

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

RIDE THE DUCKS OF SEATTLE, L.L.C.
d/b/a SEATTLE DUCK TOURS,

Respondent.

DOCKET TE-151906

JOINT STIPULATION

1 This Joint Stipulation is entered into by the Staff of the Washington Utilities and Transportation Commission (“Staff”) and Ride the Ducks of Seattle, L.L.C. d/b/a Seattle Duck Tours (“Ride the Ducks” or “Company”), collectively, the Parties. This Joint Stipulation is subject to the Commission’s approval and acceptance.

2 This Joint Stipulation is entered into for the purpose of clarifying the Parties’ positions regarding the Commission’s September 28, 2015, summary action suspending the Company’s certificate (No. ES-00146) to operate and provide excursion services. The suspension is in effect, pending a comprehensive Staff investigation and inspection of the safety of the Company’s drivers and operating fleet of vehicles, including review of relevant operations and maintenance records. Staff’s investigation is brought about by the September 24, 2015, incident described in the Commission’s September 28, 2015, Notice of

Emergency Adjudication and Order Suspending Certificate, and September 29, 2015,
Complaint for Violations of Safety Rules.

3 In the context of an Emergency Adjudicative Proceeding, the Administrative Procedure Act limits the scope of emergency action to “only such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication.”¹ The law requires that an agency implement the least restrictive reasonable means to protect the public with respect to the time and nature of the cessation of services.

4 The Parties stipulate as follows:

1. Ride the Ducks stipulates to the suspension of its excursion certificate (No. ES-00146) pending conclusion of the presently ongoing investigation by the Staff of the Commission, in accordance with Paragraphs 2, 3 and 4;
2. Commission Staff stipulates that, if feasible, it will first investigate the Company’s “Truck Duck” vehicles. Unlike the “Stretch Duck” vehicles, which were built on World War II-era chassis and allegedly have defective axles, the Truck Duck vehicles have a different chassis and axle system.
3. The Parties’ joint objective is to return to service, if appropriate, within thirty days, those Truck Duck vehicles that have passed regulatory inspection in a satisfactory manner. The Parties’ joint objective is also to return to service the “Stretch Duck” vehicles that have passed regulatory inspection in a satisfactory manner, within a reasonable period of time.

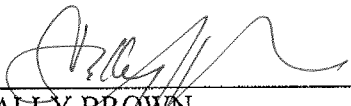
¹ RCW 34.05.479(2).

4. If appropriate, within thirty days of the date of this Joint Stipulation, the Parties will confer regarding the status of the investigation and report back to the Commission at that time. The Parties will arrive at and jointly propose a hearing schedule at the conclusion of Staff's investigation.


DATED this 30th day of September 2015.

ROBERT W. FERGUSON
Attorney General

PATTERSON BUCHANAN FOBES &
LEITCH, INC., P.S.



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