

2025 -- S 0716 AS AMENDED

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LC002184
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT
COUNCIL

Introduced By: Senators Gu, Sosnowski, McKenney, Euer, DiMario, Mack, Bissaillon,
Britto, and Kallman

Date Introduced: March 07, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings and purpose.

2 The General Assembly finds and declares that:

3 (1) Shoreline access is a constitutionally protected right under the Rhode Island
4 constitution, and ensuring public access is of paramount importance to the residents and visitors of
5 the state.

6 (2) Recent legislation, such as the shoreline access bill (23-S 0417), reinforces the need for
7 accessible pathways to the shoreline through designated coastal resources management council
8 (CRMC) rights of way.

9 (3) Parking availability near CRMC rights of way is a critical component of shoreline
10 access, and any modifications to parking near these areas must be conducted in a manner that
11 upholds public access and complies with the Americans with Disabilities Act (ADA) and state laws.

12 (4) Ensuring that any substantive reduction in parking near rights of way are carefully
13 reviewed and approved by the department of environmental management (DEM) will safeguard
14 equitable shoreline access for all, including individuals with disabilities.

15 SECTION 2. Chapter 46-23 of the General Laws entitled "Coastal Resources Management
16 Council" is hereby amended by adding thereto the following sections:

17 **46-23-27. Establishment of restricted receipt account.**

18 (a) There is hereby established a restricted receipt account known as the "Rhode Island

1 shoreline access improvement fund" to support projects enhancing public access to the shoreline.

2 (b) All fees collected through fines for violations of § 42-23-29 shall be placed into the
3 restricted receipt account established pursuant to the provisions of subsection (a) of this section.

4 (c) Projects enhancing public access to shorelines shall include, but not be limited to,
5 personnel costs, operating costs and capital expenditures to enhance public access to the shoreline.

6 (d) All fees collected pursuant to the provisions of subsection (b) of this section shall be in
7 addition to and not substituted for funds appropriated for CRMC by the state or federal government.

8 **46-23-28. Requirements for parking modifications near coastal resources**
9 **management council rights of way.**

10 (a) Any city, town, municipal agency, private entity, or other organization seeking to
11 reduce or restrict parking near designated CRMC rights of way shall:

12 (1) Submit a comprehensive parking plan which shall provide a detailed plan outlining the
13 proposed changes, including:

14 (i) The specific parking areas affected;

15 (ii) The reasons for the proposed changes;

16 (iii) An analysis of the potential impacts on shoreline access for the public, with a specific
17 focus on ADA compliance.

18 (2) Demonstrate that the proposed changes shall not reduce access for individuals with
19 disabilities and shall meet or exceed ADA requirements for accessible parking spaces and
20 pathways.

21 (3) Conduct a public comment period of no less than thirty (30) days to gather feedback
22 from local residents, stakeholders, and advocacy groups.

23 (b) CRMC shall engage in collaboration with the department of environmental
24 management ("DEM") to ensure:

25 (1) The proposed plan does not conflict with DEM programs or projects or negatively
26 interfere with compliance with state and federal accessibility standards;

27 (2) Achieves alignment with the goals of preserving and enhancing public shoreline access;
28 and

29 (3) Provides mitigation measures to address any negative impacts identified during the
30 review process.

31 (c) CRMC and/or DEM may promulgate any necessary rules and regulations to facilitate
32 the implementation of this section within six (6) months of collaboration provided in subsection
33 (b) of this section.

34 **46-23-29. Enforcement and penalties for parking areas.**

1 (a) Any entity found to have reduced or restricted, parking near CRMC rights of way
2 without complying with the provisions of this section and § 46-23-28 shall be subject to:

3 (1) A cease-and-desist order issued by CRMC or DEM;

4 (2) A fine not exceeding five thousand dollars (\$5,000) per day for each day of non-
5 compliance;

6 (3) Additional penalties or corrective measures as deemed necessary by CRMC or DEM to
7 restore equitable access.

8 (b) Funds collected through fines shall be allocated to a Rhode Island shoreline access
9 improvement fund established pursuant to § 46-23-27, to support projects enhancing public access
10 to the shoreline.

11 SECTION 3. Severability. If any provision of this act or its application to any person or
12 circumstance is held invalid, the remainder of the act or the application of its provisions to other
13 persons or circumstances shall not be affected.

14 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT
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1 This act would provide a procedure for parking modifications near shoreline rights of way
2 as a critical component of shoreline access, and any modifications to parking near these areas must
3 be conducted in a manner that upholds public access and complies with state and federal laws.

4 This act would take effect upon passage.

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