

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET TE-151906
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	COMPLAINT FOR VIOLATIONS
v.	)	OF VEHICLE SAFETY RULES
	)	
RIDE THE DUCKS OF SEATTLE, L.L.C.	)	
d/b/a SEATTLE DUCK TOURS,	)	
	)	
Respondent.	)	
.....	)	

1 The Washington Utilities and Transportation Commission (Commission) on its own motion, and through its Staff, alleges as follows:

**I. BACKGROUND**

2 This complaint concerns violations of Commission rules governing the operations of passenger transportation companies.

3 Commission staff (Staff) alleges that Ride the Ducks of Seattle, LLC d/b/a Seattle Duck Tours (Ride the Ducks of Seattle or Company) violated various sections of the Code of Federal Regulations, Title 49, and WAC 480-30-221 by operating at least one of its vehicles, Duck 6, in an unsafe manner causing at least five deaths and dozens of injuries in a single incident that occurred on September 24, 2015.

4 While the cause of the accident has not been identified, any number of factors may have contributed to it, including the Company’s maintenance of its vehicles, driver safety, or other operational issues. Until Staff conducts a comprehensive investigation of the Company’s safety practices, the scope of potential safety issues cannot be established.

5 One area of concern is related to information the Commission received from the National Transportation Safety Board (NTSB). In 2013, Ride the Ducks International discovered a potentially dangerous failure point in the axle housing of its tour vehicles, including some of those vehicles used by Ride the Ducks of Seattle. According to a statement issued by the NTSB to the Seattle Times, the vehicle involved in the September 24 accident was

not repaired.<sup>1</sup> Through its investigation, Staff will determine whether the Company received the service bulletin issued by Ride the Ducks International advising it of issues with the axle housing, and what steps the Company took, if any, to remedy the defect in its vehicles.

6 On September 28, 2015, the Commission held an emergency hearing and issued a Notice of Emergency Adjudication and Order Suspending Certificate, and Notice of Hearing set for October 1, 2015, at 9:30 a.m.

7 Because of the unsafe operations that resulted in a fatal collision, the potential for continuing safety violations, and Staff's overall lack of confidence in the Company's operations at this juncture, Staff requests the Commission continue to suspend the Company's Certificate No. ES-00146 pending investigation and inspection of Ride the Ducks of Seattle's entire fleet of vehicles and drivers, and take appropriate action based on Staff's findings.

## II. PARTIES

8 The Washington Utilities and Transportation Commission is an agency of the state of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including passenger charter carriers, under the provisions of Title 81 RCW.

9 Ride the Ducks of Seattle is a passenger charter carrier subject to regulation by the Commission pursuant to RCW 80.01.040(2), and RCW 81.70.

## III. JURISDICTION

10 The Commission has jurisdiction over the subject matter pursuant to the provisions of chapters 81.01 RCW, 80.01 RCW, 81.04 RCW, and 81.70 RCW, chapter 480-30 WAC, chapter 480-07 WAC, and chapter 34.05 RCW.

## IV. APPLICABLE LAW AND REGULATION

11 The Commission issues certificates to passenger charter carriers under RCW 81.70.230 and WAC 480-30-121.

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<sup>1</sup> "5<sup>th</sup> crash victim dies; NTSB says Duck did not receive recommended safety fix," Seattle Times, September 27, 2015, <http://www.seattletimes.com/seattle-news/transportation/5th-crash-victim-dies-ntsb-says-duck-did-not-receive-recommended-safety-fix/>, accessed on September 28, 2015.

12 Under RCW 81.70.250, the Commission may cancel, revoke, or suspend any certificate issued under this chapter on grounds of a violation of any provision of RCW 81.70 or of a Commission regulation established under this chapter.

13 Pursuant to WAC 480-30-221, passenger charter carriers under the Commission's jurisdiction must comply with parts of Title 49 CFR listed in the Commission rule.

**V. CAUSE OF ACTION - Violation of WAC 480-30-221**

14 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 2 through 11 above.

15 The Commission further alleges that Ride the Ducks of Seattle violated WAC 480-30-221 by violating Title 49 CFR.

**VI. REQUEST FOR RELIEF**

16 Staff requests that the Commission suspend Certificate No.ES-00146 pending Staff's investigation and inspection of Ride the Ducks of Seattle's entire fleet of vehicles and drivers.

17 Staff further requests that following the investigation, the Commission take appropriate action based on Staff's findings.

**VIII. PROBABLE CAUSE**

18 Based on Staff's presentation regarding the fatal accident and the Company's operations at the emergency hearing held on September 28, 2015, and consistent with RCW 80.01.060, the Commission finds probable cause exists to issue this Complaint.

DATED at Olympia, Washington, and effective September 29, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

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