restaurant is not in operation.
- 7.** To abide by all State and Federal rules and regulations governing the use of the highway right-of-way.
- 8.** To acquire all appropriate liability insurance per RIDOT request
- 9.** To allow RIDOT to inspect the use of the state right-of-way at any time.
- 10.** To indemnify, defend and hold harmless RIDOT for any such injury, damage, and/or loss that may be incurred, either directly, or as a result of activities hereby permitted, and to reimburse RIDOT for any expenses incurred due to the performance of any activities undertaken under the terms of the license.
- 11.** To secure and maintain insurance for the duration of the LOA, with the RIDOT being named as an additional insured and the policy waiving any subrogation against the RIDOT or State of Rhode Island, and the minimum liability insurance coverage per the license at no cost to the RIDOT.

12. RIDOT will have the unilateral authority to revoke the LOA for any reason without incurring liability, including but not limited to the need to perform maintenance and/or construction as required within the limits of the assigned location; or due to an unforeseen weather event or natural disaster.
13. The license is not assignable or transferable, either in whole or in part.
14. ENCLOSURES AND BARRIERS:
 - a. The sidewalk extension must be enclosed by fencing, a rope, or other temporary means to ensure the area is clearly identified and there is no access from the adjacent public realm.
 - b. The in-street use on the public way will be subject to requirements as detailed herein. Barriers may not penetrate the surface of the public way by being anchored.
15. MONITORING:
 - a. The LOA area must be monitored at all times by the applicant with either a clear view of the entire area from within the licensed premise or a dedicated staff member monitoring the temporary extension.
16. RIDOT has the right to modify and/or change or create additional requirements for the LOA and guidelines.
17. Design, Operations, and Maintenance

Sidewalk Seating

Applicants are required to adhere to the following guidelines when requesting outdoor seating on a sidewalk:

- Barriers **may not** penetrate the surface of the public way.
- Applicants must maintain a clear, unobstructed path on the sidewalk for pedestrians. The minimum clear width for compliance is 3 feet for most neighborhood sidewalks, and 8 feet for larger commercial areas. In measuring the width of the clear, unobstructed path, Licensees must consider streetlights, lamp posts, and other obstructions.
- Applicants should consider wheelchair accessibility within the seating area.
- The outdoor seating area may not enclose fire hydrants and the seating area must be located at least 5 feet away from any fire hydrants. No tables, chairs, barriers, etc. may be placed within an open tree pit.

TENTS AND CANOPIES ARE NOT PERMITTED ON THE PUBLIC WAY

On Street Zone Design

- **Tents and canopies are not permitted in the public way.**
- **Umbrellas are allowed on the public way** if they are secured and brought inside when not in operation. Umbrellas are not permitted to project over the boundaries of the approved-on street zone and should not obstruct sightlines for vehicles or pedestrians.
- The **street surface in the In-Street dining zone may be decorated or covered** with temporary materials including chalk, temporary paint, and outdoor surface coverings. Water needs to flow freely, so keep a gap at the curb edge and be sure not to cover any storm drains.
- Decking or other installations are not permitted unless explicitly approved.

On Street Zone Operations

- **The sidewalk must be kept clear for pedestrian access.** No operations may take place on the sidewalk that impedes pedestrian flow. Operations should only happen within the on-street zone and other approved space.
- **An ADA accessible ramp must be immediately available** upon request and staff must be trained on the deployment of the ramp
- In the event of a weather emergency, public health emergency, public safety emergency, or otherwise notified by the Municipality, **Applicants may be required to remove all material from the street.**

On Street Zone Maintenance

- **Applicants are to be responsible for daily maintenance and cleaning of the area** inside and around the outside of the on-street zone. The area must be kept clean of trash, food, and other debris. Applicants (or in default the Municipality) will be responsible for removing graffiti from barriers and for replacing barriers should they become damaged
- **Barriers must be maintained within the allotted space** and any movement of the barriers should be corrected.
- **Tables, chairs, and other material must be secured** to ensure they cannot be easily moved by persons or weather, and will not enter the street, sidewalk, or other public right-of-way. Tables and chairs should be locked together when not in use.

18. See Appendix 1 for design guidelines.

Appendix 1 Design Guidelines

Location

Requests for on-street zones shall be reviewed on a case by case basis. Requests that conflict with the following curbside uses shall not be approved:

- 10' clearance on either side of a fire hydrant
- Handicap accessible parking
- No stopping
- Travel lane
- Bike lane
- Bus lane
- Within or 20' on either side of a Crosswalk
- Fire access lane
- Bus stop
- Bike share station

Applicants shall be aware that requests to occupy curbside street space means the space will no longer be available for its current use. This includes *commercial loading, valet, takeout food pick up, passenger pick up and drop off, residential permit parking, metered parking, and other uses*. Valet operations will not be relocated.

On-Street Dining Design Criteria

On-Street Dining Traffic Control Protection plans shall be submitted as part of the request for approval and shall be proposed on roadways with posted speed limits of no more than 25 MPH, unless provided with written approval by the Chief Engineer.

On-Street Dining locations shall be protected by a roadside barrier device that has been issued an Eligibility Letter by the Federal Highway Administration (FHWA). See the American Association of State Highway and Transportation Officials (AASHTO) latest editions of the Roadside Design Guide and Manual for Assessing Safety Hardware for guidance on selecting the appropriate Test Level based on traffic using the roadway. Barrier layout including proper end treatment(s), tapers, etc. shall also be placed in accordance with AASHTO standards. The barrier shall be placed so it is outside the edge of travel lane (edge line striping is in full view to motorists).