



# Understanding Town Parking and Its Effect on Public Rights-of-Way Access

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Rhode Islanders have the constitutional right to access the shore.<sup>1</sup> In recent years, the state’s Coastal Resources Management Council (CRMC) has made substantial progress in discovering new rights-of-way and ensuring they are well-marked and easy to find. However, as a practical matter, Rhode Islanders living further than walking distance from the coast have significantly more difficulty enjoying these natural resources.<sup>2</sup> This paper will investigate local parking regulations in Narragansett, Tiverton, Barrington, Westerly, and Warwick, specifically identifying influences on parking regulations in each town, the justification for regulations, and the potential impact that regulations may have on access to public rights-of-way.

The Rhode Island legislature has granted local municipalities a substantial amount of power over local roads, including empowering municipalities to have a strong say in parking regulations.<sup>3</sup> Most CRMC designated rights-of-way are located on local roads.<sup>4</sup> Naturally, nearly all communities implement parking regulations as a way to improve traffic flow, ensure safety, and keep town resources accessible to residents.<sup>5</sup> However, municipal leaders and residents of many coastline communities in Rhode Island have implemented restrictions on parking which have made parking near the coastline illegal or

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<sup>1</sup> R.I. CONST. art. I, § 17.

<sup>2</sup> Antonia Noori Farzan, *Is this wealthy RI town using parking tickets to limit the public's access to the beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>3</sup> See PETER D. RUGGIERO, A PRACTICAL GUIDE TO LAND USE LAW IN RHODE ISLAND § 1.1 Overview and Background (1st ed. 2017) (citing R.I. GEN. LAWS § 45-22.2-13(b) (“[a]ll municipal land use decisions shall be in conformance with the locally adopted municipal comprehensive plan.”)); R.I. GEN. LAWS § 24-8-1.1; see also R.I. GEN. LAWS § 24-8-1.3(g) for exceptions in the municipalities of Central Falls, Cranston, East Providence, Newport, Pawtucket, Providence, Warwick, and Woonsocket.

<sup>4</sup> See Map of CRMC-Designated Rights-of-Way, <https://perma.cc/52SN-Y8AK> (click “ArcGIS Online Map of All CRMC-Designated Rights-of-Way to the Shore” hyperlink); see also Monica Allard Cox, *Public Access to the Rhode Island Coast*, RHODE ISLAND SEA GRANT (2004), <https://perma.cc/M6PG-W4TM>.

<sup>5</sup> See TIVERTON, R.I., CODE OF ORDINANCES § 78-101; see generally Dale P. Faulkner, *Westerly Councilors Consider Canal Street Parking Ban*, THE WESTERLY SUN (Aug. 5, 2021), <https://perma.cc/FM33-LZG7>; see Philip Cozzolino, *Narragansett Eyes Additional Parking Options in the Pier*, THE NARRAGANSETT TIMES (Apr. 19, 2021), <https://perma.cc/38Q9-T59F>; see generally Antonia Noori Farzan, *Barrington Council Resists Adding Parking Near Right-of-Ways; Denies ‘Classist Plot’*, THE PROVIDENCE JOURNAL (Oct. 5, 2021), <https://perma.cc/MU2U-WGAL>; see generally Antonia Noori Farzan, *Waterfront Warwick Neighborhoods are Full of ‘No Parking’ Signs. Many Aren’t Legal.*, THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>.



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impractical, especially for non-residents.<sup>6</sup> While some general parking regulations are set by state statute, the vast majority of parking regulations are set by municipalities.<sup>7</sup> CRMC itself does not restrict parking at any rights-of-way it maintains.<sup>8</sup>

Coastal communities in Rhode Island, including the municipalities discussed in this paper, have established a robust set of parking regulations to maintain traffic flow and keep town resources accessible to residents.<sup>9</sup> This paper seeks to shed light on the motivation and reasoning for creating parking regulations in these municipalities. These regulations tend to take the form of complete restrictions on certain streets, time-limited parking, and resident-only parking. Critics of some of these parking regulations feel that the regulations unfairly restrict coastline access by forcing people to walking unreasonably far to access the coastline.<sup>10</sup> This paper provides an overview of how some coastal communities in Rhode Island have addressed parking regulations.

## 1 Narragansett

The town of Narragansett allows free on-street parking downtown,<sup>11</sup> and paid parking at its town beach,<sup>12</sup> but restricts parking in residential areas near rights-of-way.<sup>13</sup> Parking restrictions in the town have gained regional attention, from local residents, to tourists and surfers.<sup>14</sup>

In January 2021, the Narragansett Town Council voted to add on-street parking on Nichols, Louise, and Pilgrim Avenues, near public rights-of-way in the Point Judith area of Narragansett.<sup>15</sup> In the town council meeting concerning parking in that area, members expressed a desire to make it easier for

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<sup>6</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, THE PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>; Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8) \.

<sup>7</sup> Compare R.I. GEN. LAWS § 31-21-4; with TIVERTON, R.I., CODE OF ORDINANCES §§ 78-61 – 78-114; WESTERLY, R.I., CODE OF ORDINANCES §§ 238-64 – 238-75; BARRINGTON, R.I., CODE OF ORDINANCES §§ 179-6 – 179-16; WARWICK, R.I., CODE OF ORDINANCES §§ 76-191-223; NARRAGANSETT, R.I., CODE OF ORDINANCES §§ 74-26 – 74-37.

<sup>8</sup> Email from Leah Feldman, Coastal Policy Analyst, Rhode Island Coastal Resources Management Council, to Matthew Lewicki, Sea Grant Law Fellow, Marine Affairs Institute Roger Williams University School of Law (Oct. 26, 2021, 4:20 PM EST) (on file with author).

<sup>9</sup> TIVERTON, R.I., CODE OF ORDINANCES §§ 78-61 – 78-114; WESTERLY, R.I., CODE OF ORDINANCES §§ 238-64 – 238-75; BARRINGTON, R.I., CODE OF ORDINANCES §§ 179-6 – 179-16; WARWICK, R.I., CODE OF ORDINANCES §§ 76-191-223; NARRAGANSETT, R.I., CODE OF ORDINANCES §§ 74-26 – 74-37.

<sup>10</sup> See generally Antonia Noori Farzan, *Barrington Council Resists Adding Parking Near Right-of-Ways; Denies 'Classist Plot'*, THE PROVIDENCE JOURNAL (Oct. 5, 2021), <https://perma.cc/MU2U-WGAL>.

<sup>11</sup> Philip Cozzolino, *Narragansett Eyes Additional Parking Options in the Pier*, THE NARRAGANSETT TIMES (Apr. 19, 2021), <https://perma.cc/38Q9-T59E>.

<sup>12</sup> Ryan Blessing, *Narragansett Considering Beach Fee Increases*, THE INDEPENDENT (Sep. 25, 2020) <https://perma.cc/YC3E-CPL4>.

<sup>13</sup> See Map of CRMC-Designated Rights-of-Way, <https://perma.cc/52SN-Y8AK> (click “ArcGIS Online Map of All CRMC-Designated Rights-of-Way to the Shore” hyperlink); see also Monica Allard Cox, *Public Access to the Rhode Island Coast*, RHODE ISLAND SEA GRANT (2004), <https://perma.cc/M6PG-W4TM>; Narragansett Town Clerk, Parking Regulations (May 10, 2021) (unpublished parking regulations) (on file with Narragansett Town Clerk, in accordance with NARRAGANSETT, R.I., CODE OF ORDINANCES §§ 74-35(a)).

<sup>14</sup> Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>15</sup> Ryan Blessing, *Narragansett Town Council Moves to Expand Parking Near Point Judith*, THE INDEPENDENT (Jan. 7, 2021), <https://perma.cc/9SEH-E8SZ>.

town residents, visitors, and surfers, to access those rights-of-way.<sup>16</sup> However, council members also expressed that they believed the street may be too narrow to accommodate parking, a common concern amongst most of municipalities discussed in this paper.<sup>17</sup> Additionally, some residents of the neighborhood expressed worry that parking in the neighborhood would create traffic.<sup>18</sup> Local residents also stated that visitors who would park to access the rights-of-way in the past would change clothes, make noise, litter, and leave graffiti.<sup>19</sup> By contrast, many town residents, including Point Judith residents, but especially those living outside of the neighborhood, believed parking was essential to making the coastline truly accessible.<sup>20</sup> Commenters who traveled to Narragansett to surf said parking was essential to attract tourists and help the local economy.<sup>21</sup> While some parking does exist in the area, commenters claimed that it would require either walking far distances or walking down streets that were not suited for foot traffic.<sup>22</sup> Despite controversy, the town council ultimately voted in favor of adding on-street parking in the neighborhood, focusing on improving access to the rights-of-way nearby, but expressing concern over street width.<sup>23</sup>

While there was strong support to increase access to rights-of-way amongst Narragansett residents, data also suggests that resident-only parking restrictions are generally popular.<sup>24</sup> The example of parking in Point Judith illustrates an example in which the council removed parking restrictions which prevented even Narragansett residents from accessing the coast if they lived outside of the neighborhood.<sup>25</sup> By contrast, resident-only parking areas, such as at the town beach, are generally popular among Narragansett residents.<sup>26</sup> For example, in “a survey the town commissioned in September last year, 83 percent of respondents said they liked that the North, South and Cabana parking lots were restricted to resident/taxpayer-only from 5 to 8 p.m. daily....Many said they’d be willing to pay more to make up for any lost revenue by restricting out-of-towners more.”<sup>27</sup>

While the former example may suggest there is strong support to increase coastline access for residents,<sup>28</sup> this study suggests that it is popular among residents to restrict non-residents from parking near the shore.<sup>29</sup> Narragansett generally follows the trend of other municipalities in that parking

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<sup>16</sup> Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Grace Kelly, *After Long Fight, More Parking for Surfers Approved in Point Judith*, THE WESTERLY SUN (Jan. 23, 2021), <https://perma.cc/M3KY-YKML>.

<sup>21</sup> Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Compare* Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8); with Brian Amaral, *Looking for a Prime Beach Parking Spot this Summer? Think Again*, THE BOSTON GLOBE (Aug. 6, 2021), <https://perma.cc/5NQ6-VZTB>.

<sup>25</sup> *See* Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>26</sup> Brian Amaral, *Looking for a Prime Beach Parking Spot this Summer? Think Again*, THE BOSTON GLOBE (Aug. 6, 2021), <https://perma.cc/5NQ6-VZTB>.

<sup>27</sup> *Id.*

<sup>28</sup> *See* Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>29</sup> Brian Amaral, *Looking for a Prime Beach Parking Spot this Summer? Think Again*, THE BOSTON GLOBE (Aug. 6, 2021), <https://perma.cc/5NQ6-VZTB>.

regulations are strongly influenced by residents' opinions, and there is a tension between local residents and people who would like to drive to visit the water.<sup>30</sup>

## 2 Tiverton

Similar to other municipalities, Tiverton uses a combination of parking regulations, ranging from restricting parking on some streets at all times, restricting parking near beaches during the summer months, and resident-only parking areas on residential streets near Grinnell's Beach.<sup>31</sup> Tiverton's municipal code clearly establishes the intent behind residential parking regulations, provides some guidance on street width required for parking, and outlines the process residents must follow to request resident-only parking on a street.<sup>32</sup>

Unlike most other municipalities, Tiverton's municipal code provides that no one may park their car "in such a manner...as to leave less than ten feet of the width of roadway for the free movement of vehicular traffic."<sup>33</sup> While Tiverton implements other parking restrictions and restricts parking for reasons other than street width, this section of the municipal code provides some guidance on a how much roadway needs to be available for traffic to pass.<sup>34</sup> This is notable because other municipalities studied in this project do not have a similar provision, however, street width is often cited as a reason to restrict parking on residential streets.<sup>35</sup> Moreover, there is a general lack of guidance from the state legislature and municipal ordinances on best practices to regulate parking.<sup>36</sup>

Tiverton is also unique among the municipalities studied in that it provides a clear process to create resident-only parking.<sup>37</sup> The town council may only designate a street for resident-only parking after a petition "signed by at least [twenty-five] percent of the residents, abutting a specific street, within the residential parking district" is filed with the town clerk in advance of the meeting.<sup>38</sup> This contrasts with other municipalities studied, which do not establish a clear process of creating such parking restrictions.<sup>39</sup> As of now, the only streets in Tiverton which have resident-only parking are Narragansett Ave., Hillside Ave., Lawton Ave., Summit Ave., and Seaconnet Ave., all of which are located near Grinnell's Beach.<sup>40</sup> A complete ban on parking from June 1 through October 1 also

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<sup>30</sup> See Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>31</sup> See TIVERTON, R.I., CODE OF ORDINANCES §§ 78-61 – 78-114; Town of Tiverton, <https://perma.cc/73XQ-KU2K> (last visited Oct. 31, 2021).

<sup>32</sup> TIVERTON, R.I., CODE OF ORDINANCES §§ 78-64, 78-101, 78-105.

<sup>33</sup> *Id.* § 78-64.

<sup>34</sup> *Id.*

<sup>35</sup> See Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, THE PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>; Narragansett Town Council, *Narragansett Town Council*, YouTube (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>36</sup> See R.I. GEN. LAWS § 31-21-4; WESTERLY, R.I., CODE OF ORDINANCES §§ 238-64 – 238-75; BARRINGTON, R.I., CODE OF ORDINANCES §§ 179-6 – 179-16; WARWICK, R.I., CODE OF ORDINANCES §§ 76-191-223; NARRAGANSETT, R.I., CODE OF ORDINANCES §§ 74-26 – 74-37.

<sup>37</sup> TIVERTON, R.I., CODE OF ORDINANCES § 78-105.

<sup>38</sup> *Id.* §§ 78-104, 78-105.

<sup>39</sup> See WESTERLY, R.I., CODE OF ORDINANCES §§ 238-64 – 238-75; BARRINGTON, R.I., CODE OF ORDINANCES §§ 179-6 – 179-16; WARWICK, R.I., CODE OF ORDINANCES §§ 76-191-223; NARRAGANSETT, R.I., CODE OF ORDINANCES §§ 74-26 – 74-37.

<sup>40</sup> TIVERTON, R.I., CODE OF ORDINANCES § 78-112.

effectively bans street parking at the coast on Fogland Road and Highhill Road during beach season, blocking access to a local beach to both residents and non-residents that would need to drive to access it.<sup>41</sup> Effectively, these parking restrictions force people who live farther than walking distance from the beach to pay for parking at the beach rather than park on the street.<sup>42</sup> While resident-only parking in Tiverton still creates accessibility issues for people living farther than walking distance to the beach, it at least establishes a process that requires there to be consensus among twenty-five percent of neighbors that parking is an issue,<sup>43</sup> rather than the somewhat unstructured methods used by other municipalities.<sup>44</sup>

In addition to creating a clear process for establishing resident-only parking, the town code also includes a section detailing the purposes for residential parking regulations.<sup>45</sup> The code provides the following rationale:

- (1) Reduce high traffic volumes in certain congested residential districts.
- (2) Protect the residential districts from polluted air, excessive noise and refuse caused by the entry of such vehicles.
- (3) Protect the residents of the residential districts from unreasonable burdens in gaining access to their residence.
- (4) Preserve the character of the districts as predominantly residential districts.
- (5) Preserve the value of the property in the congested residential districts.
- (6) Promote traffic safety and the safety of children and other pedestrians in the congested residential districts.
- (7) Facilitate the movement of traffic in the event of accidents or other disasters by virtue of reduced traffic volumes.
- (8) Promote the peace, comfort, convenience and welfare of all residents, inhabitants and visitors of the town.
- (9) Promote public involvement in the designation of specific residential parking streets in the program.<sup>46</sup>

Many of these purposes listed fall in line with general public comment and city officials' commentary in other communities as well.<sup>47</sup>

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<sup>41</sup> *Id.* § 78-72.

<sup>42</sup> Town of Tiverton, <https://perma.cc/FNM2-EQDA> (last visited Oct. 31, 2021).

<sup>43</sup> TIVERTON, R.I., CODE OF ORDINANCES §§ 78-104, 78-105.

<sup>44</sup> See Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, THE PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>; Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>45</sup> TIVERTON, R.I., CODE OF ORDINANCES § 78-101.

<sup>46</sup> *Id.*

<sup>47</sup> See generally Antonia Noori Farzan, *Waterfront Warwick neighborhoods are full of 'No Parking' signs. Many aren't legal*, THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>; see Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, THE PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>; Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

Much like the other communities studied, Tiverton has established parking restrictions which effectively make parking impractical near beaches, especially during summer months.<sup>48</sup> Unlike most other municipalities studied, Tiverton’s municipal code provides clear motivation for the town’s parking regulations, which includes facilitating the movement of traffic and protecting “residents...from unreasonable burdens” to access to their homes, among others.<sup>49</sup> While the motivations and reasoning for regulating parking in Tiverton are not necessarily indicative of the motivations for parking regulations in other towns, they may serve as examples of reasons why other municipalities restrict parking in certain areas.

### 3 Barrington

The Town of Barrington has entirely prohibited parking on many streets near the coast, requiring that visitors either park at the town beach or at a nearby school’s parking lot to access rights-of-way.<sup>50</sup> The town’s parking restrictions have garnered attention in the past year after Barrington only allowed town residents to park at the town beach in response to the COVID-19 pandemic,<sup>51</sup> and after recent complaints from town residents who believe the rights-of-way in town are practically inaccessible to anyone who does not live close enough to walk to them.<sup>52</sup> In response, the town conducted a study to see if it would be appropriate to add street parking near rights-of-way and has since allowed non-residents to park at its beach.<sup>53</sup>

During portions of the summers of 2020 and 2021, Barrington closed its town beach parking lot to non-residents.<sup>54</sup> Town officials stated the change was in response to an influx of people who would otherwise be visiting larger state beaches with limited capacity as a result of the COVID-19 pandemic.<sup>55</sup> The town manager explained that part of the motivation for turning away non-residents was that Barrington residents had difficulty finding parking, but also pointed to incidents of non-residents drinking alcohol on the town beach and some groups of people not social distancing.<sup>56</sup> The nearest parking to the town beach and nearby rights-of-way is located “at Nayatt Elementary School [when school is not in session, requiring a] walk roughly half a mile to the beach,” or “the skate park

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<sup>48</sup> TIVERTON, R.I., CODE OF ORDINANCES §§ 78-72, 78-112.

<sup>49</sup> *Id.* § 78-101.

<sup>50</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>51</sup> Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>52</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>53</sup> Antonia Noori Farzan, *Barrington Council Resists Adding Parking Near Right-of-Ways; Denies 'Classist Plot,'* THE PROVIDENCE JOURNAL (Oct. 5, 2021), <https://perma.cc/MU2U-WGAL>; Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>54</sup> Josh Bickford, *Barrington Beach Parking Now for Residents Only*, EAST BAY RI (July 31, 2020), <https://perma.cc/L7J2-EAVF>; Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>55</sup> Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>56</sup> Josh Bickford, *Barrington Beach Parking Now for Residents Only*, EAST BAY RI (July 31, 2020), <https://perma.cc/L7J2-EAVF>.

on Legion Way, and then [a] walk about a mile and a half on busy roads with no sidewalks,” resulting in a situation which makes getting to the coastline in Barrington difficult if it requires driving from farther away.<sup>57</sup> During the last half of the summer of 2021, non-residents were allowed to park at the town beach during the week.<sup>58</sup> It is noteworthy that Rhode Island state beaches reopened at full capacity during the summer of 2021, yet the Barrington Town Beach still restricted non-residents from using the beach.<sup>59</sup> Maintaining the weekend ban for non-residents, while state beaches were open at full capacity during summer 2021, suggests that denying parking to non-residents may stem from other reasoning.<sup>60</sup>

In addition to parking restrictions placed at its town beach, Barrington also prohibits on-street parking near many public rights-of-way near the coast.<sup>61</sup> The town manager has stated that the “National Fire Protection Association recommends that roads be at least 20 feet wide so that emergency vehicles can easily pass through, which means that a street would need to be at least 26 feet wide in order to also have room for parking.”<sup>62</sup> Some town residents believe these parking restrictions effectively make the rights-of-way to the coast inaccessible.<sup>63</sup> Town officials responded to residents’ frustration by conducting a study, measuring street widths to see whether they would have enough room to allow parking.<sup>64</sup> After the study was conducted, the town’s fire chief found that up to twenty streets could accommodate on-street parking.<sup>65</sup> The town manager said the town will consider those results alongside “‘subjective criteria’ to decide [whether] some parking bans should stay, due to ‘quality of life’ concerns, [ultimately recommending] that [the] council remove parking restrictions from [thirteen] of the streets on the list, while keeping bans in place for seven others — including several near Barrington Beach, like Chachapacassett Road, Governor Bradford Drive and Highland Avenue.”<sup>66</sup> The town manager has not consulted the town traffic engineer regarding parking and street width. Other concerns arose from “gridlock traffic” and the concern that parking in residential neighborhoods would “fundamentally change the town.”<sup>67</sup>

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<sup>57</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>58</sup> Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>59</sup> Amy Russo, *McKee: RI State Beaches to Open to Full Capacity this Summer*, THE PROVIDENCE JOURNAL (Apr. 29, 2021), <https://perma.cc/TN8S-MCAU>.

<sup>60</sup> Josh Bickford, *Barrington Beach Parking Now Open to Non-Residents*, EAST BAY RI (Aug. 11, 2021), <https://perma.cc/8FZK-2S55>.

<sup>61</sup> See BARRINGTON, R.I., CODE OF ORDINANCES § 179-10.

<sup>62</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>63</sup> *Id.* (“I was pretty aggravated that there were these public access points that I, as a member of the public, could not access,” Block said.”).

<sup>64</sup> Antonia Noori Farzan, *Is this Wealthy RI Town Using Parking Tickets to Limit the Public's Access to the Beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>65</sup> Antonia Noori Farzan, *Barrington Council Resists Adding Parking Near Right-of-Ways; Denies ‘Classist Plot,’* THE PROVIDENCE JOURNAL (Oct. 5, 2021), <https://perma.cc/MU2U-WGAL>.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

In Barrington, it seems that the most influential factor that influences on-street parking is street width. However, it also appears that less-clearly-defined subjective factors may influence parking, especially at the town’s beach, near the town’s coastline, and at rights-of-way in the Nayatt neighborhood.<sup>68</sup>

## 4 Westerly

Westerly, much like Narragansett, is home to a large state beach.<sup>69</sup> Like some other municipalities, Westerly has adjusted some parking regulations in response to limited state beach capacity at Misquamicut during the COVID-19 pandemic, some of which have remained in place after the beach reopened at full capacity in the summer of 2021.<sup>70</sup> Generally, parking regulations in Westerly are business oriented to ensure that parking is available near businesses through time-limited, on-street parking.<sup>71</sup>

In one instance, ensuring there was on-street parking for a local dance and gymnastics studio, for example, out-weighed one town council member’s concern that parking was interfering with the flow of traffic.<sup>72</sup> The town council sought to remove parking from Canal Street over concerns that one member of the council believed that parked cars on the street made driving on it difficult and dangerous.<sup>73</sup> A similar attempt failed in an earlier session because it would harm local businesses. Local businesses rely on the on-street parking on Canal Street.<sup>74</sup>

In a recent decision, the town council also voted to restrict parking on Spray Rock Road, at a scenic overlook near a right-of-way, to a limit of three hours.<sup>75</sup> At an earlier town council meeting, “Police Chief Shawn Lacey said the department has received several complaints about the spaces being taken for longer stretches of time.”<sup>76</sup>

Westerly has also taken a unique approach to enforcing parking regulations in Watch Hill. The town council voted to double some fines from \$75 to \$150, citing higher-than-usual non-compliance in the neighborhood after parking capacity at Misquamicut was reduced because of COVID-19.<sup>77</sup> After state beaches have opened back up at full capacity, the council has decided to continue implementing the fine and making it permanent.<sup>78</sup>

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<sup>68</sup> *Id.*

<sup>69</sup> RHODE ISLAND STATE PARKS, <https://perma.cc/G6PN-9AHZ> (last visited Oct. 31, 2021).

<sup>70</sup> Dale P. Faulkner, *Westerly Councilors Consider Canal Street Parking Ban*, THE WESTERLY SUN (Aug. 5, 2021), <https://perma.cc/FM33-LZG7>.

<sup>71</sup> *See id.*; WESTERLY, R.I., CODE OF ORDINANCES §§ 238-64 – 238-75.

<sup>72</sup> Dale P. Faulkner, *Westerly Councilors Consider Canal Street Parking Ban*, THE WESTERLY SUN (Aug. 5, 2021), <https://perma.cc/FM33-LZG7>.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> Dale P. Faulkner, *Lacey Sworn in as Acting Town Manager; Rooney Recalls his Time Fondly*, THE WESTERLY SUN (Sep. 21, 2021), <https://perma.cc/FVK3-KWAA>.

<sup>76</sup> Dale P. Faulkner, *Westerly Councilors Consider Canal Street Parking Ban*, THE WESTERLY SUN (Aug. 5, 2021), <https://perma.cc/FM33-LZG7>.

<sup>77</sup> Joe Wojtas, *Westerly Doubles Parking Fines to \$150 in Beach Areas*, THE DAY (July 19, 2021), <https://perma.cc/BX4D-5FNN>.

<sup>78</sup> WESTERLY, R.I., CODE OF ORDINANCES § 238-73.



Overall, it appears that there has been a strong focus on providing parking for local businesses in Westerly and ensuring turn-over at parking spots in the town.<sup>79</sup> While many of these parking regulations may help in ensuring there is parking for business patrons, some regulations, such as the time-limited parking at the right-of-way near Spray Rock Road, have the potential to harm access to rights-of-way.<sup>80</sup>

## 5 Warwick

While not at the forefront on town council meeting discussions,<sup>81</sup> parking near the coast has led to some controversy surrounding improperly-placed no-parking signs.<sup>82</sup> Recently, the town has faced a problem of improperly-placed “No Parking” signs and has attempted to reassess parking in the area to determine where parking should be allowed.<sup>83</sup> In that study, the City of Warwick has used street width as metric for determining whether streets can accommodate parking.<sup>84</sup>

Recently, improperly placed “no-parking” signs, some decades-old, have drawn criticism.<sup>85</sup> Many are placed near the coastline.<sup>86</sup> In the past, city officials have installed “no-parking” signs at residents’ requests without any ordinance permitting the sign, and some residents have even installed signs themselves.<sup>87</sup> These signs were not approved by the town council and do not carry legal authority.<sup>88</sup> In response, Warwick has begun a traffic study to determine which signs should be allowed to stay after approval from the town council.<sup>89</sup> In addition to residents’ requests, city officials use street width as criteria to determine if parking can be added: “To decide which signs actually serve a legitimate purpose, police have been measuring the width of each street to determine if there's adequate room for parking and observing the volume of traffic.<sup>90</sup> City staffers and council members have also been talking to residents to get input on which "No Parking" signs should stay.”<sup>91</sup> Since beginning the process of reconciling improperly-placed signs with city ordinances, “the city has

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<sup>79</sup> Dale P. Faulkner, *Westerly Councilors Consider Canal Street Parking Ban*, THE WESTERLY SUN (Aug. 5, 2021), <https://perma.cc/FM33-LZG7>.

<sup>80</sup> Dale P. Faulkner, *Lacey Sworn in as Acting Town Manager; Rooney Recalls his Time Fondly*, THE WESTERLY SUN (Sep. 21, 2021), <https://perma.cc/FVK3-KWAA>.

<sup>81</sup> Audiotope: City Council Meeting, City of Warwick (Sep. 20, 2021), <http://audio.warwickri.gov/citycouncil/2021/warwickcitycouncil-09-20-21b.mp3>.

<sup>82</sup> Antonia Noori Farzan, *Waterfront Warwick neighborhoods are full of 'No Parking' signs. Many aren't legal*. THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> R.J. Heim, *Signs, Signs Everywhere in Warwick, but Some aren't What They Seem*, WJAR (Sep. 22, 2021), <https://perma.cc/BD5D-QTFB>.

<sup>87</sup> Antonia Noori Farzan, *Waterfront Warwick neighborhoods are full of 'No Parking' signs. Many aren't legal*. THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

gotten pushback from only a small number of residents, [and t]he overwhelming majority [of residents] ‘are just happy we’re following a clear process’ to determine which signs should stay.”<sup>92</sup>

Overall, parking regulations in Warwick seems to have been influenced heavily in the past by coastal residents’ complaints about parking. In recent years, the town has taken a more objective approach to determining whether on-street parking should be allowed by the coast, focusing on street width.<sup>93</sup> Considering the lack of public comment in a recent town meeting in which parking was on the agenda,<sup>94</sup> and generally positive interviews with city residents about removing improperly-placed signs by the coast,<sup>95</sup> Warwick generally seems less hostile toward allowing parking near rights-of-way. The town is currently in the process of rectifying the problem of improperly-placed “No Parking Signs,” potentially creating the opportunity to hear from stakeholders.<sup>96</sup>

## 6 Conclusion

As a general matter, parking regulations are heavily influenced by local residents’ desire to reduce the perceived burden of non-residents parking at or near the coastline, specifically at rights-of-way, including increased traffic, litter, and noise, among others.<sup>97</sup> Many residents do not believe parking is an essential component of coastline access.<sup>98</sup> By contrast, many people in support of easing parking regulations believe that the coastline is practically inaccessible to those that are not within walking distance and that much of the reasoning for stricter parking regulations is merely a guise for denying people access to the coast.<sup>99</sup> Such debates are currently playing out in towns like Barrington and Warwick, which are reevaluating their parking regulations.<sup>100</sup>

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<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> Audiotape: City Council Meeting, City of Warwick (Sep. 20, 2021), <http://audio.warwickri.gov/citycouncil/2021/warwickcitycouncil-09-20-21b.mp3>.

(No debate or public comment on series of parking restrictions passed with a unanimous vote.)

<sup>95</sup> Antonia Noori Farzan, *Waterfront Warwick neighborhoods are full of ‘No Parking’ signs. Many aren’t legal.* THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>.

<sup>96</sup> *Id.*

<sup>97</sup> Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8); see TIVERTON, R.I., CODE OF ORDINANCES § 78-101.

<sup>98</sup> Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8); Antonia Noori Farzan, *Is this wealthy RI town using parking tickets to limit the public’s access to the beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.

<sup>99</sup> Antonia Noori Farzan, *Is this wealthy RI town using parking tickets to limit the public’s access to the beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>; Narragansett Town Council, *Narragansett Town Council*, YOUTUBE (Jan. 4, 2021), [https://youtu.be/-wiOz7\\_w-y8](https://youtu.be/-wiOz7_w-y8).

<sup>100</sup> Antonia Noori Farzan, *Waterfront Warwick neighborhoods are full of ‘No Parking’ signs. Many aren’t legal.* THE PROVIDENCE JOURNAL (Sep. 22, 2021), <https://perma.cc/FE6F-W4JS>; Antonia Noori Farzan, *Is this wealthy RI town using parking tickets to limit the public’s access to the beach?*, PROVIDENCE JOURNAL (July 22, 2021), <https://perma.cc/N5UR-YTNV>.