

From: **Rachel Shafer**
Date: Mon, Aug 2, 2021 at 8:35 PM
Subject: Comment for City Council

Dear City Councilors,

Communications have improved. Thank you for including boat ramp activities in the body text of the Rivergrove Report.

We applaud the city for **upholding the public's right to swim, fish** and enjoy other lawful recreational activities below the high water mark.

We applaud the city for **taking a stand against citizen enforcement** and boat ramp user harassment in its June 1 statement.

Regarding signage, we urge the city to **reinstall a Stark Boat Ramp sign** to support wayfinding and emergency services. We ask that the city consolidate the confusing proliferation of signs along the boat ramp into one sign that lists all rules and recommendations in one, clear place in **friendly, welcoming language**. As Councilor Barhyte said, what you say here matters greatly and the tone and words reflect directly upon the city and all us citizens.

Regarding potential changes to boat ramp hours of operation, we strongly support current hours. **Please keep current hours of operation.**

Regarding potential changes to street parking, we strongly support current street parking. **Please keep current street parking.**

Regarding boat ramp property lines, we look forward to helping the city clean up invasive vegetation and plant native riparian plants as soon as property lines are demarcated. Please let us know when you organize a clean-up. The boat ramp is something we take pride in! We strongly urge the city and next door neighbors to **cost-share in the construction of two new 6-foot fences from the street to the high water mark in order to demarcate clear boundaries and create privacy** for both neighbors and boat ramp users. Good fences make good neighbors and will reduce conflict and complaints.

Regarding the gate closure during hours of operation and its impact on elderly users and people with disabilities, we submit the following from the deputy director of litigation for Disability Rights Oregon:

"The ADA requires that all operable parts on public facilities be within reach ranges described by the ADAAGs and be easily operated by one hand.

<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#pgfld-1008283>

The ADA requires that all "operable parts" be no lower than 15 inches off the ground and no higher than 48 inches. An operable part is any moving element in a public facility, including a knob, the button at a water fountain, the push button for an electric-assist door, the handle on a mail slot, and the locking mechanism on a boat ramp. ("404.2.7 Door and Gate Hardware. Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4."). An operable part "shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist" and the physical force required to activate the part "shall be 5 pounds (22.2 N) maximum." Based on the public photos of the gate (<https://pamplinmedia.com/lor/48-news/403598-300571-ramp-debate-riles-rivergrove>), the lower operable pinions do look like they are significantly below 15 inches when closed.

These standards cite to the current 2010 ADA standards, but the 1991 standards (<https://www.ada.gov/1991standards/1991standards-archive.html#Anchor-18203>) also contained substantially the same rules about reach ranges between 15 inches and 48 inches, as well as being easily operable by one hand. Under these rules, if the gate has been installed or substantially altered since 1991, it likely violates the ADA. Based on a review of photographs of the site, the gate appears in photos from 2019, 2016, and 2012, but is absent in photos from 2007. Presumably it was installed between 2007 and 2012. Depending on when it was constructed, either the 1991 or 2010 ADAAGs apply to its construction. Both the 1991 and 2010 standards have similar requirements that the "operable part" opening the gate be at least 15 inches off the ground and that it be easily opened with a single hand.

The city should take steps to ensure that the ramp and the gate accessing the ramp are physically accessible."

The operable pinions measure 17 inches from the ground so the reach range is in compliance but the pinions require tight grasping, pinching and twisting of the wrist to open and close, so the closed gate is not in compliance with federal law.

The city should take immediate steps to leave the gate open during hours of operation, inform nearby property owners they are to leave the gate open during those hours and make the boat ramp accessible and welcoming to all. The city is in violation of federal law and at risk of major litigation. Please feel free to consult with the city attorney about the city's legal risk on this matter.

We remind city councilors of their responsibilities and obligations to the city's Comprehensive Plan:

Goal #5: Natural Resources, Policy #14: The City will make every effort to improve public access to the Tualatin River.

Goal #8: Recreational needs, Policy #4: Work with the affected agencies to improve the Tualatin River and allow access to its recreational opportunities.

Thank you for your service and thank you for working to create the kind of city we want to live and recreate in.

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