

Submitter: Geoff Dinsdale

On Behalf Of:

Committee: Senate Committee On Natural Resources and Wildfire

Measure: SB1590

My name is Geoff Dinsdale, I work on the Digital Accessibility team at Nike, I am also a keen dragonboater and kayaker, and I am blind.

In July 2018, I was on the Wasabi VIP dragonboat team that capsized due to a wake boat generated wave. These waves, although appearing similar, differ to other boat generated waves by always having a sequence and having much deeper troughs behind them. The trough is what caused the capsize, as our boat literally fell off the first wave into the first trough, went through the second wave taking on significant water before riding up the third wave. The water in the boat then ran to the starboard side tilting the boat, causing the port side paddlers to slide to the starboard side and over it went.

Even before the capsize and after, the wake boarders caused other issues, particularly when loading and unloading the boat. Again, the waves being generated hit the dock and cause significant bouncing, making it difficult to stand, board or even hold on to the dock.

My wife and I own a tandem kayak, we avoid areas where the rules do not stop the larger waves, which deprives us of enjoying any of the Willamette River. Since the rules were introduced we have been planning on kayaking at both Willamette park in Portland and the Newburgh pool area.

Working for the Digital Accessibility team gives me a working knowledge of The American Disabilities Act. Additionally, I also have access to a network of people with even more knowledge. I believe that when the Oregon state legislature put in place the current rules for wake boarding, they also unwittingly covered disabled rights under the American Disabilities Act. This works in two ways:

Firstly, activities are implicitly covered, although as yet have not been tested, which means the activity of dragonboating or kayaking needs speed and tow restrictions. Secondly, the physical area, i.e. the dock, is absolutely covered under the American Disabilities Act.

In conclusion, the American Disabilities Act protects the rights of disabled boaters, which leads to a couple of interesting questions:

1. In the case of an accident, who would we sue if there were no rules? Oregon state government? The Wake boat industry body? Or the individual wake boat pilot?
2. What happens if a disabled person is on a wake boat and is thrown overboard by

another wake boats wave?

I oppose the motion.