Championing the Public's Right to Access the Shore

2018 Rights-of-Way Update Report

Prepared by
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NARRAGANSETT BAY

Abstract
Since its founding in 1970, Save The Bay has prioritized the public's right to access the 400+ miles of shoreline within the state of Rhode Island and we continue to work to ensure residents and visitors have access to Narragansett Bay. In 2015, to ensure state-designated rights-of-way (ROW) remain open for use, Save The Bay and its partners, interns, and volunteers completed an assessment of existing ROW designated by the RI Coastal Resources Management Council (CRMC). In 2018, Save The Bay assessed several newly designated ROW, bringing the total of state-designated ROW to 226. Save The Bay and partners will be evaluating the data collected through site visits and assessments to determine if any advocacy or legal action needs to be taken to restore full public access to each site.

Introduction
The Rhode Island Constitution guarantees citizens the right to swim in the sea and gather seaweed or fish from the shore. According to *Public Access to the Rhode Island Coast* (available: http://seagrant.gso.uri.edu) many hundreds of access points to the Rhode Island Coastline exist, including 42 public saltwater beaches monitored by the Department of Health, ten of which are state beaches providing approximately six miles of access. Each of Rhode Island's 21 coastal communities has at least one state-designated ROW. Nevertheless, gaining access to the shoreline can be difficult, particularly in urban areas. The Rhode Island CRMC has set a goal of designating at least one dedicated public right-of-way (ROW) for each mile of shoreline, with an ultimate goal of 420 sites (CRMC 2016).

Results and Discussion
There are currently 226 distinct designated ROW that exist within the state. All 226 designated ROW were assessed during the summers of 2015 and 2018; results of those assessments are analyzed and discussed in this report.

Save The Bay staff, volunteers, and interns documented apparent recent use at most of the ROW in 2015 and then revisited the newly added/discovered sites in 2018. We noted that a significant numbers of ROW have obstructions; more than half of all ROW have not recently been maintained (Table 1); and more than a third of all ROW were at least partly obstructed to foot traffic (Table 1). Vegetation overgrowth was the most common obstruction, while Bristol, Jamestown, Newport, Portsmouth, and Warwick have particularly high numbers of ROW obstructions (Table 2). Purposeful obstruction of the ROW (placement of boulders, fences, gates, or encroachment) was observed at nine of the ROW (Table 2).

We observed evident nearby parking at only half of the ROW (Table 1). Eight of Rhode Island's 21 coastal communities provide evident parking at fewer than half of their respective ROW. North Kingstown and South Kingstown provide no evident parking for any of their ROW, while Bristol, Newport, and Warwick each have a dozen or more ROW without evident parking (Table 3). State ROW are designated for use by the general public, but a lack of public parking at these ROW decreases the accessibility of these sites to most citizens. CRMC has noted that

designation of ROW is sometimes followed by the posting of no parking signs, likely in response to local complaints (K. Cute, RI CRMC, personal communication). Save The Bay recommends that this issue be investigated further, including working with local towns to address the need for increased parking at ROW and incorporating this in to local comprehensive planning efforts. Save The Bay has seen success with the addition of bike racks adjacent to ROWs in New Shoreham, and would recommend this as a consideration where the addition of parking is not feasible.

We observed litter at more than a third of the ROW; fishing debris accounted for about half of this (Table 1). Only 31 ROW had trash receptacles and 11 had recycling receptacles. Litter is a concern for immediate quality of the access point and for the local water quality of the accessible water. Stormwater can carry litter and associated pollutants into the water during heavy rains. While supplying trash receptacles places a resource burden on the state or town, and presents an opportunity for abuse by those looking for free trash disposal, Save The Bay recommends that towns consider using fixed and locked receptacles having restricted-sized openings, or engage with CRMC's very successful *Adopt an Access* program. Save The Bay recommends that outreach efforts to towns, community groups, and residents be undertaken to recruit interested parties to adopt ROW and assist CRMC and towns with keeping ROW clean and accessible.

Coastal flooding, coastal erosion, and stormwater erosion were each observed at more than a third of the ROW (Table 1). With the effects of climate change becoming more apparent along the Rhode Island coastline, we were not surprised to find signs of coastal flooding and erosion due to rising seas and more frequent coastal storms, and signs of increased stormwater erosion from an increase in heavy rain events. Based upon sea level rise predictions for the Rhode Island coastline, it is imperative that the state and local partners actively research and advocate for the designation of new ROW along our shoreline. Given sea level rise predictions, it is likely that many of the lower-lying ROW may be submerged by the end of the century. Moving forward, CRMC and partners may need to address access issues caused by coastal flooding, erosion, and sea level rise.

In addition, proper signage at designated ROW is important for local residents and the public alike to know where to access the shoreline. Signs were needed at over 130 of the 226 ROW (Table 4). Towns should work directly with CRMC on installing signage in their own communities.

Save The Bay, CRMC, and partners will use the data that was collected through this project to prioritize ROW in need of further research and action to correct deficiencies in access, parking, signage, and other intended functions. This data will provide Save The Bay with information to support future efforts, including (1) the development of an updated list of specific delinquent sites that need Save The Bay's attention on an advocacy, legal, or legislative front; and (2) support the ROW adoption program with CRMC where volunteers will monitor conditions and, if necessary, perform regular shoreline cleanups at sites throughout Narragansett Bay and the coast.

References

CRMC. 2011. Urban Coastal Greenways Policy for the Metro Bay Region Cranston, East Providence, Pawtucket, and Providence; an Amendment to the Providence Harbor Special Area Management Plan. Available: http://www.crmc.ri.gov/regulations/SAMP_MB_UGC.pdf. 57 pp.

CRMC. 2012. The State of Rhode Island Coastal Resource Management Plan, as Amended. Available: http://www.crmc.ri.gov/regulations/RICRMP.pdf. 270 pp.

CRMC. 2016. Designation of public rights-of-way to the tidal areas of the State; progress report for July 2015 through June 2016. Available: http://www.crmc.ri.gov/publicaccess/ROW_RI_2016.pdf. 28 pp.

Save The Bay. 2016. Championing the Public's Right to Access the Shore. Final Report to NEIWPCC Grant #CE96184201. 22 pp.

Tables

Table 1: Summaries of observed and estimated conditions and amenities at the 226 state-designated ROW to the coast in Rhode Island during summer 2015 and summer of 2018.

Amenities	**%**		**How Active**	**%**		**Activity / Value**	**% Supporting**
Parking	48		Recent Use	68		Scenic View	88
Handicap Access	19		Recent Maintenance	44		Water Access	49
Trash Receptacles	14					Fishing	35
Recycling Receptacles	5		**Obstructions**	**%**		Hiking / Walking	31
			Vegetation Overgrowth	27		Swimming	23
Apparent Issues	**%**		Property Encroachment	21		Canoeing / Kayaking	23
Coastal Flooding	40		Trees or Shrubs	18		Tidepooling	17
Litter	35		Fence	2		Boat Ramp	12
Stormwater Erosion	34		Locked Gate	2		Shellfishing	11
Coastal Erosion	32		Rocks or Boulders	1		Surfing	8
Vegetation Clearing	28		Overall	37			
Fishing Debris	16		Purposeful	4			

Table 2: Summary of evident obstructions at 226 state-designated ROW to the coast in Rhode Island; %Purp means the percent of obstructions that appear to be intentionally placed to restrict access (boulders, fences, gates or property encroachment) ; %OverG means the percentage of ROW that requires maintenance due to obstruction from vegetation overgrowth, trees, or shrubs[1].

Town	Total ROWs	Obstructions	% Obs	Purposeful	% Purp	Overgrowth	% OverG
Barrington	2	0	0%	0	0%	0	0%
Bristol	30	10	33%	0	0%	9	30%
Charlestown	2	1	50%	0	0%	1	50%
Cranston	3	1	33%	0	0%	0	0%
East Greenwich	6	2	33%	0	0%	1	17%
East Providence	13	4	31%	0	0%	2	15%
Jamestown	14	8	57%	0	0%	8	57%
Little Compton	6	0	0%	0	0%	0	0%
Middletown	10	3	30%	1	10%	3	30%
Narragansett	13	7	54%	0	0%	7	54%
New Shoreham	7	0	0%	0	0%	0	0%
Newport	24	9	38%	1	4%	7	29%
North Kingstown	3	1	33%	0	0%	0	0%
Pawtucket	1	1	100%	0	0%	1	100%
Portsmouth	17	9	53%	0	0%	6	35%
Providence	3	1	33%	0	0%	1	33%
South Kingstown	4	1	25%	0	0%	1	25%
Tiverton	7	1	14%	0	0%	1	14%
Warren	13	5	38%	0	0%	4	31%
Warwick	37	13	35%	3	8%	10	27%
Westerly	11	6	55%	4	36%	4	36%
Total	226	83	37%	9	4%	66	29%

[1] There may be sites noted as requiring maintenance due to overgrowth that have steep slopes not conducive to water access.

Table 3. Number and percentage of ROW per town lacking evident parking among 226 state designated ROW in Rhode Island.

Town	Total ROWs	ROWs without Parking	% without Parking
Barrington	2	1	50%
Bristol	30	20	67%
Charlestown	2	1	50%
Cranston	3	2	67%
East Greenwich	6	3	50%
East Providence	13	1	8%
Jamestown	14	5	36%
Little Compton	6	0	0%
Middletown	10	6	60%
Narragansett	13	9	69%
New Shoreham	7	0	0%
Newport	24	12	50%
North Kingstown	3	3	100%
Pawtucket	1	0	0%
Portsmouth	17	3	18%
Providence	3	1	33%
South Kingstown	4	4	100%
Tiverton	7	1	14%
Warren	13	9	69%
Warwick	37	18	49%
Westerly	11	10	91%
Total	**226**	**109**	**48%**

Table 4. Number of ROW per town with posted signage among 226 state designated ROW in Rhode Island.

Town	Total ROWs	# Signs Posted	Signs Needed
Barrington	2	1	1
Bristol	30	10	20
Charlestown	2	1	1
Cranston	3	2	1
East Greenwich	6	4	2
East Providence	13	0	13
Jamestown	14	2	12
Little Compton	6	2	4
Middletown	10	6	4
Narragansett	13	10	3
New Shoreham	7	3	4
Newport	24	20	4
North Kingstown	3	0	3
Pawtucket	1	0	1
Portsmouth	17	14	3
Providence	3	1	2
South Kingstown	4	1	3
Tiverton	7	1	6
Warren	13	1	12
Warwick	37	11	26
Westerly	11	5	6
Total	**226**	**95**	**131**

Appendix 1: Field Datasheet

Organization _____ Name(s) of surveyor(s) _____

Phone Number _____ Date_____ Time_____

Shoreline name _____ City/Town_____ County_____

CRMC ROW Designation #_____ Town ROW Designation # _____

Adopting group (if applicable) _____

Is the access point visible? GPS Coordinates at ROW (decimal degrees) _____

☐ Yes ☐ No

Length of ROW (feet)

☐ 0 ☐ 2-5 ☐ 5-10 ☐ 10-20 ☐ >20

Width of ROW – greatest (feet)

☐ 0 ☐ 2-5 ☐ 5-10 ☐ 10-20 ☐ >20

Width of ROW – least (feet)

☐ 0 ☐ 2-5 ☐ 5-10 ☐ 10-20 ☐ >20

Obstructions:

Rocks/boulders

☐ Yes ☐ No

Trees/bushes

☐ Yes ☐ No

Fence

☐ Yes ☐ No

Locked gate

☐ Yes ☐ No

Vegetation overgrowth

☐ Yes ☐ No

Other _____

Notes: _____

_____

_____

_____

_____

Does it seem like neighboring properties are encroaching on the ROW? (Property encroachment)

☐ Yes ☐ No

Does it seem like the access point has been used recently?

☐ Yes ☐ No

Does it seem like the access point has been maintained recently?

☐ Yes ☐ No

Evidence of litter

☐ Yes ☐ No

Evidence of fishing debris

☐ Yes ☐ No

Evidence of vegetation clearing/pruning/mowing

☐ Yes ☐ No

Is there parking available?

☐ Yes ☐ No

If yes how many spaces are available?

☐ 1-5 ☐ 6-10 ☐ 10 +

Is it handicapped accessible?

☐ Yes ☐ No

Are there trash receptacles available?

☐ Yes ☐ No

Are there recycling receptacles available?

☐ Yes ☐ No

Is there evidence of stormwater erosion on the ROW pathway?

☐ Yes ☐ No

Is there evidence of coastal erosion of the ROW pathway near the water?

☐ Yes ☐ No

Is there evidence of the pathway getting flooded during high tide/storm events? (Wrack Line)

☐ Yes ☐ No

Photo number/ID Des#-(S,B,E,L,R)-YYYYMMDD Sign

☐ No Sign Posted

Beginning End

Left Right

Potential Uses: Check all that apply

☐ Scenic view
☐ Water access
☐ Swimming
☐ Fishing
☐ Shellfishing
☐ Tidepooling
☐ Surfing
☐ Canoe/kayak launch
☐ Boat Ramp
☐ Hiking/walking
☐ Other _____