

TO: Police Chiefs, Public Safety Directors and Fund Commissioners

FROM: Chief Harry Earle (Ret.)

DATE: June 25, 2020

RE: Temporary Outdoor Dining Safety Considerations
Law Enforcement Bulletin 2020-08

New Jersey Executive Order #150 authorized that municipalities may permit food and beverage establishments to expand sidewalks, streets, parks, and other areas to accommodate outdoor dining. Executive Order #150 can be viewed here: <https://nj.gov/infobank/eo/056murphy/pdf/EO-150.pdf>

Designating areas that are not designed for dining can present hazards. Areas that were once designated for vehicular travel, parking, cycling, or active exercise and are now being utilized as a dining area is a significant change of use that warrants some safety considerations. Additionally, temporary dining areas that are adjacent to locations that have active vehicular travel or persons exercising may also present the need for some additional protection. It is recommended that law enforcement agencies become familiar with areas that have been adapted to accommodate outdoor dining to help mitigate risks. Such considerations may include:

1. Familiarize officers, and as appropriate, restaurant operators of the risks of intentional vehicle ramming attacks and possible protective measures. The U.S. Department of Homeland Security published the document entitled *Vehicle Ramming – Security Awareness for Soft Targets and Crowded Places*.
<https://www.cisa.gov/sites/default/files/publications/Vehicle%20Ramming%20-%20Security%20Awareness%20for%20ST-CP.PDF>
2. These same protective measures may also assist in protecting patrons from accidental acceleration, brake/gas confusion, distracted drivers, or drivers under the influence.
3. Consult the Manual on Uniform Traffic Control Devices (MUTCD) concerning road closures and lane restrictions.
4. Consult with your municipal attorney before supplying police or municipal-owned barricades to close roadways and parking areas to accommodate outdoor dining for a private restaurant.
5. When roads are closed to accommodate outdoor dining, ensure the community is advised of the road closure or lane restrictions through the use of the municipality's website and social media outlets if available.
6. When roads or any area where vehicles would usually travel are closed to accommodate outdoor dining, ensure that emergency service responders such as fire and EMS are aware of the potential obstacles in responding to an emergency.

There are many potential hazards associated with transforming areas such as parking lots and streets into temporary dining areas. Many of these additional hazards are generally outside the scope of law enforcement's role. Still, when identified by law enforcement or received by law enforcement, officers must be aware of the proper notification process to report such concerns. Depending upon the identified hazard, the officer may need to report a risk internally within the department or to an outside entity such as the Department of Health, Building/Code Inspectors, and Fire Officials. Such additional hazards may include:

- Traffic safety-related dangers as a result of the temporary outdoor dining
- The inability of firefighting equipment to access fire hydrants and fire suppression connections blocked by tables, tents, or other equipment
- Improper and unsafe lighting or electrical connections
- Tents that are not stable or not adequately secure
- Trip hazards – curbs, parking stops, poor pavements (This could be identified by an officer who responds to a medical call for service at an outdoor dining area, for example)

These are difficult times and several changes are being made to help the economy and promote business activity. Law enforcement's part during this time is to help this happen by identifying risks and encouraging safe practices.