

Ride the Ducks of Seattle Safety Management Plan: Section 1

Part B Violations 17—24

Details of Corrective Actions

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 17 - State Primary 391.51(b)(7)**

Part B Violation 17 - State Primary 391.51(b)(7)

Failing to maintain medical examiner's certificate in driver's qualification file.

Discovered: 1, Checked: 51

This violation occurred due to Ride the Ducks of Seattle not placing/maintaining a copy of driver Clemons' medical examiner's certificate in his driver's qualification file. Lack of a consistent audit procedure for qualification files permitted this paperwork filing error.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Ryan Johnson, Director of Operations & Compliance Officer.

1. Ride the Ducks of Seattle will perform bi-annual, documented audits of all Driver qualification files. These audits will utilize a checklist to insure that all necessary documents are being maintained in the file. The bi-annual audits shall not begin more than 6 months apart. Internal, automatic calendar reminders will be used to remind management when the bi-annual, internal audit is due.
2. Additionally, in addition to maintaining hard copies of driver qualification files at the RTDS facility, all Driver Qualification file documents will be uploaded into the Aurico electronic Driver Qualification Management system. As an additional safeguard to internal, manual qualification file audits, compliance files will also be audited by Aurico/eDQ as part of their 3rd party contracted services, with alerts sent to the RTDS operations/management team of any missing or expired documents.

The following materials in support of these corrective actions can be found in Appendix Q:

1. **List of current active drivers for RTDS**
2. **Driver Qualification File Audit Checklist**
3. **Calendar of event reminders set up for bi-annual driver qualification file audits**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix Q:

**Supporting Documents of Corrective Actions
In Response to Violation 17**

- Current Active Driver List
- Driver Qualification File Audit Checklist
- Examples of Reminder Systems

Ride the Ducks of Seattle

Current and Active Driver List

Name	Position	Status
Barker, Mitchell	Mechanic / Driver	Active
Brandon, Reginald	Mechanic / Driver	Active
Graham, Randy	Driver	Active
Hatten, JC	Mechanic / Driver	Active
Hatten, Joe	Mechanic / Driver	Active
Hubert, Thom	Director of Tour Dev / Driver*	Active
Johnson, Ryan	Director of Ops / Driver*	Active
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active
Lee, Megan	Tour Guide / Driver*	Active
Najou, Patrick	Driver	Active
Nakon, Curt	Driver	Active
Nelson, Randal	Driver	Active
Tanner, Richard	Driver	Active
Temple, Jeremy	Driver	Active
Van Gorder, Thomas	Driver	Active
Wooden, Brandon	Mechanic / Driver	Active

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

Ride the Ducks of Seattle Driver Qualification File Checklist

Driver Name:		Auditor Name:		Date of Audit:	
1. _____ Drivers Application for Employment (49 CFR, 391.21): A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment. NOTE: The application form must, as a minimum, contain the information in 391.21 (b). DATE SUBMITTED: _____ HIRE DATE: _____					
2. _____ Driver Investigative History File(49 CFR, 391.53): (Subject to past DOT and FMCSA regulations only) a. ____ Signed written request for drug and alcohol test information from DOT - regulated employers for previous two years. b. ____ Inquiry to previous employers (three years - CDL). c. ____ <i>Ten-year work history & previous 3 year accident information in employment application.</i>					
3. _____ Inquiry to State Agencies (49 CFR, 391.21 (a)(1) &(2)): Pre-employment only An investigation into the employee's driving record for the preceding three years. This investigation must be made within 30 days of the date his/her employment begins. DATE SUBMITTED: _____ HIRE DATE: _____					
4. _____ Annual Review of Driving Record (49 CFR, 391.25): At least once every 12 months, a motor carrier must review the driving record of each driver. A not stating the results of this review shall be included in the driver's qualification file. At least once every 12 months, a motor carrier must make an inquiry into the driving record of each driver. DATE OF MVR CURRENT ON FILE: _____ DATE NEW MVR REQUIRED: _____					
5. _____ Annual Driver's Certification of Violations (49 CFR, 391.27): At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months. DATE OF CURRENT CERT. OF VIOLATIONS: _____ DATE NEW CERT. OF VIOLATIONS REQUIRED: _____					
6. _____ Driver's Road Test and Certificate (of equivalent) (49 CFR, 391.31 & 33): A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate that hte motor carrier accepted as equivalent to the driver's road test, pursuant to section 391.33. (Copy of WA State Commercial Drivers License, Class C, P2) CERTIFICATE OR LICENSE EXPIRATION: _____ WAIVERS OR RESTRICTIONS _____					
7. _____ Medical Examiner's Certificate (49 CFR, 391.45): The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's certificate, which must be carried at all times, and renewed every two years. NATIONAL REG. VERIFICATION _____ MEDICAL CERT. EXPIRATION: _____					
8. _____ Entry-Level Driver-Training Certificate (CFR 49): A person must not be allowed to drive a CMV requiring a CDL without first obtaining the required Entry-Level Driver-Training Certificate. DATE OF TRAINING: _____ TRAINER: _____					

Ride the Ducks of Seattle Driver Qualification File Checklist

9. _____ (RTDS) Signed Copy of RTDS Drug and Alcohol Policy (RTDS & 49 CFR, 382.601 (b)):

Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

DATE RECEIVED

10. _____ (RTDS) Background check with Fair Credit Reporting Acknowledgement.

12. _____ (RTDS) Pre-employment and annual random Drug Test Results

13. _____ (RTDS) Signed Receipt and Acknowledgment of RTDS Code of Compliance.

Ride the Ducks of Seattle Must:

1. Inform the applicant that the information provided on the application concerning previous employers may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history.
2. Notify the driver in writing of his/her due process rights.

RECORDS OF THE DRIVERS INVESTIGATIVE HISTORY FILE MUST BE MAINTAINED IN A SECURED LOCATION WITH CONTROLLED ACCESS.

1. Google Calendar for RTDS Driver Qualification Files “Agenda Mode”

The two screen captures below show events scheduled for biannual driver qualification file audits beginning April 1, 2016 and October 1, 2016.

Google Calendar interface showing events for Friday, Apr 1, 2016. The calendar is in Agenda mode. The main list of events includes:

- Fri Apr 1** All day: 1st Bi-annual Driver Qualification File Audit
- Sat Apr 2** All day: 1st Bi-annual Driver Qualification File Audit
- Sun Apr 3** All day: 1st Bi-annual Driver Qualification File Audit
- Mon Apr 4** All day: 1st Bi-annual Driver Qualification File Audit
- Tue Apr 5** All day: 1st Bi-annual Driver Qualification File Audit
- Wed Apr 6** All day: 1st Bi-annual Driver Qualification File Audit
- Thu Apr 7** All day: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 8** All day: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 15** All day: Curt Nakon New MVR (Abstract) Due
- All day**: Curt Nakon New Violation Review Record Due
- Thu May 5** All day: JC Hatten Medical Certification Expires

Showing events until 5/5/2016. [Look for more](#)

Google Calendar interface showing events for Saturday, Oct 1, 2016. The calendar is in Agenda mode. The main list of events includes:

- Sat Oct 1** All day: 2nd Bi-Annual Driver Qualification File Audit
- Sun Oct 2** All day: 2nd Bi-Annual Driver Qualification File Audit
- Mon Oct 3** All day: 2nd Bi-Annual Driver Qualification File Audit
- Tue Oct 4** All day: 2nd Bi-Annual Driver Qualification File Audit
- Wed Oct 5** All day: 2nd Bi-Annual Driver Qualification File Audit
- Thu Oct 6** All day: 2nd Bi-Annual Driver Qualification File Audit
- Fri Oct 7** All day: 2nd Bi-Annual Driver Qualification File Audit
- Sat Oct 8** All day: 2nd Bi-Annual Driver Qualification File Audit
- Fri Nov 18** All day: Thom Hubert Driver's License Expires
- Sun Dec 25** All day: Reginald Brandon Driver's License Expires

Showing events until 12/25/2016. [Look for more](#)

2. Google Calendar for RTDS Driver Qualification Files “Agenda, Detailed Mode”, (Biannual Driver Qualification File Audit)

This detailed view of first day event listing shows the three Compliance Officers that will receive the reminder email, Director of Operations, Director of Safety, and Finance Manager.

The screenshot displays the Google Calendar interface in 'Agenda' mode for Friday, April 1, 2016. The main event list shows a series of '1st Bi-annual Driver Qualification File Audit' events occurring every day from Saturday, April 2nd through Friday, April 15th, and then on Thursday, May 5th. The event for Friday, April 1st is expanded to show details:

- Calendar:** RTDS Driver Qualification Files
- Created by:** rtdsafety@gmail.com
- Who:** moti@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com, margaret@ridetheducksofseattle.com
- Color:** Red

On the left side, under 'My calendars', the 'RTDS Driver Qualification Files' calendar is selected. The 'Other calendars' section includes an option to 'Add a friend's calendar'.

3. Google Calendar for RTDS Driver Qualification Files "Create/Edit Notification Mode", (Biannual Driver Qualification File Audit)

The red circle show the audit scheduled for April 1-8, 2016 and the notification will repeat annually in perpetuity. The blue circle shows the list of recipients as the Director of Operations, Director of Safety, and Finance Manager. * Note the 2nd Biannual Driver Qualification File Audit in October is constructed equally.

The screenshot shows the Google Calendar interface for creating an event. The event title is "1st Bi-annual Driver Qualification File Audit". The dates are set from 4/1/2016 to 4/8/2016. A red circle highlights the date range and the "Repeat: Annually on April 1" option. The "Guests" section, highlighted with a blue circle, lists three email addresses: margaret@ridetheducksofseattle.com, moti@ridetheducksofseattle.com, and ryan@ridetheducksofseattle.com. The event description is "Begin 1st of 2 annual Driver Qualification File Audits. Completion date set for 1 week." The event is created by rtdsafety@gmail.com and is set to repeat annually on April 1. The notification is set to pop-up 1 week before at 9:00am. The event color is red, and the "Show me as" option is set to "Available".

Google Calendar interface showing event details for "1st Bi-annual Driver Qualification File Audit".

Event Title: 1st Bi-annual Driver Qualification File Audit

Dates: 4/1/2016 to 4/8/2016

Repeat: All day Repeat: **Annually on April 1** [Edit](#)

Where: Enter a location

Video call: [Add video call](#)

Calendar: RTDS Driver Qualification Files

Created by: rtdsafety@gmail.com

Description: Begin 1st of 2 annual Driver Qualification File Audits. Completion date set for 1 week.

Attachment: [Add attachment](#)

Event color: [Color selection options]

Notifications: Pop-up 1 weeks before at 9:00am [Add a notification](#)

Show me as: Available Busy

Guests:

- [Add guests](#)
- Choose icons below to mark as optional
- [Email guests](#)
- Yes: 0, Maybe: 0, No: 0, Awaiting: 3
- margaret@ridetheducksofseattle.com ✕
- moti@ridetheducksofseattle.com * ✕
- ryan@ridetheducksofseattle.com * ✕

* Calendar cannot be shown. [Why?](#)

Guests can:

- modify event
- invite others
- see guest list

Guests may be able to view the guest list if changes to this event are made via a 3rd-party client. [Learn more](#)

4. Google Calendar for RTDS Driver Qualification Files (April 2016)

This calendar view shows how RTDS has blocked off eight calendar days from April 1-8 for completing Driver Qualification File Audits.

The screenshot shows the Google Calendar interface for April 2016. The calendar is set to a monthly view. On the left, there is a sidebar with a 'CREATE' button, a calendar navigation grid for April 2016, and a list of 'My calendars' including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...', and 'Tasks'. The main calendar grid shows the following events:

- April 30: 'Curt Nakon Medical' (blue event)
- April 1-8: '1st Bi-annual Driver Qualification File Audit' (red event, spanning 8 days)
- April 15-16: 'Curt Nakon New M' and 'Curt Nakon New Vi' (green events)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30 Curt Nakon Medical	31	Apr 1	2
3	4	5	6	7	8	9
1st Bi-annual Driver Qualification File Audit						
10	11	12	13	14	15 Curt Nakon New M	16 Curt Nakon New Vi
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 18 - State Primary 391.51(b)(9)**

Part B Violation 18 - State Primary 391.51(b)(9)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in the driver qualification file(s).

Discovered: 51, Checked: 51

This violation occurred due to lack of understanding regarding recent (2014) requirements of CFR 391.51 (b)(9), leading to improper documentation procedures. While all new hire drivers were examined by designated, qualified physicians at US Healthworks, drivers renewing their certificates may have gone to other physicians. Ride the Ducks of Seattle had no policy in place of documenting the status of examining practitioners in the National Registry of Certified Medical Examiners (NRCME).

The following corrective actions have been taken to prevent this violation from occurring again:

Person Responsible: Ryan Johnson, Director of Operations and Compliance Officer.

1. Following initial or recurring physical examinations and medical certifications of drivers, RTDS will verify the registry/certification status of examining physicians by researching their provided registry number in the NRCME. A copy of the status will be documented by attaching a printout from the NRCME to the medical certificate on file in the driver qualification file.
2. The verification of examining physician registry status in the NRCME will also be uploaded to the Aurico/eDQ system with the rest of the driver qualification file. As part of our 3rd party agreement with Aurico/eDQ, they will audit files for proper documentation/compliance as a secondary check to internal monitoring practices.
3. Driver Qualification files will contain a printed verification of Registry status for the Medical Examiner from the NRCME database to ensure that the examiner is properly accredited. The registry number will be verified as part of item #7, as part of RTDS Driver Qualification File Audit Checklist.

The following materials in support of these corrective actions can be found in Appendix R:

1. **Current list of active drivers for RTDS with Medical Examiners National Registry Number**
2. **A copy of Driver Qualification File Audit Checklist with Item #7 highlighted**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix R:

**Supporting Documents of Corrective Actions
In Response to Violation 18**

- Current Active Driver List
- Driver Qualification File Audit Checklist

Ride the Ducks of Seattle

Current and Active Driver List

Name	Position	Status	Medical Examiners National Registry #
Barker, Mitchell	Mechanic / Driver	Active	#6193030233
Brandon, Reginald	Mechanic / Driver	Active	#8305725438
Graham, Randy	Driver	Active	#5482162385
Hatten, JC	Mechanic / Driver	Active	#2418654205
Hatten, Joe	Mechanic / Driver	Active	#8305725438
Hubert, Thom	Director of Tour Dev / Driver*	Active	#3166237178
Johnson, Ryan	Director of Ops / Driver*	Active	#6193030233
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active	#9983000666
Lee, Megan	Tour Guide / Driver*	Active	#7808009831
Najou, Patrick	Driver	Active	#8305725438
Nakon, Curt	Driver	Active	#9128276993
Nelson, Randal	Driver	Active	#9457088839
Tanner, Richard	Driver	Active	#7550378743
Temple, Jeremy	Driver	Active	#1792302051
Van Gorder, Thomas	Driver	Active	#6193030233
Wooden, Brandon	Mechanic / Driver	Active	#8425008721

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

Ride the Ducks of Seattle Driver Qualification File Checklist

Driver Name:		Auditor Name:		Date of Audit:	
1. _____ Drivers Application for Employment (49 CFR, 391.21): A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment. NOTE: The application form must, as a minimum, contain the information in 391.21 (b). DATE SUBMITTED: _____ HIRE DATE: _____					
2. _____ Driver Investigative History File(49 CFR, 391.53): (Subject to past DOT and FMCSA regulations only) a. ____ Signed written request for drug and alcohol test information from DOT - regulated employers for previous two years. b. ____ Inquiry to previous employers (three years - CDL). c. ____ <i>Ten-year work history & previous 3 year accident information in employment application.</i>					
3. _____ Inquiry to State Agencies (49 CFR, 391.21 (a)(1) &(2)): Pre-employment only An investigation into the employee's driving record for the preceding three years. This investigation must be made within 30 days of the date his/her employment begins. DATE SUBMITTED: _____ HIRE DATE: _____					
4. _____ Annual Review of Driving Record (49 CFR, 391.25): At least once every 12 months, a motor carrier must review the driving record of each driver. A not stating the results of this review shall be included in the driver's qualification file. At least once every 12 months, a motor carrier must make an inquiry into the driving record of each driver. DATE OF MVR CURRENT ON FILE: _____ DATE NEW MVR REQUIRED: _____					
5. _____ Annual Driver's Certification of Violations (49 CFR, 391.27): At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months. DATE OF CURRENT CERT. OF VIOLATIONS: _____ DATE NEW CERT. OF VIOLATIONS REQUIRED: _____					
6. _____ Driver's Road Test and Certificate (of equivalent) (49 CFR, 391.31 & 33): A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate that hte motor carrier accepted as equivalent to the driver's road test, pursuant to section 391.33. (Copy of WA State Commercial Drivers License, Class C, P2) CERTIFICATE OR LICENSE EXPIRATION: _____ WAIVERS OR RESTRICTIONS _____					
7. _____ Medical Examiner's Certificate (49 CFR, 391.45): The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's certificate, which must be carried at all times, and renewed every two years. NATIONAL REG. VERIFICATION _____ MEDICAL CERT. EXPIRATION: _____					
8. _____ Entry-Level Driver-Training Certificate (CFR 49): A person must not be allowed to drive a CMV requiring a CDL without first obtaining the required Entry-Level Driver-Training Certificate. DATE OF TRAINING: _____ TRAINER: _____					

Ride the Ducks of Seattle Driver Qualification File Checklist

9. _____ (RTDS) Signed Copy of RTDS Drug and Alcohol Policy (RTDS & 49 CFR, 382.601 (b)):

Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

DATE RECEIVED

10. _____ (RTDS) Background check with Fair Credit Reporting Acknowledgement.

12. _____ (RTDS) Pre-employment and annual random Drug Test Results

13. _____ (RTDS) Signed Receipt and Acknowledgment of RTDS Code of Compliance.

Ride the Ducks of Seattle Must:

1. Inform the applicant that the information provided on the application concerning previous employers may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history.
2. Notify the driver in writing of his/her due process rights.

RECORDS OF THE DRIVERS INVESTIGATIVE HISTORY FILE MUST BE MAINTAINED IN A SECURED LOCATION WITH CONTROLLED ACCESS.

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Response to Part B

**Violation 19 - State Primary RCW 81.70.280;
Secondary WAC 480.30.191(3);
CFR Equivalent 392.2**

Part B Violation 19 - State Primary RCW 81.70.280; Secondary WAC 480.30.191(3); CFR Equivalent 392.2

Failing to ensure the policy for liability or property damage insurance or surety bond required by this section is current and filed with the Washington State Utilities and Transportation Commission.

Discovered: 1, Checked: 1

This violation occurred due to lack of internal policy and knowledge by Ride the Ducks of Seattle as to the requirements of RCW 81.70.280. While the liability insurance for RTDS was current and exceeded requirements, a filing form (Damage Liability Certificate of Insurance, Form E) had not been filed as required with the Washington Utilities and Transportation Commission. Prior to completion of the audit, RTDS updated the filing as required.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant. Compliance Officer.

1. Upon yearly renewal of insurance policy, the Finance Manager will request a copy of the Damage Liability Certificate of Insurance (Form E) from the insurance carrier.
2. Ride the Ducks of Seattle will then verify and document that it has been submitted to the Washington Utilities and Transportation Commission.
3. Reminders will be set for the Director of Operations to verify with the Finance Manager that the Liability Insurance Form E has been submitted.

The following materials in support of these corrective actions can be found in Appendix S:

1. **Example of calendar reminders for submission of Form E**
2. **Current copies of Form E**
3. **Current copy of MCS-90**
4. **Current copy of Form F**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix S:

**Supporting Documents of Corrective Actions
In Response to Violation 19**

- Reminder Examples
- Form E for Policies Expiring 4/15/2016
- MCS-90
- Form F

1. RTDS Google Safety and Compliance Calendars

This view shows all RTDS Safety and Compliance notification reminders set for the month of April 2016. The blue circle highlights the different task calendars available for the notification system. Note Insurance filing of Damage Liability Certificate of Insurance scheduled for April 14-15.

The screenshot displays the Google Calendar interface for April 2016. The main calendar grid shows events for the month. A blue circle highlights the 'My calendars' list on the left side, which includes 'RTD Safety', 'Captain USCG Qualif...', 'RTDS Driver Qualific...', and 'RTDS Drug and Alco... Tasks'. Events are color-coded: a blue event 'Curt Naken Medical C' on Wednesday, April 30; a red event 'Biannual Driver Qualification File Audit - April' spanning from Sunday, April 27 to Saturday, April 9; and a red event 'Insurance Filing of Damage Liability Certificat' spanning from Thursday, April 14 to Friday, April 15. A green event 'Reminder verifying ne' is on Friday, April 1. The top of the page shows the Google logo, a search bar, and user information for 'RTD'.

2. Google Calendar for filing of Damage Liability Certificate (Form E) (April 14-15, 2016)

This view of the “Create/Edit Notification Mode” shows a reminder to update to verify filing of the Damage Liability Certificate (Form E). Recipients of this list are the Director of Operations and Finance Manager.

Google Search Calendar RTD

SAVE Discard changes Delete More Actions

Yes, I'm going Add a note or change your response

Insurance Filing of Damage Liability Certificate (Form E)

4/14/2016 to 4/15/2016

All day Repeat: **Annually on April 14** Edit

Event details Find a time

Where Enter a location

Video call Add video call

Calendar RTD Safety

Description Verify and document the insurance company has filed the Damage Liability Certificate of Insurance (Form E) to the WUTC.

Attachment Add attachment

Event color

Notifications Email 1 days before at 9:00am

Add guests

Click the icons below to mark as optional.

Guests Email guests

Yes: 1, Maybe: 0, No: 0, Awaiting: 2

- rtdsafety@gmail.com ✕
- margaret@ridetheducksofseattle... ✕
- ryan@ridetheducksofseattle.com ✕

* Calendar cannot be shown. Why?

Guests can

Form E
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Filed with **Washington Utilities and Transportation Commission** (hereinafter called Commission)

This is to certify, that the T.H.E. Insurance Company (hereinafter called Company)
of 10451 Gulf Boulevard, Treasure Island, FL 33706

has issued to Ride the Ducks of Seattle, LLC of 516 Broad Street, Seattle, WA 98109

a policy or policies of insurance effective from 04/15/2015 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at 10451 Gulf Boulevard, Treasure Island, FL 33707

this 14 day of October, 2015

Insurance Company File No. CPP0103388-02
(Policy Number)


Steven DeVecchio
(Authorized Company Representative)

Form E
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Filed with **Washington Utilities and Transportation Commission** (hereinafter called Commission)

This is to certify, that the T.H.E. Insurance Company (hereinafter called Company)
of 10451 Gulf Boulevard, Treasure Island, FL 33706

has issued to Ride the Ducks of Seattle, LLC of 516 Broad Street, Seattle, WA 98109

a policy or policies of insurance effective from 04/15/2015 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until cancelled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at 10451 Gulf Boulevard, Treasure Island, FL 33707

this 14 day of October, 2015

Insurance Company File No. ELP0011174-02
(Policy Number)


Steven DeVecchio
(Authorized Company Representative)

A Federal Agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2125-0028. Public reporting for this collection of information is estimated to be approximately 2 minutes per response, including the time for reviewing instructions, gathering data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-HRA, Washington, D.C. 20590.



ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

Issued to RIDE THE DUCKS OF SEATTLE, LLC of 516 BROAD STREET SEATTLE WA 98109
Dated at TREASURE ISLAND, FL this 11 day of JANUARY, 20 16
Amending Policy No CPP 0103388 02 Effective Date 04/15/2015
Name of Insurance Company T.H.E. INSURANCE COMPANY

Countersigned by  Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "[X]," for the limits shown:
 This insurance is primary and the company shall not be liable for amounts in excess of \$ 1,000,000 for each accident,
 This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: 727-367-6900

Cancellation of this endorsement may be effected by the company of the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under 49 U.S.C. 13901, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Property Damage means damage to or loss of use of tangible property.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation

thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE. the limits shown in the schedule are for information purposes only.

SCHEDULE OF LIMITS--PUBLIC LIABILITY

Type of carriage	Commodity transported	Jan. 1, 1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating 05 10,000 or more pounds).	Property (nonhazardous)	\$ 750,000
(2) For-hire and Private (In interstate, foreign or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1., 1.2, and 1.3 materials. Division 2.3 Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403.	\$5,000,000
(3) For-hire and Private (In interstate or foreign commerce, in any quantity, or in intrastate commerce, in bulk only; with a gross vehicle weight reating of 10,000 or more pounds).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.	\$5,000,000

FORM F
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY
INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commissions indicated below.
3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days notice to commence to run from the date the notice is actually received in the office of such Commission.

Attached to and forming part of policy No. CPP 0103388 02

Issued by T.H.E. INSURANCE COMPANY herein called

Company, of TREASURE ISLAND, FL

to RIDE THE DUCKS OF SEATTLE, LLC of 516 BROAD STREET SEATTLE WA 98109

Dated at TREASURE ISLAND, FL this 11 day of JANUARY 20 16

Countersigned by 
 Authorized Representative

X = INDICATES STATE COMMISSIONS WITH WHOM UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE HAS BEEN FILED							
ALABAMA		ILLINOIS		MONTANA		RHODE ISLAND	
ALASKA		INDIANA		NEBRASKA		SOUTH CAROLINA	
ARIZONA		IOWA		NEVADA		SOUTH DAKOTA	
ARKANSAS		KANSAS		NEW HAMPSHIRE		TENNESSEE	
CALIFORNIA		KENTUCKY		NEW JERSEY		TEXAS	
COLORADO		LOUISIANA		NEW MEXICO		UTAH	
CONNECTICUT		MAINE		NEW YORK		VERMONT	
DELAWARE		MARYLAND		NORTH CAROLINA		VIRGINIA	
DIST. OF COLUMBIA		MASSACHUSETTS		NORTH DAKOTA		WASHINGTON	X
FLORIDA		MICHIGAN		OHIO		WEST VIRGINIA	
GEORGIA		MINNESOTA		OKLAHOMA		WISCONSIN	
HAWAII		MISSISSIPPI		OREGON		WYOMING	
IDAHO		MISSOURI		PENNSYLVANIA			

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 20 – State Primary 395.5(b)(2)**

Part B Violation 20 – State Primary 395.5(b)(2)

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 70 hours in 8 consecutive days.

Discovered: 35, Checked 1230

These violations were the result of a lack of understanding of 49 CFR 395.5(b)(2) by Ride the Ducks of Seattle, and an operating schedule and driver assignment policy that allowed the potential for violations of these rules to exist. Ride the Ducks of Seattle had, inconsistent with passenger carrier regulations, been training drivers and allowing them to operate under a 34 hour restart rule. Drivers and schedulers were instructed that after having been off-duty for a full 24 hours plus an additional 10 hours, their on-duty hour requirements could be reset and a new, 70 hours in 8 consecutive day period could begin. This misconception and related scheduling practices led to the (35) violations of the 70 hours in 8 consecutive day rule.

Because of RTDS's misunderstanding of the 34-hour restart, drivers were scheduled around the restart period by permitting work for 5 consecutive workdays, after which a full two days +10 hours were scheduled off. With the misunderstanding, this would reset any 70-hour clock, after which another 5 consecutive days of work was scheduled.

With a much clearer understanding that the 34-hour restart period does not apply to passenger carrying operations, RTDS will now track the status of drivers with regard to solely the 70-hour in 8 consecutive days rule and adjust scheduling practices to minimize the potential for even isolated violations of this rule as found during the investigation.

The following corrective actions have been taken to prevent this violation from occurring again and to provide drivers and support staff the tools needed to comply with Hours of Service Regulations:

Person responsible for ongoing compliance: Moti Krauthamer, Director of Safety and Assistant Compliance Officer.

1. Ride the Ducks of Seattle intends to alter the operation of tour departures to limit Drivers to no more than 12 hours on-duty per day. This will be done by making departure time alterations, changing fueling practices, and possibly adding more drivers to allow for split or partial day shifts if necessary during peak periods.
2. Considering the consistency of our operations, RTDS is able to reliably limit drivers to 12 hours on-duty per day, driver scheduling will then be managed to prevent the possibility of Hours of Service violations of the 70/8 rule to exist.
 - a. Driver scheduling will be made in accordance with a rolling 8-day window. Within any given 8-day window, drivers may not be scheduled for more than 5 days.
 - b. If necessary, split shifts will be instituted during peak periods to accommodate a singular additional half day (6 hours on duty) within any given 8-day rolling window. This would permit five full days and one half day (66 hours total) in any 8-day rolling window in peak periods.
3. In addition to new scheduling practices, RTDS will proactively monitor each driver's cumulative hours of service via a tracking spreadsheet maintained by Operations and Dispatch. The on-duty

hours worked each day by each driver will be inputted at the end of each day, and resulting calculations automatically conducted to indicate each driver's cumulative hours on-duty over the current 8 day period, as well as the hours available for the following day based on the previous 7 days.

- a. Intermittent/part-time/or first-time drivers will be required to provide Ride the Ducks of Seattle, at least 24 hours in advance of the weekly schedule release, a description of their hours on-duty in the previous seven days and a forecast for potential on-duty hours in the following seven. In doing so Ride the Ducks of Seattle will be able to schedule these drivers in accordance with the 70/8 rule.
4. In addition to the above internal monitoring practices, Drivers for Ride the Ducks of Seattle will also be required to maintain an ongoing Driver's Time Record so that they may verify compliance with the hours of service regulations. RTDS will require drivers to turn in copies of these records weekly so that RTDS can insure that drivers are following the procedure established.
5. Ride the Ducks of Seattle will, on a weekly basis, audit and review Drivers time records and future scheduled on-duty assignments to ensure regulations of 49 CFR 395.5 are being followed.
6. Ride the Ducks of Seattle will provide entry-level, and annual refresher/return to duty training that will include Hours of Service limitations and RTDS policies in place to maintain compliance with these rules.

The following materials in support of these corrective actions can be found in Appendix T:

- 1. RTDS Policy update regarding Hours of Service**
- 2. Sample Driver's Time Record**
- 3. Sample Hours of Service Logbooks**
- 4. Current active drivers list for RTDS and date of receipt of RTDS Policy update regarding Hours of Service**
- 5. Sample driver's time records and Weekly Summary**
- 6. Weekly Audit and Summary**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix T:

**Supporting Documents of Corrective Actions
In Response to Violation 20**

- Hours of Service Policy Update
- Sample Driver's Time Record
- Sample Hours of Service Logbooks
- Current Active Drivers List
- Sample Driver's Time Records and Weekly Summary
- Weekly Audit and Summary

RTDS POLICY UPDATE



To: All CDL Drivers
From: Director of Operations
CC: Leadership
Date: 1/12/2016
Re: Hours of Service and Status Log Books

Ride the Ducks of Seattle has updated their Hours of Service Policy. In accordance with FMCSA Regulations 49 CFR Part 395 and RTDS Code of Practice Regulations. RTDS Hours of Service policy and procedure is as follows, and is contained in the Ride the Ducks of Seattle Compliance Manual Volume 2 (Captains, Drivers, Deckhands), Chapter 5, Section 4.3 Hours of Service.

Hours of Service Policy

It is policy of RTDS that all Drivers comply with the following:

- Drivers may not drive after being on duty 70 hours in 8 consecutive days.
- Every effort shall be made by Drivers, dispatchers, and other staff to keep drivers from exceeding 12 hours on-duty per day.
- Drivers may drive a maximum of 10 hours after 8 consecutive hours off duty.
- Drivers may not drive after having been on duty 15 hours following 8 consecutive hours off duty.
- Drivers must maintain on-going time records to verify compliance with Hours of Service Regulations.
- Driver records of on-duty hours (Driver's Time Record) must be kept with the driver while driving the Duck.
- If a Driver exceeds 12-hours on-duty in a single day, the driver must complete a Driver's Daily Grid log that will be provided by an RTDS Supervisor or Dispatcher, and shall be attached to the weekly copy of the Driver's Time Record.
- Driver's Time Records and/or Driver's Daily Log Books must be maintained and kept up to date by the driver every 24 hours.
- Original Driver's Time Record documents and/or any accompanying Driver's Daily Log sheets shall be turned into the assigned box at the Maintenance Facility no more than 3 days following the end of the 7 day period.
- Duplicate Driver's Time Records or Drivers Daily Log sheets shall be maintained by the driver.
- Intermittent drivers will be given and required to maintain a Driver's Time Record book in order to track and record their on-duty hours for the past seven days.
- Intermittent drivers will be required to fill out a Driver's Daily log if they have more than 12 on-duty hours in any given day.

Definitions

- On-duty means: all time from the time a driver begins work or is required to be in readiness for work until the time the driver is relieved from work and all responsibilities for performing work.

Performing other compensated work for a person or company who is not a motor carrier is also on-duty time.

- Off-Duty means: time spent not “on-duty” or “driving a commercial motor vehicle (CMV)”. Additionally, the driver must not be performing any compensated work for a person or company that is not a motor carrier.
- Intermittent drivers: means an employee of RTDS whose primary job responsibility is NOT to drive duck tours. This would include the Director of Operations, the Director of Safety, The Director of Tour Development, and all members of the Maintenance team.

Hours of Service Violations Policy

RTDS will not schedule a person, or will remove them from duty, where an hours of service violation exists. Communication with RTDS schedulers and self-monitoring is critical. If you have a second job, it is required that you keep the RTD scheduler informed with an updated “on-duty” schedule for that job.

- If you recognize a potential hours of service violation, notify a RTDS supervisor immediately.
- If violation of hours of service occurs, stop driving, and notify a RTDS supervisor.
- A violation of hours of service may result in disciplinary action.

Short Haul Provision: A driver does not have to make a Driver’s Daily Log or Record of Duty Status if all of the following apply:

- Driver operates within a 100 air-mile radius of the RTDS Maintenance Facility.
- Driver returns and is released from the Maintenance Facility within 12 consecutive hours.
- At least 8 consecutive hours off duty separate each 12 consecutive hours on duty.
- Driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.
- Maximum on-duty and driving times, 70/8 and 10 hours, still apply.

I have read and been trained on the following Ride the Ducks of Seattle protocol, procedure, or policy.

Name: _____ Signature: _____ Date: _____

Sample of Driver's Time Record

1/13

EMPLOYEE SIGNATURE: _____

EMPLOYEE NUMBER: _____

BOUND EDGE

	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>	CHECK IF LOG SHEET ATTACHED <input type="checkbox"/>
SUNDAY						
DATE	DATE		DATE		DATE	
TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME
O N AM		O N AM		O N AM		O N AM
P M		P M		P M		P M
O F AM		O F AM		O F AM		O F AM
P M		P M		P M		P M
O N AM		O N AM		O N AM		O N AM
P M		P M		P M		P M
O F AM		O F AM		O F AM		O F AM
P M		P M		P M		P M
O N AM		O N AM		O N AM		O N AM
P M		P M		P M		P M
O F AM		O F AM		O F AM		O F AM
P M		P M		P M		P M
TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS
TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS

© Copyright 2013 J. J. KELLER & ASSOCIATES, INC.®, Neenah, WI • USA • (800) 327-6868 • jkeller.com • Printed in the United States

Original, White Copy – Duplicate, Canary Copy

8531

Sample Blank Hours of Service Logbook

7/13



DRIVER'S DAILY LOG (24 HOURS)

____/____/____
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP
Complete at end of workday.

Total Miles Driving Today

Total Mileage Today

Name of Carrier or Carriers

Main Office Address

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Home Terminal Address

I certify these entries are true and correct:

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

	MID-NIGHT											NOON											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																							
2. SLEEPER BERTH																							
3. DRIVING																							
4. ON DUTY (NOT DRIVING)																							
REMARKS																							

On-duty hours today. (Total lines 3 & 4)

70 Hour / 8 Day Drivers

A. Total hours on duty last 7 days, including today

B. Total hours available tomorrow 70 hr. minus A.*

C. Total hours on duty last 8 days, including today

80 Hour / 7 Day Drivers

A. Total hours on duty last 6 days, including today

B. Total hours available tomorrow 80 hr. minus A.*

C. Total hours on duty last 7 days, including today

*If you meet the 34-hour restart requirements in 49 CFR, you have 60/70 hours available again.

BOUND EDGE

SHIPPING DOCUMENTS:

B/L or Manifest No. or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: _____ To: _____

USE TIME STANDARD AT HOME TERMINAL.

8527



Copyright 2013 J. J. Keller & Associates, Inc.® All rights reserved.

Sample Hours of Service Log Book

1. Enter month, day and year.

2. Total miles driving today.

3. Name of carrier.

4. Main office address.

5. Driver's signature/certification.

6. Name of co-driver (if applicable).

7. Truck or tractor and trailer numbers.

DRIVER'S DAILY LOG
ONE CALENDAR DAY - 24 HOURS

ORIGINAL - For use by a motor carrier
DUPLICATE - For use by the driver for a log book

DATE: 6 27 88
MILES: 302
CARRIER: XYZ TRANSPORTATION Co.
OFFICE: SEATTLE, WA.

TRUCK/TRACTOR AND TRAILER NUMBER: T-97 TL-31
DRIVER'S SIGNATURE: John A. Jones
CO-DRIVER'S NAME: BILL R. SMITH
STATE OF ORIGIN: (NOT REQUIRED)

	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	TOTAL MILES	
1: ON DUTY	[Bar chart showing duty status]											[Bar chart showing duty status]											13	
2: SLEEPING	[Bar chart showing sleeping status]											[Bar chart showing sleeping status]											7	
3: DRIVING	[Bar chart showing driving status]											[Bar chart showing driving status]											4	
4: ON DUTY NOT DRIVING	[Bar chart showing on-duty not driving status]											[Bar chart showing on-duty not driving status]											24	
REMARKS	8/L 2345 REMOVED - STARTS ON LEAVE SEATTLE, WA WILSON - ARRIVAL OR KONT - EUGENE OR																							
FROM: (NOT REQUIRED)	[Blank]											TO: (NOT REQUIRED)	[Blank]											8. Total hours.
10. Shipping document number(s), or name of shipper and commodity.	[Blank]																							
11. 24-hour period starting time (e.g., midnight, 9:00am., noon, 3:00pm.).	[Blank]																							

9. Remarks (change of duty status, etc.)

Ride the Ducks of Seattle

Current and Active Driver List & Date of Hours of Service Policy Receipt

Name	Position	Status	Date of HOS Policy Receipt
Barker, Mitchell	Mechanic / Driver	Active	1/17/2016
Brandon, Reginald	Mechanic / Driver	Active	1/17/2016
Graham, Randy	Driver	Active	1/15/2016
Hatten, JC	Mechanic / Driver	Active	1/16/2016
Hatten, Joe	Mechanic / Driver	Active	1/18/2016
Hubert, Thom	Director of Tour Dev / Driver*	Active	1/16/2016
Johnson, Ryan	Director of Ops / Driver*	Active	1/15/2016
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active	1/15/2016
Lee, Megan	Tour Guide / Driver*	Active	1/18/2016
Najou, Patrick	Driver	Active	1/15/2016
Nakon, Curt	Driver	Active	1/15/2016
Nelson, Randal	Driver	Active	1/15/2016
Tanner, Richard	Driver	Active	1/15/2016
Temple, Jeremy	Driver	Active	1/15/2016
Van Gorder, Thomas	Driver	Active	1/15/2016
Wooden, Brandon	Mechanic / Driver	Active	1/16/2016

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

RTDS has created a living Excel spreadsheet where driver's On-Duty hours for a given day can be entered (blue arrows).

	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015
Sample Driver A										
Hours On-Duty	11.5	10		8	12.5	12	12.25	0	0	
Hours Last 8 Days	11.5	21.5	25.5	33.5	46	58	70.25	70.25	58.75	48
Hours Available Tomorrow	58.5	48.5	44.5	36.5	24	12	-0.25	-0.25	11.25	21
Tours Run (From Tours Worked)										
Hours Time Card (From Payroll)	11.5	10	4	6	12.25	12	12.25			
Hour Discrepancy	0	0	0	2	0.25	0	0	0	0	0
Missing Log	0	0	0	0	0	0	0	0	0	0
Hours of Service Violations	0	0	0	0	0	0	1	0	0	0
Logs Falsified	0	0	0	0	0	0	0	0	0	0
Discipline							In DQ File			

E	F
12/23/2015	12/24/2015
8	12.5
33.5	46
36.5	24
6	12.25

Once entered the spreadsheet calculates hours worked in the last 8 Days (red arrow above).

E	F
12/23/2015	12/24/2015
8	12.5
33.5	46
36.5	24
6	12.25

Directly below, hours worked in the last 8 days, displays how many hours are available to work the next day (green arrow above).

This number will be highlighted in yellow if there are fewer than 12 hours available. This warns dispatch, managers, and the driver that the driver is approaching the 70 hour limit. Any violation would be highlighted in red along with any daily On-Duty entry of over 12 hours.

FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW ACROBAT

Clipboard: Cut, Copy, Paste, Format Painter

Font: Calibri, 11, Bold, Italic, Underline, Color, Background Color

Alignment: Wrap Text, Merge & Center

Number: General, Currency, Percentage, Decimals

Styles: Normal, Bad, Good, Neutral, Calculation, Check Cell

H15

	A	B	C	D	E	F	G	H	I	J	K
1	Sample Driver A	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015
2	Hours On-Duty	11.5	10	4	8	12.5	12	12.25	0	0	0
3	Hours Last 8 Days	11.5	21.5	25.5	33.5	46	58	70.25	70.25	58.75	48.75
4	Hours Available Tomorrow	58.5	48.5	44.5	36.5	24	12	-0.25	-0.25	11.25	21.25
5	Tours Run (From Tours Worked)										
6	Hours Time Card (From Payroll)	11.5	10	4	6	12.25	12	12.25			
7	Hour Discrepancy	0	0	0	2	0.25	0	0	0	0	0
8	Missing Log	0	0	0	0	0	0	0	0	0	0
9	Hours of Service Violations	0	0	0	0	0	0	1	0	0	0
10	Logs Falsified	0	0	0	0	0	0	0	0	0	0
11	Discipline							In DQ File			
12											
13		Driver A: Continuous Log Audit Summary									
14											
15		Missing Log Total	0								
16		HOS Violation Total	1								
17											
18		Logs Falsified	0								
19											
20											
21											

Description of Spreadsheet Contents	
Line #1: Driver Name and Date of Operation	Line #7: Audit – Hours On-Duty Reported vs. Time Card
Line #2: Driver’s documented hours (Driver’s Time Record)	Line #8: Audit – Missing Logs (Indicate time record or daily log not received)
Line #3: Hours On-Duty Last 8 Days	Line #9: Audit – HOS Violations (Will turn red if line #4 is in violation)
Line #4: Hours Available Tomorrow	Line #10: Audit – Logs Falsified (Will verify with tours worked and time card)
Line #5: Record of tours completed (Example 11am, 1pm, 3pm, 5pm)	Log Audit Summary – Continuous list of Missing Logs, Hours of Service Violations, and Falsified Logs by Driver.
Line #6: Hours off of official time card (used to verify hours on-duty)	

Record of Duty Audit - Excel

FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW ACROBAT

Clipboard Font Alignment Number Styles Cells Editing

O50

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
23	Driver A: Sample Peak	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015	12/30/2015	12/31/2015	1/1/2016	1/2/2016	1/3/2016
24	Hours On-Duty	12	12	12	12	12	6	0	0	12	12	12	12	12	12	6
25	Hours Last 8 Days	12	24	36	48	60	66	66	66	66	66	66	66	66	66	66
26	Hours Available Tomorrow	58	46	34	22	10	4	4	4	4	4	4	4	4	4	4
27	Tours Run (From Tours Worked)															
28	Hours Time Card (From Payroll)	12	12	12	12	12.25	6	0	0	12	12.5	12	12	12	12	6
29	Hour Discrepancy	0	0	0	0	-0.25	0	0	0	0	-0.5	0	0	0	0	0
30	Missing Log	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31	Hours of Service Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	Logs Falsified	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
33	Discipline															
34																
35		Driver A: Continuous														
36		Log Audit Summary														
37		Missing Log														
38		Total	0													
39		HOS Violation														
40		Total	0													
41		Logs Falsified														
42		Total	0													
43																
44																
45																
46																
47																
48																
49																

Description of Spreadsheet Contents	
Line #1: Driver Name and Date of Operation	Line #7: Audit – Hours On-Duty Reported vs. Time Card
Line #2: Driver’s documented hours (Driver’s Time Record)	Line #8: Audit – Missing Logs (Indicate time record or daily log not received)
Line #3: Hours On-Duty Last 8 Days	Line #9: Audit – HOS Violations (Will turn red if line #4 is in violation)
Line #4: Hours Available Tomorrow	Line #10: Audit – Logs Falsified (Will verify with tours worked and time card)
Line #5: Record of tours completed (Example 11am, 1pm, 3pm, 5pm)	Log Audit Summary – Continuous list of Missing Logs, Hours of Service Violations, and Falsified Logs by Driver.
Line #6: Hours off of official time card (used to verify hours on-duty)	

RTDS Weekly Log Audit and Summary

Name of Auditor:

Period of Audit	Start Date	End Date
Number of Logs Checked		
Number Determined False		
Names of Drivers in Violation	Date	Type
<i>Driver A</i>		
<i>Driver B</i>		
<i>Driver C</i>		
<i>Driver D</i>		
<i>Driver E</i>		
Comments (include any discipline):		

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 21 – State Primary 395.8(a)**

Part B Violation 21 –State Primary 395.8 (a)

Failing to require driver to make a record of duty status.

Discovered: 93, Checked 1230

These violations were a result of Ride the Ducks of Seattle utilizing the short-haul driver record of duty status exemption in specific instances where the exemption was no longer permitted. Specifically, there were several instances discovered where a driver had been under dispatch for more than 12 hours, which is a limiting criterion for the record of duty status exemption under 395.1(e). RTDS was not aware that this 12-hour limitation required even short-haul drivers to complete records of duty status, and instead continued to use the Drivers Time Record in lieu of a driver grid log. RTDS now understands the 12-hour limitation for the exemption from completion of records of duty status and is taking steps to adjust scheduling and educate management and drivers so that the current Drivers Time record can be utilized consistently without incurring any violations.

The following corrective actions have been taken to prevent this discrepancy from occurring again:

Persons responsible for ongoing compliance: Ryan Johnson, Director of Operations and Moti Krauthamer, Director of Safety and Assistant Compliance Officer.

1. Ride the Ducks of Seattle intends to alter the operation of tour departures to limit Drivers to no more than 12 hours on-duty per day. This will be done by making departure time alterations, changing fueling practices, and possibly adding more drivers to allow for split or partial day shifts if necessary during peak periods.
2. Considering the consistency of our operations, RTDS is certain we are able to reliably limit drivers to 12 hours on-duty per day. Scheduling will then be managed to prevent the possibility of a shift exceeding 12 hours and thus precluding the driver log exemption afforded in 395.1.
3. However, in the unlikely event a driver shift exceeds 12 hours, the driver will be responsible for completing a driver “grid” log in accordance with 385.8. Dispatch will also be responsible for insuring that any driver whose shift exceeds 12 hours completes a driver log and turns it in following the shift.
4. Ride the Ducks of Seattle will, on a weekly basis, audit and review Drivers time records and future scheduled on-duty assignments to ensure regulations of 49 CFR 395 are being followed. In the unlikely event a shift exceeds 12 hours, auditors will confirm the execution and presence of a driver log for that shift.
5. Ride the Ducks of Seattle, Director of Operations, will audit any required Record of Duty Status Logs weekly. The audit summary will be logged to include:
 - a. the number of missing logs and drivers’ logs checked for hours of service violations,
 - b. the number of logs checked for accuracy
 - c. the number of logs determined to have been falsified
 - d. the names of drivers found in violation by violation date and type
 - e. Include all the logs and supporting documents used in audit
 - f. Any progressive disciplinary policy and actions that resulted from the log audit for violations discovered.

6. Ride the Ducks of Seattle will provide entry-level, and annual refresher/return to duty training that will include Hours of Service rules and requirements, including the 12-hour driver log exemption and required completion of a log if the exemption is exceeded.

The following materials in support of these corrective actions can be found in Appendix U:

1. **RTDS Policy update regarding Hours of Service**
2. **Sample Driver's Time Record**
3. **Sample Hours of Service Logbooks**
4. **Current active driver's list for RTDS and date of receipt of RTDS Policy update regarding Hours of Service**
5. **Sample driver's time records and Weekly Summary**
6. **Weekly Audit and Summary**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix U:

**Supporting Documents of Corrective Actions
In Response to Violation 21**

- Hours of Service Policy Update
- Sample Driver's Time Record
- Sample Hours of Service Logbooks
- Current Active Drivers List
- Sample Driver's Time Records and Weekly Summary
- Weekly Audit and Summary

RTDS POLICY UPDATE



To: All CDL Drivers
From: Director of Operations
CC: Leadership
Date: 1/12/2016
Re: Hours of Service and Status Log Books

Ride the Ducks of Seattle has updated their Hours of Service Policy. In accordance with FMCSA Regulations 49 CFR Part 395 and RTDS Code of Practice Regulations. RTDS Hours of Service policy and procedure is as follows, and is contained in the Ride the Ducks of Seattle Compliance Manual Volume 2 (Captains, Drivers, Deckhands), Chapter 5, Section 4.3 Hours of Service.

Hours of Service Policy

It is policy of RTDS that all Drivers comply with the following:

- Drivers may not drive after being on duty 70 hours in 8 consecutive days.
- Every effort shall be made by Drivers, dispatchers, and other staff to keep drivers from exceeding 12 hours on-duty per day.
- Drivers may drive a maximum of 10 hours after 8 consecutive hours off duty.
- Drivers may not drive after having been on duty 15 hours following 8 consecutive hours off duty.
- Drivers must maintain on-going time records to verify compliance with Hours of Service Regulations.
- Driver records of on-duty hours (Driver's Time Record) must be kept with the driver while driving the Duck.
- If a Driver exceeds 12-hours on-duty in a single day, the driver must complete a Driver's Daily Grid log that will be provided by an RTDS Supervisor or Dispatcher, and shall be attached to the weekly copy of the Driver's Time Record.
- Driver's Time Records and/or Driver's Daily Log Books must be maintained and kept up to date by the driver every 24 hours.
- Original Driver's Time Record documents and/or any accompanying Driver's Daily Log sheets shall be turned into the assigned box at the Maintenance Facility no more than 3 days following the end of the 7 day period.
- Duplicate Driver's Time Records or Drivers Daily Log sheets shall be maintained by the driver.
- Intermittent drivers will be given and required to maintain a Driver's Time Record book in order to track and record their on-duty hours for the past seven days.
- Intermittent drivers will be required to fill out a Driver's Daily log if they have more than 12 on-duty hours in any given day.

Definitions

- On-duty means: all time from the time a driver begins work or is required to be in readiness for work until the time the driver is relieved from work and all responsibilities for performing work.

Performing other compensated work for a person or company who is not a motor carrier is also on-duty time.

- Off-Duty means: time spent not “on-duty” or “driving a commercial motor vehicle (CMV)”. Additionally, the driver must not be performing any compensated work for a person or company that is not a motor carrier.
- Intermittent drivers: means an employee of RTDS whose primary job responsibility is NOT to drive duck tours. This would include the Director of Operations, the Director of Safety, The Director of Tour Development, and all members of the Maintenance team.

Hours of Service Violations Policy

RTDS will not schedule a person, or will remove them from duty, where an hours of service violation exists. Communication with RTDS schedulers and self-monitoring is critical. If you have a second job, it is required that you keep the RTD scheduler informed with an updated “on-duty” schedule for that job.

- If you recognize a potential hours of service violation, notify a RTDS supervisor immediately.
- If violation of hours of service occurs, stop driving, and notify a RTDS supervisor.
- A violation of hours of service may result in disciplinary action.

Short Haul Provision: A driver does not have to make a Driver’s Daily Log or Record of Duty Status if all of the following apply:

- Driver operates within a 100 air-mile radius of the RTDS Maintenance Facility.
- Driver returns and is released from the Maintenance Facility within 12 consecutive hours.
- At least 8 consecutive hours off duty separate each 12 consecutive hours on duty.
- Driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.
- Maximum on-duty and driving times, 70/8 and 10 hours, still apply.

I have read and been trained on the following Ride the Ducks of Seattle protocol, procedure, or policy.

Name: _____ Signature: _____ Date: _____

Sample of Driver's Time Record

1/13

EMPLOYEE SIGNATURE: _____

EMPLOYEE NUMBER: _____

BOUND EDGE

CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED		CHECK IF LOG SHEET ATTACHED	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY	
DATE		DATE		DATE		DATE		DATE		DATE		DATE	
TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.	TIME	ON DUTY HRS.
ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM
PM		PM		PM		PM		PM		PM		PM	
OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM
PM		PM		PM		PM		PM		PM		PM	
ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM
PM		PM		PM		PM		PM		PM		PM	
OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM
PM		PM		PM		PM		PM		PM		PM	
ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM
PM		PM		PM		PM		PM		PM		PM	
OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM
PM		PM		PM		PM		PM		PM		PM	
ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM	ON	AM
PM		PM		PM		PM		PM		PM		PM	
OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM	OFF	AM
PM		PM		PM		PM		PM		PM		PM	
TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS		TOTAL ON-DUTY HOURS	
TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS		TOTAL ON-DUTY HRS. LAST 7 DAYS	

© Copyright 2013 J. J. KELLER & ASSOCIATES, INC.®, Neenah, WI • USA • (800) 327-6868 • jkeller.com • Printed in the United States

Original, White Copy – Duplicate, Canary Copy

8531

Sample Blank Hours of Service Logbook

7/13



DRIVER'S DAILY LOG (24 HOURS)

(Month) / (Day) / (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP
Complete at end of workday.

Total Miles Driving Today Total Mileage Today

Name of Carrier or Carriers

Main Office Address

Home Terminal Address

I certify these entries are true and correct:

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

	MID-NIGHT											NOON											TOTAL HOURS
	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																							
2. SLEEPER BERTH																							
3. DRIVING																							
4. ON DUTY (NOT DRIVING)																							
REMARKS																							

On-duty hours today. (Total lines 3 & 4)

70 Hour / 8 Day Drivers

A. Total hours on duty last 7 days, including today

B. Total hours available tomorrow 70 hr. minus A.*

C. Total hours on duty last 8 days, including today

80 Hour / 7 Day Drivers

A. Total hours on duty last 6 days, including today

B. Total hours available tomorrow 80 hr. minus A.*

C. Total hours on duty last 7 days, including today

*If you meet the 34-hour restart requirements in 49CFR 395.3, you have 60/70 hours available again.

BOUND EDGE

SHIPPING DOCUMENTS:

B/L or Manifest No. or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: _____ To: _____

USE TIME STANDARD AT HOME TERMINAL.

8527



Copyright 2013 J. J. Keller & Associates, Inc.® All rights reserved.

Sample Hours of Service Log Book

1. Enter month, day and year.

2. Total miles driving today.

3. Name of carrier.

4. Main office address.

5. Driver's signature/certification.

6. Name of co-driver (if applicable).

7. Truck or tractor and trailer numbers.

DRIVER'S DAILY LOG
ONE CALENDAR DAY - 24 HOURS

ORIGINAL For use by a motor carrier
DUPLICATE For use by the driver for a log book

DATE: 6 27 88 (NOT REQUIRED)
MILES: 302 (TOTAL MILES TODAY)
CARRIER: XYZ TRANSPORTATION Co. (TOTAL MILES DRIVEN TODAY)
OFFICE: SEATTLE, WA. (NAME OF CARRIER)
SEATTLE, WA. (MAIN OFFICE ADDRESS)
Signature: John A. Jones (DRIVER'S SIGNATURE)
Co-driver: BILL R. SMITH (NAME OF CO-DRIVER)
(NOT REQUIRED) (HOME TELEPHONE ADDRESS)

1 2 3 4 5 6 7 8 9 10 11 1 2 3 4 5 6 7 8 9 10 11

1: ON DUTY 13
2: SLEEPING 7
3: DRIVING 4
4: ON DUTY NOT DRIVING 24

REMARKS
B/L 2345
REMIT - SEATTLE WA
LEAVE SEATTLE WA
ARRIVAL OR
EUGENE OR

FROM: (NOT REQUIRED) TO: (NOT REQUIRED)
STARTING POINT OF TRIP TERMINAL USE TIME STANDARD AT HOME TERMINAL DESTINATION OF TRIP AND POINT OF PLACE

8. Total hours.

9. Remarks (change of duty status, etc.)

10. Shipping document number(s), or name of shipper and commodity.

11. 24-hour period starting time (e.g., midnight, 9:00am., noon, 3:00pm.).

Ride the Ducks of Seattle

Current and Active Driver List and Date of Hours of Service Policy

Name	Position	Status	Date of HOS Policy
Barker, Mitchell	Mechanic / Driver	Active	1/17/2016
Brandon, Reginald	Mechanic / Driver	Active	1/17/2016
Graham, Randy	Driver	Active	1/15/2016
Hatten, JC	Mechanic / Driver	Active	1/16/2016
Hatten, Joe	Mechanic / Driver	Active	1/18/2016
Hubert, Thom	Director of Tour Dev / Driver*	Active	1/16/2016
Johnson, Ryan	Director of Ops / Driver*	Active	1/15/2016
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active	1/15/2016
Lee, Megan	Tour Guide / Driver*	Active	1/18/2016
Najou, Patrick	Driver	Active	1/15/2016
Nakon, Curt	Driver	Active	1/15/2016
Nelson, Randal	Driver	Active	1/15/2016
Tanner, Richard	Driver	Active	1/15/2016
Temple, Jeremy	Driver	Active	1/15/2016
Van Gorder, Thomas	Driver	Active	1/15/2016
Wooden, Brandon	Mechanic / Driver	Active	1/16/2016

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

RTDS has created a living Excel spreadsheet where driver's On-Duty hours for a given day can be entered (blue arrows).

	B	C	D	E	F	G	H	I	J	K
1 Sample Driver A	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015
2 Hours On-Duty	11.5	10	4	8	12.5	12	12.25	0	0	
3 Hours Last 8 Days	11.5	21.5	25.5	33.5	46	58	70.25	70.25	58.75	48
4 Hours Available Tomorrow	58.5	48.5	44.5	36.5	24	12	-0.25	-0.25	11.25	21
5 Tours Run (From Tours Worked)										
6 Hours Time Card (From Payroll)	11.5	10	4	6	12.25	12	12.25			
7 Hour Discrepancy	0	0	0	2	0.25	0	0	0	0	0
8 Missing Log	0	0	0	0	0	0	0	0	0	0
9 Hours of Service Violations	0	0	0	0	0	0	1	0	0	0
10 Logs Falsified	0	0	0	0	0	0	0	0	0	0
11 Discipline							In DQ File			
12										
13										
14	Driver A: Continuous Log									
15	Audit Summary									
16	Missing Log	Total	0							
17	HOS Violation	Total	1							
18	Logs Falsified	Total	0							
19										
20										
21										
22										
23 Driver A: Sample Peak	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015
24 Hours On-Duty	12	12	12	12	12	6	0	0	12	
25 Hours Last 8 Days	12	24	36	48	60	66	66	66	66	
26 Hours Available Tomorrow	58	46	34	22	10	4	4	4	4	
27 Tours Run (From Tours Worked)										
28 Hours Time Card (From Payroll)	12	12	12	12	12.25	6	0	0	12	12
29 Hour Discrepancy	0	0	0	0	-0.25	0	0	0	0	-0.25
30 Missing Log	0	0	0	0	0	0	0	0	0	0

E	F
12/23/2015	12/24/2015
8	12.5
33.5	46
36.5	24
6	12.25

Once entered the spreadsheet calculates hours worked in the last 8 Days (red arrow above).

E	F
12/23/2015	12/24/2015
8	12.5
33.5	46
36.5	24
6	12.25

Directly below, hours worked in the last 8 days, displays how many hours are available to work the next day (green arrow above).

This number will be highlighted in yellow if there are fewer than 12 hours available. This warns dispatch, managers, and the driver that the driver is approaching the 70 hour limit. Any violation would be highlighted in red along with any daily On-Duty entry of over 12 hours.

FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW ACROBAT

Clipboard: Cut, Copy, Paste, Format Painter

Font: Calibri, 11, Bold, Italic, Underline, Color, Background Color

Alignment: Wrap Text, Merge & Center

Number: General, Currency, Percentage, Decimals

Styles: Normal, Bad, Good, Neutral, Calculation, Check Cell

H15

	A	B	C	D	E	F	G	H	I	J	K
1	Sample Driver A	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015
2	Hours On-Duty	11.5	10	4	8	12.5	12	12.25	0	0	0
3	Hours Last 8 Days	11.5	21.5	25.5	33.5	46	58	70.25	70.25	58.75	48.75
4	Hours Available Tomorrow	58.5	48.5	44.5	36.5	24	12	-0.25	-0.25	11.25	21.25
5	Tours Run (From Tours Worked)										
6	Hours Time Card (From Payroll)	11.5	10	4	6	12.25	12	12.25			
7	Hour Discrepancy	0	0	0	2	0.25	0	0	0	0	0
8	Missing Log	0	0	0	0	0	0	0	0	0	0
9	Hours of Service Violations	0	0	0	0	0	0	1	0	0	0
10	Logs Falsified	0	0	0	0	0	0	0	0	0	0
11	Discipline							In DQ File			
12											
13		Driver A: Continuous Log Audit Summary									
14											
15		Missing Log Total	0								
16		HOS Violation Total	1								
17											
18		Logs Falsified	0								
19											
20											
21											

Description of Spreadsheet Contents	
Line #1: Driver Name and Date of Operation	Line #7: Audit – Hours On-Duty Reported vs. Time Card
Line #2: Driver’s documented hours (Driver’s Time Record)	Line #8: Audit – Missing Logs (Indicate time record or daily log not received)
Line #3: Hours On-Duty Last 8 Days	Line #9: Audit – HOS Violations (Will turn red if line #4 is in violation)
Line #4: Hours Available Tomorrow	Line #10: Audit – Logs Falsified (Will verify with tours worked and time card)
Line #5: Record of tours completed (Example 11am, 1pm, 3pm, 5pm)	Log Audit Summary – Continuous list of Missing Logs, Hours of Service Violations, and Falsified Logs by Driver.
Line #6: Hours off of official time card (used to verify hours on-duty)	

Record of Duty Audit - Excel

Ryan Johnson

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
23	Driver A: Sample Peak	12/20/2015	12/21/2015	12/22/2015	12/23/2015	12/24/2015	12/25/2015	12/26/2015	12/27/2015	12/28/2015	12/29/2015	12/30/2015	12/31/2015	1/1/2016	1/2/2016	1/3/2016
24	Hours On-Duty	12	12	12	12	12	6	0	0	12	12	12	12	12	12	6
25	Hours Last 8 Days	12	24	36	48	60	66	66	66	66	66	66	66	66	66	66
26	Hours Available Tomorrow	58	46	34	22	10	4	4	4	4	4	4	4	4	4	4
27	Tours Run (From Tours Worked)															
28	Hours Time Card (From Payroll)	12	12	12	12	12.25	6	0	0	12	12.5	12	12	12	12	6
29	Hour Discrepancy	0	0	0	0	-0.25	0	0	0	0	-0.5	0	0	0	0	0
30	Missing Log	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31	Hours of Service Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	Logs Falsified	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
33	Discipline															
34																
35		Driver A: Continuous Log Audit Summary														
37		Missing Log Total	0													
39		HOS Violation Total	0													
42		Logs Falsified	0													

Description of Spreadsheet Contents	
Line #1: Driver Name and Date of Operation	Line #7: Audit – Hours On-Duty Reported vs. Time Card
Line #2: Driver’s documented hours (Driver’s Time Record)	Line #8: Audit – Missing Logs (Indicate time record or daily log not received)
Line #3: Hours On-Duty Last 8 Days	Line #9: Audit – HOS Violations (Will turn red if line #4 is in violation)
Line #4: Hours Available Tomorrow	Line #10: Audit – Logs Falsified (Will verify with tours worked and time card)
Line #5: Record of tours completed (Example 11am, 1pm, 3pm, 5pm)	Log Audit Summary – Continuous list of Missing Logs, Hours of Service Violations, and Falsified Logs by Driver.
Line #6: Hours off of official time card (used to verify hours on-duty)	

RTDS Weekly Log Audit and Summary

Name of Auditor:		
Period of Audit	Start Date	End Date
Number of Logs Checked		
Number Determined False		
Names of Drivers in Violation	Date	Type
<i>Driver A</i>		
<i>Driver B</i>		
<i>Driver C</i>		
<i>Driver D</i>		
<i>Driver E</i>		
Comments (include any discipline):		

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 22 – State Primary 396.13(c)**

Part B Violation 22 – State Primary 396.13(c)

Failing to require driver to sign the last vehicle inspection report when defects or deficiencies were noted.

Discovered: 90, Checked 570

These violations were the result of lack of timely internal audit procedures to address non-compliance pertaining to 396.13(c). Ride the Ducks of Seattle properly trained their Captains and Maintenance Technicians as to the requirements of 49 CFR 396.13. However, due to the paperwork process in place it was exceedingly time consuming for supervisors to verify correct procedures we being followed.

The following corrective actions have been taken to prevent this discrepancy from occurring again:

Person responsible for ongoing compliance: Moti Krauthamer, Director of Safety & Assistant Compliance Officer, and Joseph M. Hatten, Fleet Maintenance Manager.

1. Ride the Ducks of Seattle has updated its Standard Operating Policy and Procedures regarding Daily Vehicle Safety Inspections to ensure that drivers are clear on the need to sign the previous day inspection form verifying correction of listed defects, if so noted, prior to operation of the vehicle.
2. Ride the Ducks of Seattle has updated the Daily Vehicle Inspection Report Form to provide more clarity of the requirements placed on the drivers and Maintenance Inspectors, and to more clearly follow the requirements of 49 CFR Part 396.11 and 396.13.
3. To enable daily monitoring of Driver and Maintenance Technician Inspection documentation processes, Ride the Ducks of Seattle has changed the documentation procedure to the following:
 - a. Page 1 (White Copy): Maintenance Technician and Driver Daily Pre-Trip Safety Inspection.
 - b. Page 2 (Yellow Copy): This will now include the full DVIR Report including verification of defect repair for next day operations.
 - c. Page 3 (Pink Copy): Full copy of DVIR to remain on the vehicle for reference.
4. All Drivers and Maintenance Technicians will receive training on RTDS revised process upon return to duty, new hire, and annual re-training of Vehicle Inspection Reporting processes and procedures.

The following materials in support of these corrective actions can be found in Appendix V:

1. **RTDS Policy Update regarding Daily Vehicle Inspection Report (DVIR)**
2. **RTDS Inspector List (Drivers/Mechanics) and date of receipt of RTDS Policy update regarding Daily Vehicle Inspection Report**
3. **Sample Daily Vehicle Inspection Report (DVIR) form**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix V:

**Supporting Documents of Corrective Actions
In Response to Violation 22**

- Policy Update for DVIRs
- Inspector List
- Sample DVIR

RTDS POLICY UPDATE

To: All Duck Inspectors/Drivers/Captains

From: Director of Operations

CC: Leadership

Date: 1/8/2016



Re: Daily Vehicle Inspection Report (DVIR) Updates and Procedure Changes

Ride the Ducks of Seattle has updated the Daily Vehicle Inspection Report Policy and procedures. In accordance with FMCSA Regulations 49 CFR Part 392.7, 392.8, 396.11, 396.13 and Part 396.1 Subpart A, USCG Regulations 46 CFR Part 185.320 and NVIC 1-01 185.520-524 and RTDS Code of Compliance Regulations Volume 2, Chapter 5, Section 2, the Daily Vehicle Inspection procedure changes include the following:

Changes to the Daily Vehicle Inspection Report (DVIR):

1. Previous day verification of any defects by Drivers will be documented on the second (yellow) copy of the DVIR.
2. Post-Trip Report signature line.
3. Insertion of a "NO DEFECTS" checkbox in the Post-Trip Driver Comments box.
4. Status of defect repair statement and sign-off boxes for the mechanics and verification of repair.
5. Relocate "Is this a training Duck" and "Fuel Card Belongs To" sections.
6. Reorganization of the line items for better inspection flow.
7. Daily plug inspection box changes.

Inspection Procedure Updates: See Below and refer to RTDS Code of Compliance Manual Volume 2, Chapter 5, Section 2.

Section 2 - Daily Safety Inspections

2.1. Daily Vehicle Safety Inspection Policy

It is RTDS Policy that each Duck, prior to operation, be fully inspected first by a certified and trained Maintenance Technician and then by the assigned Captain or Driver in accordance with **FMCSA Safety Regulations 49 CFR Part 392.7, 392.8, 396.11, 396.13 and Part 396.1 Subpart A, USCG Regulations 46 CFR Part 185.320 and NVIC 1-01 185.520-524**, as well as the established RTDS Safety Regulations.

2.2. Captain/Driver Daily Safety Inspection Responsibilities

It is the Captain or Driver's responsibility to be satisfied that the Duck is safe, clean, and completely road and seaworthy before boarding guests. Failure to fully and completely inspect the Duck every morning will result in disciplinary action and may result in termination. Each Captain must perform the Daily Vehicle Safety Inspection when they first arrive in the morning, so if there is a problem, the maintenance team will have sufficient time to make repairs or assign another Duck.

It is the Captain's responsibility and duty to refuse any Duck that they deem to be unsafe to operate on the land or in the water.

2.3. Maintenance Technician Daily Safety Inspection Responsibilities

The primary responsibility of a Maintenance Technician is to ensure the Duck fleet is in safe operating condition at all times. Aside from normal preventative maintenance and problem diagnosis and repair, the Maintenance Technicians are responsible for performing a complete and extensive Pre-Trip Inspection and follow-up from any previous Captain's Post-Trip Daily Vehicle Inspection Report comments. The maintenance technician's portion of the Pre-Trip inspection includes all items on the driver's checklist plus an additional list of routine check-ups and maintenance.

It is the maintenance technician's duty and responsibility to refuse to release any Duck that they deem to be unsafe to operate on the land or in the water.

Any maintenance that may affect the integrity of the hull must be checked by two mechanics for quality control and then float tested before Duck goes back into service. *
Routine maintenance repairs may require reporting to the USCG. In all cases inform the Fleet maintenance Manager or Maintenance Foreman.

2.4. Daily Vehicle Safety Inspections Overview

The Pre-Trip Driver Vehicle Inspection must be completed prior to the first scheduled tour of the day, Mid-Day inspections shall be completed between tours and a post-trip report must be completed after the last tour of the day. It will take time and effort, but these duties are required by the FMCSA, USCG, and by RTDS. The time and thoroughness that each Captain/Driver and Maintenance Technician spends on these inspections will ensure our guests are safe, comfortable and satisfied.

It is imperative that all Inspection Forms and documentation are completely and accurately filled out and that all writing is legible. These are USCG and FMCSA required documents that each operator, as a Captain and as a CDL licensed driver or Maintenance Technician, are required to complete. Be sure to accurately fill out the vessel license number (WN number), the vehicle licensing information, initial all line items and boxes, and sign and legibly print your name. Please press hard while writing so it legibly transfers to the carbon copies beneath.

All applicable items on the inspection forms must be inspected, initialed and confirmed with a signature at the bottom of the page.

The Driver Vehicle Inspection Report logbooks contain carbon copy forms to document the multiple inspections completed daily. The Pre-Trip Inspection for both the Driver/Captain and the Maintenance Technician is recorded on the first page (white) and must be posted at the maintenance facility prior to departure.

The Post-Trip Report is to be recorded directly on the second page (yellow) in the Driver Vehicle Inspection Report logbook. The second and third pages (yellow and pink) must be left in the document folder on board for reference and collection by the next driver. The pink copy must stay in the logbook and is a full copy of all inspection procedures completed. The yellow copy should be turned in when posting the pre-inspection form (white), and placed in the basket next to the display location at the maintenance facility. Driver Vehicle Inspection Reports are to be maintained in active vehicle files for a minimum of 1 year at the Maintenance Facility by the Fleet Maintenance Manager.

After a thorough inspection of the Duck, if any defects have been discovered, locate one of the maintenance technicians and inform them of the suspected problem. The maintenance team will either fix the problem or assign another Duck. If the problem is indicated on the Post-Trip Report, a work order will be created to address the problem before the vehicle is put back into service. The Director of Operations or Manager-on-Duty must be informed by either a Captain or a mechanic immediately if any problem will delay the Duck from operating on schedule.

All Staff (except certified Maintenance Technicians)

Do NOT work on or alter the Ducks in any way without the expressed permission from the Fleet Maintenance Manager. The Ducks are unique vehicles and the maintenance team does a great job to keep them in good working condition. It is imperative that no mechanical changes or alterations of any kind are made to the vehicles without the express consent of the Fleet Maintenance Manager or Maintenance Foreman.

2.5. Vehicle Lock-Out Procedures

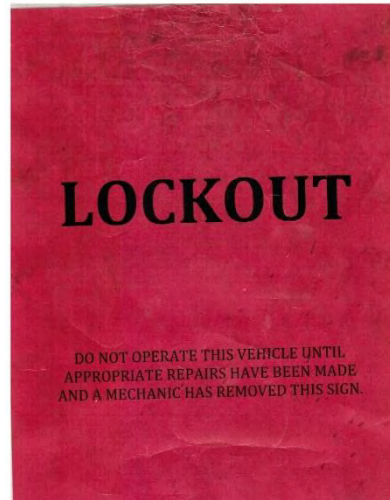
For safety, RTDS has established the following Lock-Out Procedures for vehicles with mechanical or safety defects or for vehicles assigned to receive scheduled maintenance.

- Once maintenance has been scheduled or a defect has been identified, the Maintenance Technician, will immediately attach 1 lock-out tag (Part number 65520) to the steering wheel and a red tag sign placed on a visible area of the Duck.
- The Maintenance Technician shall fill out the name and date on the front of the lockout tag, and provide a brief description of the maintenance fault or reason for the lockout on the back side, and that is the individual is to be contacted in reference to the lockout.
- The lockout tag and sign will remain on the Duck until the identified defect is repaired or service is completed and all safety inspections have been verified satisfactory and with all USCG and FMCSA requirements.
 - If the defect or maintenance cannot be completed in the scheduled time and another Maintenance Technician must take over, the newly assigned Maintenance Technician will immediately install an additional lock-out tag over the previous one with his/her information included. Thus assuming the responsibility for that piece of equipment.
- During the repair, use of the Lock-Out Duck is not authorized and removal of the lockout tag or sign is not allowed. The only authorized personnel to remove the lockout tag and sign will be a maintenance supervisor or the Maintenance Technician who is responsible for that Duck, and only upon successful repair of the defect or scheduled maintenance.

Removal of lockout tag and sign or normal operation of a locked out vehicle may result in disciplinary action including employment termination.

- Upon the completion of maintenance and inspection required to return the equipment to FMC (Fully Mission Capable) status, the maintenance personnel will notify the Shop Foreman and/or Fleet Maintenance Manager (FMM) of the status change. Then the lockout tag and sign may be removed, entered data erased and the lockout tag returned to proper place in the maintenance facility, to be used again on future repairs.

This process will ensure that there is no operation of Ducks that have known defects or scheduled maintenance. Furthermore, the Lock-out System will prevent further damage to the equipment and possible injury to personnel or guests.



2.6. Daily Pre-Trip Safety Inspection Procedures (Paperwork)

Inspections are done to ensure safety of the machine or operation being inspected. Safety is the #1 goal at RTDS and the Pre-Trip inspection must be carried out appropriately, thoroughly, and with ample time each day.

Before beginning a Pre-Trip Inspection checklist, review, at minimum, the previous day's Driver Vehicle Inspection Report. This process will allow the Captain or Driver to become familiar with any past and/or ongoing issues or concerns on the particular Duck. Look for any service requests or comments made by the previous Captain and note any work order notifications by the maintenance technicians. Any service request made by the previous Captain in the comment box should have been addressed by a maintenance technician and categorized as "Have Been" or "Need Not Be" corrected for safe operation. It is the responsibility of the Captain or Driver to inspect and/or question any service request that was indicated. If all requests have been completed to the standards, sign and date the previous day's Driver Vehicle Inspection Report and begin the Pre-Trip Safety Inspection. If no issues needed to be addressed, it is not necessary to sign the previous day's Post-Trip Report form.

To begin the Pre-Trip Inspection, fill out all the pertinent information at the top of the inspection form as it relates to the Duck to be inspected. This includes the date of operation, the Duck number,

the vessel license number, the license plate number and the radio (Duck phone number) assigned for the day.

Next, inspect all applicable line-items under the Pre-Trip Inspection and initial in correct Mechanic or Captain column. For Captain's inspection, a maintenance technician should have already inspected and initialed under the Mechanic column of the Pre-Trip Inspection. Inspect all seven plugs to ensure they are securely in place, mark or slash each location on the inspection form and initial in the box below the diagram that you have completed this inspection. Indicate whether you are using the Duck for training.

Print your full name at the bottom of the page and sign and date the inspection. The mechanic should have already printed and signed their name and dated their inspection. The signature indicates that you certify the following:

I certify that I am trained, prepared and competent to perform the proper procedures during the following events: hull breach, man overboard, high temp alarm or fire onboard, loss of steering and/or propulsion and any event(s) requiring the need for curtain release, fuel shut-off, the activation of the engine compartment closure system, passengers to don PFDs and/or any water towing occurrence. I certify that I am trained and competent to operate this vehicle. I affirm that I am knowledgeable of this vehicle's specific configuration and that I have reviewed the different variations of modifications and on-board engagement systems. I certify that I understand the purpose of and am trained as to when and how to use and respond to each of the following devices and/or on-board warning systems: life rings, PFDs, boat hook, throw bag, curtain release system, CO2 system, fire extinguishers, engine compartment closures, hull plugs, shaft housings, boots, high temp alarm, vapor detection alarm, bilge high water alarm system, hull dewatering pumps, emergency pump operation, emergency braking and the auxiliary steering system.

This paperwork must be accurately and legibly completed and posted at the Maintenance Facility prior to departure.

2.14. Daily Vehicle Post-Trip Inspection Reporting

If any malfunction or mechanical issue with the Duck should arise during normal operation, you are required to report it to our maintenance team in writing on the Driver Vehicle Inspection Report (DVIR).

A post trip inspection must include:

- Service brakes
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield Wipers
- Rear vision mirrors
- Wheels and rims
- Emergency equipment

On the Post-Trip portion of the report, indicate service requested (“SR”) next to any the line item that malfunctioned or is need of repair and explain the problem in the comment box. If the item is functional with no issues, write “OK” on the line item. Entries in the log book should be legible and informative. Press hard while writing so it legibly transfers to the carbon copies beneath. Be sure to give specifics of the issue you notice. Many problems should also be discussed with a mechanic in person as more information can make the diagnosis of defects easier and quicker for our Maintenance Technicians. Upon completion of the DVIR sign and date at the bottom.

Once notified of a defect, the maintenance technicians will diagnose the problem and fill out a work order form to have the problem addressed. They will then reply to the comments made on the DVIR within their comment area on the form.

When applicable, notify the maintenance technician in advance via PTT that an issue may require a ride along. The maintenance technician will meet the Driver for a road test prior to parking the Duck in the maintenance facility.

If no defects are present indicate so by placing a check in the “**No Defects**” box in the Driver Comment section. Then sign and date the Post-Trip section at the bottom of the DVIR.

Ride the Ducks of Seattle

Inspector List (Drivers/Mechanics) & Date of DVIR Policy Receipt

Name	Position	Status	Date of DVIR Policy Receipt
Barker, Mitchell	Mechanic/Driver	Active	1/17/2016
Brandon, Reginald	Mechanic/Driver	Active	1/17/2016
Crawford, Donald	Mechanic Only	Active	1/16/2016
Ellet, Zach	Mechanic Only	Active	1/16/2016
Graham, Randy	Driver	Active	1/15/2016
Hatten, JC	Mechanic/Driver	Active	1/16/2016
Hatten, Joe	Mechanic/Driver	Active	1/18/2016
Hoffman, Isaac	Mechanic Only	Active	1/18/2016
Holmes, Cole	Mechanic Only	Active	1/15/2016
Hubert, Thom	Dir. of Tour Dev/Driver	Active	1/16/2016
Johnson, Ryan	Dir. of Ops./Driver	Active	1/15/2016
Krauthamer, Robert "Moti"	Dir. Of Safety/Driver	Active	1/15/2016
Lee, Megan	Tour Guide/Driver	Active	1/18/2016
Najou, Patrick	Driver	Active	1/15/2016
Nakon, Curt	Driver	Active	1/15/2016
Nelson, Randal	Driver	Active	1/15/2016
Tanner, Richard	Driver	Active	1/15/2016
Temple, Jeremy	Driver	Active	1/15/2016
Thornton, James	Mechanic Only	Active	1/18/2016
Van Gorder, Thomas	Driver	Active	1/15/2016
Ward, Patrick	Mechanic Only	Active	1/18/2016
Wooden, Brandon	Mechanic/Driver	Active	1/16/2016

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 23 – State Primary 396.21(b)**

Part B Violation 23 – Primary 396.21(b)

Failing to retain periodic inspection report for 14 months from date of inspection.

Discovered: 3, Checked 20

These violations were the result of improper periodic inspection documentation retention. While periodic inspections were completed at appropriate intervals, inspections report retention was insufficient.

The following corrective actions have been taken to prevent this discrepancy from occurring again:

Person responsible for ongoing compliance: Joe M. Hatten, Fleet Maintenance Manager & Ryan Johnson, Director of Operations and Compliance Officer.

1. Ride the Ducks of Seattle has updated the Annual Inspection record retention policy to require records of periodic (annual) inspection be retained for a minimum of 3 years. This policy can be seen in RTDS Code of Compliance Manual Volume 3 (Maintenance), Chapter 4, Section 3.10 and is provided as supportive documentation for this violation. Retention for 3 years will well exceed the 14-month retention requirement from the date of execution, as detailed in 396.21(b).
2. Additionally, copies of the periodic inspection will be maintained on the vehicle for the period which it is valid.
3. Ride the Ducks of Seattle will annually perform a verification and review (audit) of records and record retention practices to ensure compliance with the requirement of part 396.21(b). Audits will occur during the 3rd week of October, annually.

The following materials in support of these corrective actions can be found in Appendix W:

1. **RTDS Policy Update regarding Annual DOT Inspection Procedures and Record Retention**
2. **Receipt of Policy Update by Joe M. Hatten, Fleet Maintenance Manager**
3. **Example of calendar reminders regarding annual maintenance record and record retention audits**
4. **List of Vehicle Information**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix W:

**Supporting Documents of Corrective Actions
In Response to Violation 23**

- Policy Update for Annual DOT Inspection Procedures
- Receipt of Policy Update
- Example of Calendar Reminders
- List of Vehicle Information

RTDS POLICY UPDATE

To: RTDS Maintenance Supervisors
From: Director of Operations
CC: Leadership
Date: 1/11/2016
Re: RTDS Annual DOT Inspection Procedures and Record Retention



3.10. RTDS Annual DOT Inspection

Introduction

Ducks are subject to a combination of operational conditions not normally encountered by other autos, trucks, busses, or boats. This variety of stresses, strains, vibrations and harsh operating environments requires very detailed periodic inspections and regular maintenance. The annual inspections are but one segment of the comprehensive RTDS Maintenance Program.

Objectives and Implementation

In a timely but thorough manner inspect all safety sensitive systems and components to ensure our Ducks are safe for operation on the road. This inspection process has been established to ensure certain required maintenance actions are performed within a specific interval and as required by the FMCSA and RTDS. Annual inspections are to be performed on all Ducks within a period of not more than 12 months between inspections. Once established, this cycle shall be maintained for the service life of the vehicle.

Directions

This inspection packet consists of 10 sub-packets, a workbook page within each sub-packet that will show parts used and maintenance performed, and a sign off sheet for the use inspectors and their supervisors. Each sub-packet requires the Duck number to be written at the header and the specific date that the Duck component was inspected.

Each inspector will be given a sub-packet to complete. Items inspected that check out serviceable shall be indicated as such on the paperwork by checking the (OK) box and by placing their initials. Any item that requires maintenance or repair shall be noted with "see workbook" next to it. The inspector shall then show all work performed by taking notes, listing parts used, and by finally signing off that the work has been complete and is to correct safety specification.

When work is performed a "Work Order" must be created and kept on file as required by RTDS. When the Annual Inspection is complete, each inspector and supervisor affiliated with the Ducks inspection must sign under the appropriate title and a DOT Annual Vehicle Inspection Report must be created and placed on board the Duck.

Records

The original DOT Annual Vehicle Inspection Report shall be placed on the Duck and kept onboard at all times. A copy of the original DOT Annual Vehicle Inspection Report and Annual Inspection Workbook shall be kept by the Fleet Maintenance Manager, and remain on file for a minimum of 3 years.

Inspectors

All work shall be completed by qualified inspectors pursuant to **49 CFR Part 396.19**.

RTDS POLICY UPDATE

To: RTDS Maintenance Supervisors
From: Director of Operations
CC: Leadership
Date: 1/11/2016
Re: RTDS Annual DOT Inspection Procedures and Record Retention



3.10. RTDS Annual DOT Inspection

Introduction

Ducks are subject to a combination of operational conditions not normally encountered by other autos, trucks, busses, or boats. This variety of stresses, strains, vibrations and harsh operating environments requires very detailed periodic inspections and regular maintenance. The annual inspections are but one segment of the comprehensive RTDS Maintenance Program.

Objectives and Implementation

In a timely but thorough manner inspect all safety sensitive systems and components to ensure our Ducks are safe for operation on the road. This inspection process has been established to ensure certain required maintenance actions are performed within a specific interval and as required by the FMCSA and RTDS. Annual inspections are to be performed on all Ducks within a period of not more than 12 months between inspections. Once established, this cycle shall be maintained for the service life of the vehicle.

Directions

This inspection packet consists of 10 sub-packets, a workbook page within each sub-packet that will show parts used and maintenance performed, and a sign off sheet for the use inspectors and their supervisors. Each sub-packet requires the Duck number to be written at the header and the specific date that the Duck component was inspected.

Each inspector will be given a sub-packet to complete. Items inspected that check out serviceable shall be indicated as such on the paperwork by checking the (OK) box and by placing their initials. Any item that requires maintenance or repair shall be noted with "see workbook" next to it. The inspector shall then show all work performed by taking notes, listing parts used, and by finally signing off that the work has been complete and is to correct safety specification.

When work is performed a "Work Order" must be created and kept on file as required by RTDS. When the Annual Inspection is complete, each inspector and supervisor affiliated with the Ducks inspection must sign under the appropriate title and a DOT Annual Vehicle Inspection Report must be created and placed on board the Duck.

Records

The original DOT Annual Vehicle Inspection Report shall be placed on the Duck and kept onboard at all times. A copy of the original DOT Annual Vehicle Inspection Report and Annual Inspection Workbook shall be kept by the Fleet Maintenance Manager, and remain on file for a minimum of 3 years.

Inspectors

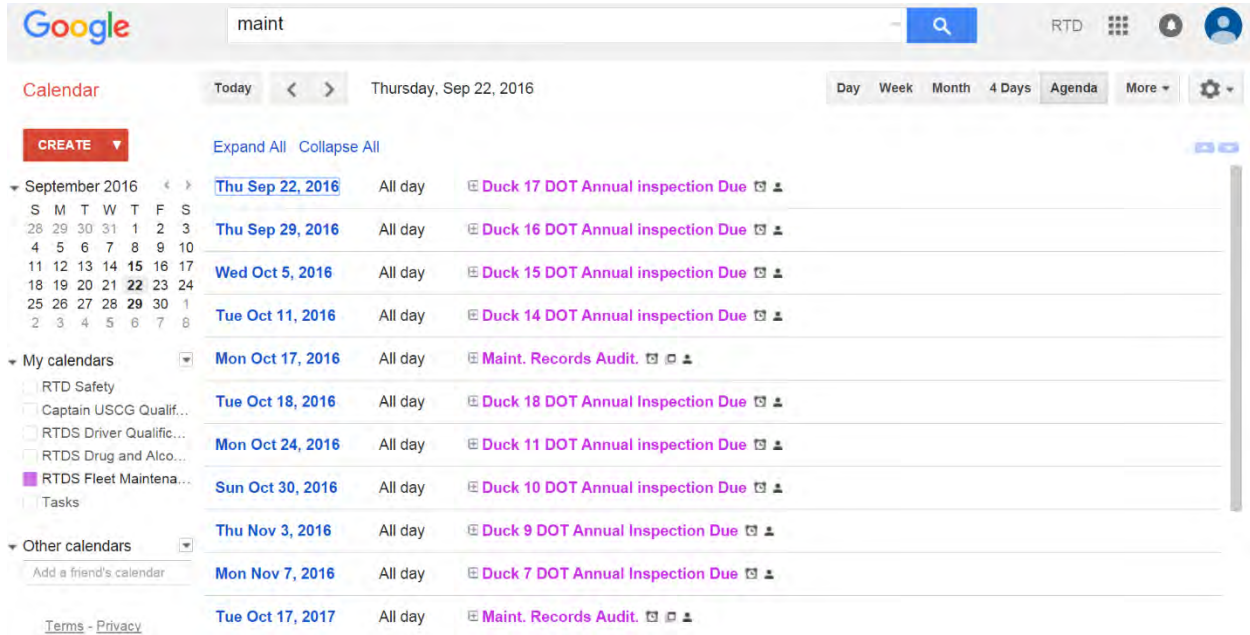
All work shall be completed by qualified inspectors pursuant to 49 CFR Part 396.19.

I have read and been trained on the following Ride the Ducks of Seattle protocol, procedure, or policy.

Name: Joe M. Hatten Signature: Joe M. Hatten Date: 11 Jan 16

1. Google Calendar for RTDS Fleet Maintenance “Agenda Mode”

Screen capture below shows event scheduled for annual Verification and Review (audits) of Fleet Maintenance Department records and record retention. Notice the reoccurring event for the same inspection on Tuesday October 17, 2017.



2. Google Calendar for RTDS Fleet Maintenance “Agenda, Detailed Mode”, (Annual Record Audit)

This detailed view of first event listing (Oct. 17, 2016) shows the three RTDS Supervisors responsible for the Audit that will receive the reminder email, Director of Operations, Fleet Maintenance Manager, and Shop Foreman.

The screenshot displays the Google Calendar interface in 'Agenda' mode. The search bar at the top contains the text 'maint'. The calendar view shows a list of events for September and October 2016. The selected event, 'Maint. Records Audit', is highlighted in purple. The event details panel on the right shows the following information:

- Calendar:** RTDS Fleet Maintenance Reminders
- Created by:** rtdsafety@gmail.com
- Who:** isaac@ridetheducksofseattle.com, joe@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com
- Color:** A purple checkmark icon is selected from a color palette.

Below the event details, there are links for 'copy to my calendar | Delete' and 'Edit event »'. The calendar view shows a list of events for September and October 2016, with the current view set to 'Agenda' mode. The top navigation bar includes the Google logo, a search bar with 'maint' entered, and user profile information for 'RTD'.

3. Google Calendar for RTDS Fleet Maintenance “Create/Edit Notification Mode”, (Annual Record Audit)

The red circle show the audit scheduled for October 17, 2016 and the notification will repeat annually in perpetuity. The blue circle shows the list of recipients as the Shop Foreman, Fleet Maintenance Manager, and Director of Operations.

The screenshot shows the Google Calendar interface for creating an event. The event title is "Maint. Records Audit". The date is set to 10/17/2016, and it is marked as an all-day event that repeats annually on October 17. The event is created by rtdsafety@gmail.com and is part of the "RTDS Fleet Maintenance Reminders" calendar. The description states: "This audit will include the Director of Operations, Fleet Maintenance Manager, and Shop Foremen. Audit will include DVIR audit, Work order and maintenance records, Annual/Periodic/Special Inspection and their documentation." The event is scheduled for 9:00am, one week before. The guest list includes isaac@ridetheducksofseattle.com, joe@ridetheducksofseattle.com, and ryan@ridetheducksofseattle.com. The "Guests can" section is checked for "invite others" and "see guest list".

Event Details:

- Title:** Maint. Records Audit
- Date:** 10/17/2016 to 10/17/2016
- Repeat:** Annually on October 17
- Created by:** rtdsafety@gmail.com
- Description:** This audit will include the Director of Operations, Fleet Maintenance Manager, and Shop Foremen. Audit will include DVIR audit, Work order and maintenance records, Annual/Periodic/Special Inspection and their documentation.
- Calendar:** RTDS Fleet Maintenance Reminders
- Event color:** Purple
- Notifications:** Email, 1 weeks before at 9:00am

Guests:

- isaac@ridetheducksofseattle.com
- joe@ridetheducksofseattle.com
- ryan@ridetheducksofseattle.com

Guests can:

- invite others
- see guest list

RTDS DUCKS	Status	Vehicle Vin #	Date of Last Periodic Inspection	Due Date for next Periodic Inspection	Notification Reminder
Duck 1	Out of Service	353-112262	Out of Service	Prior to Service	n/a
Duck 2	Out of Service	353-14899	Out of Service	Prior to Service	n/a
Duck 3	Out of Service	353-11380	Out of Service	Prior to Service	n/a
Duck 4	Out of Service	353-15696	Out of Service	Prior to Service	n/a
Duck 5	Out of Service	353-10908	Out of Service	Prior to Service	n/a
Duck 6	Out of Service	353-15140	Out of Service	Prior to Service	n/a
Duck 7	Active	M23508	11/8/15	11/7/16	x
Duck 8	Out of Service	353-11566	Out of Service	Prior to Service	n/a
Duck 9	Active	042-515818	11/4/15	11/3/16	x
Duck 10	Active	4J0520	10/31/15	10/30/16	x
Duck 11	Active	525-11792	10/26/15	10/25/16	x
Duck 12	Active	M60331	10/19/15	10/18/16	x
Duck 14	Active	M23060	10/12/15	10/11/16	x
Duck 15	Active	M21142	10/6/15	10/5/16	x
Duck 16	Active	M51251	9/30/15	9/29/16	x
Duck 17	Active	22519145	9/23/15	9/22/16	x
Duck 18	Active	4M2209	9/16/15	9/15/16	x
Duck 19	Out of Service	353-21978	Out of Service	Prior to Service	n/a
Duck 20	Out of Service	353-18659	Out of Service	Prior to Service	n/a
Duck 21	Out of Service	353-19388	Out of Service	Prior to Service	n/a

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 24 – State Primary 396.25(e)**

Part B Violation 24 –State Primary 396.25 (e)

Failing to retain evidence of brake inspector’s qualifications

Discovered: 8, Checked 8

This violation was a result of Ride the Ducks of Seattle failing to properly document and maintain on file evidence of brake inspector’s qualifications at its principal place of business or at the location at which the brake inspectors were employed. As was noted in the investigation summary, RTDS immediately corrected this at the time of the investigation and has now implemented a new process to prevent violations in the future.

The following corrective actions have been taken to prevent this discrepancy from occurring again:

Person(s) responsible for ongoing compliance: Ryan Johnson, Director of Operations and Compliance Officer & Joe M. Hatten, Fleet Maintenance Manager.

1. Ride the Ducks of Seattle maintains minimum qualifications for Maintenance Technicians to include education and/or experience to qualify as an Annual Inspector and Brake Inspector as defined in 49 CFR 396.19 and 396.25.
2. Ride the Ducks of Seattle will document all brake inspector qualifications during initial new hire processes.
3. The brake inspector’s qualifications will be retained according to 49 CFR Part 396.25 (e) at Ride the Ducks of Seattle’s maintenance facility and be maintained by the Fleet Maintenance Manager. Copies will be kept in the employee’s permanent file at the Ride the Ducks of Seattle offices.

The following materials in support of these corrective actions can be found in Appendix X:

1. **List of current Maintenance Technicians**
2. **Maintenance Technician qualifications and responsibility**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix X:

**Supporting Documents of Corrective Actions
In Response to Violation 24**

- List of Maintenance Technicians
- Maintenance Technician Qualifications and Responsibility

Maintenance Technicians

Ride the Ducks of Seattle Maintenance Department and Date of Receipt of Brake Inspector Qualification		
Name	Position	Date of Receipt of Brake Inspector Qualification
Barker, Mitchell	Maintenance Technician	11/4/2015
Brandon, Reginald	Junior Lead Technician	11/11/2015
Crawford, Donald	Maintenance Technician	10/8/2015
Ellet, Zach	Maintenance Technician	10/9/2015
Hatten, Joseph, C	Senior Lead Technician	10/8/2015
Hatten, Joseph, M	Fleet Maintenance Manager	10/9/2015
Hoffman, Isaac	Shop Foreman	10/7/2015
Holmes, Cole	Maintenance Technician	10/9/2015
Thornton, James	Maintenance Technician	11/23/2015
Ward, Patrick	Maintenance Technician	10/8/2015
Wooden, Brandon	Maintenance Technician	10/8/2015

Excerpt from RTDS Code of Compliance Manual Volume 3 (Maintenance), Chapter 2:

Chapter 2 – Maintenance Technician Qualifications and Responsibility

2.1 Required Maintenance Technician Qualifications Policy

It is RTDS Policy to appoint Maintenance Technicians that:

- Possess the required level of training and competence to inspect and maintain the Ducks to which they are assigned.
- Hold appropriate certificates and/or qualifications as required by the FMCSA, USCG, and RTDS.
- Have certifications and/or qualifications that have not been disqualified, revoked, or suspended.
 - Maintenance Technicians that have CDL Licenses that have been disqualified, revoked, or suspended shall not be allowed to drive a CMV.
- Are fully conversant with the RTDS Code of Practice, Volumes 1 and 3.
- Acknowledge that it is the responsibility of each maintenance technician to remain current to new regulations, laws, and renewal timetables concerning their certifications or qualifications or the use thereof.

2.2 Maintenance Technician Qualification Requirements

- Be at least 21 years of age.
- Have the formal training or on the job training documented to qualify as a certified annual inspector.
- Have the formal training or on the job training documented to qualify as a certified CMV brake inspector.
- Is qualified as to sight, hearing, and physical condition to perform the duties of a RTDS Maintenance Technician.
- Pass a pre-employment drug screen as defined by the RTDS Drug and Alcohol Policy.
- Be completely drug free and comply with the regulations set forth by the RTDS drug and alcohol testing program.
- Possess excellent communication skills.