
	US DOT # 1905507	Legal: RIDE THE DUCKS OF SEATTLE Operating (DBA):	
MC/MX #: 000000		State #: ES-146	Federal Tax ID: 91-1957261 (EIN)
Review Type: Non-ratable Review - Minibus/Van			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory:			
Operation Types			
Interstate	Intrastate		
Carrier: N/A	Non-HM	Business: Corporation	
Shipper: N/A	N/A	Gross Revenue: \$9,565,062.00	
Cargo Tank: N/A		for year ending: 12/31/2015	
Company Physical Address:			
516 BROAD STREET SEATTLE, WA 98109			
Contact Name: Ryan Johnson			
Phone numbers: (1) 206-441-4687		(2) 206-789-0790	
Fax: 206-441-4697			
E-Mail Address: Brian@Ridetheducksofseattle.com			
Company Mailing Address:			
516 BROAD STREET SEATTLE, WA 98109			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Passengers			
Equipment			
	Owned	Term Leased	Trip Leased
Minibus, 16+	19	0	0
Power units used in the U.S.: 19			
Percentage of time used in the U.S.: 100			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:	0	32	Total Drivers: 32
>= 100 Miles:	0	0	CDL Drivers: 32



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	State #: ES-146	Review Date: 08/04/2016
--	---	-----------------	----------------------------

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety Rules may be addressed to the WUTC Attn: Mathew Perkinson


PO BOX 47250
Olympia, WA 98504-7250
Phone: (360) 664-1236 Fax: (360) 586-1150 Email: Mperkinson@utc.wa.gov

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Ryan Johnson	Title: Director of Operations
Name: Margaret Singbeil	Title: Finance Manager



	RIDE THE DUCKS OF SEAT	State #: ES-146	Review Date: 08/04/2016
	U.S. DOT #: 1905507		

Part B Violations

1 STATE	Primary: 391.21(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
------------	--------------------	-----------------	--------------	---------------------------------------	--------------

Description

Using a driver who has not completed and furnished an employment application.

Example

Driver Name: Paul Langer

Trip Date: 4/15/2016

Description of Violation: Mr. Langer's employment application does not include employment history. The application fails to specify whether or not previous employment was subject to the FMCSRs.

2 STATE	Primary: 395.8(h)(5)	Discovered 3	Checked 210	Drivers/Vehicles In Violation 3	Checked 7
------------	----------------------	-----------------	----------------	---------------------------------------	--------------

Description

Failing to record the name of the city, town, or village, with State abbreviation where each change of duty status occurs

Example

Driver Name: William Elmer

Trip Date: 4/2/2016

Description of Violation: On April 2 Mr. Elmer was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation, CFR Part 395.8(h)(5).

Driver Name: Robert Merry

Trip Date: 4/9/2016

Description of Violation: On April 9 Mr. Merry was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation.

Driver Name: Randal Nelson

Trip Date: 4/17/2016


Description of Violation: On April 17 Mr. Nelson was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation.

Safety Fitness Rating Information: Total Miles Operated 163,365 Recordable Accidents 1	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 4 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 1
---	---

Your proposed safety rating is :

This Review is not Rated.



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
Part B Requirements and/or Recommendations		

1. **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business. Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>. All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information: <http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

2. Ensure that the driver's employment application contains all the required information including the driver's employment history and whether or not the driver was subject to the FMCSRs.
3. Ensure that your MCS-150 filing is updated bi-annually, according to the schedule in CFR Part 390. Be sure to update mileage.
4. Ensure all driver logbooks are in accordance with 49 CFR 395.8(f).
5. Within 15 days send a letter to the WUTC describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations. Address this letter to:

Mathew Perkinson
 Special Investigator

WUTC
 PO Box 47250
 Olympia, WA 98504

You may email the letter to Mperkinson@utc.wa.gov.



Part C

Reason for Review: Enforcement Follow-up
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews	Prior Prosecutions	Reason not Rated: Minibus/Van
11/5/2015	2/9/2016	

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle? Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: Ryan Johnson	Special Study Information:
Corporate Contact Title: Director of Operations	

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Brian Tracey
 Title: CEO, President, and Owner
 Carrier/Shipper Name: Ride the Ducks of Seattle, LLC dba Ride the Ducks of Seattle
 Date: August 4, 2016

REASON FOR THE INVESTIGATION:

Ride the Ducks of Seattle, LLC dba Ride the Ducks of Seattle (Ride the Ducks) was investigated due to a fatal accident that took place on September 24, 2015. Docket TE-151906, Order 06 instructs commission staff (staff) to conduct a follow-up review within six months from January 27, 2016. This investigation was assigned to Safety Investigators Mathew Perkinson and Sandi Yeomans on June 14, 2016.


SCOPE OF THE INVESTIGATION:

On May 3, 2016, the commission conditionally approved and adopted a settlement agreement in Docket TE-151906 Order 08 between Ride the Ducks and staff. In the agreement the commission suspended \$152,000 of a total penalty (\$308,000) on the condition that Ride the Ducks commits no new violations of the following laws or regulations for a period of 24 months from the date of the order:

- (a) 49 CFR Part 383.37; Drivers must possess valid commercial driver licenses;
- (b) 49 CFR Part 391.45; Drivers must be medically examined and certified;
- (c) 49 CFR Part 391.51(b)(7); Company must maintain medical examiner's certificates in each driver qualification file;
- (d) 49 CFR Part 395.5; Company must enforce maximum driving time rules;
- (e) 49 CFR Part 395.8; Drivers must record their duty status for each 24-hour; and
- (f) RCW 81.04.530.; Company must establish and maintain a controlled substance and alcohol testing.

This investigation of Ride the Ducks covers the period from the closing date of the previous investigation, December 15, 2015, through July 11, 2016. SMS was checked at the start of the investigation and Ride the Ducks exceeded the Federal Motor Carrier Safety Administration's (FMCSA) threshold and/or was cited with one or more Acute/Critical violations within the past 12 months during an investigation. SMS shows Ride the Ducks was involved in one recordable accident since



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
Part C		

December 15, 2015.

Staff contacted Ryan Johnson (Operations Manager) on June 24, 2016, and the process of a follow-up safety investigation was discussed. The investigation was set for July 11 at the carrier's Principle Place of Business (PPOB) located at 4203 9th Ave NW, Seattle, WA 98107. An appointment letter and safety questionnaire was emailed to Mr. Johnson on June 24. Margaret Singbeil (Finance Manager) and Mr. Johnson were present at the start of the review. Safety Investigators Mathew Perkinson and Sandi Yeomans were also present. A comprehensive investigation was performed and completed on July 28, 2016.

CARRIER OPERATION DESCRIPTION:

Governing Officials:

Brian Tracey, CEO, President, and Owner
Michele Coffman, General Manager
Ryan Johnson, Director of Operations
Margaret Singbeil, Finance Manager
Moti Krauthamer, Director of Safety

Ride the Ducks filed with the Washington State Secretary of State in April 1999. Ride the Ducks is a for-hire excursion service carrier providing specialized land and water tours in amphibious vehicles in Seattle. Ride the Ducks operates only in the greater Seattle area. Ride the Ducks currently operates 10 "Truck Duck" (converted military amphibious vehicle) vehicles with a GVWR up to 20,500 lbs. Ride the Ducks currently has 25 CDL drivers. Since December 15, 2015, Ride the Ducks employed 32 CDL drivers. Ride the Ducks reported an annual gross revenue of \$9,565,062 for the fiscal year ending on December 31, 2015. Ride the Ducks houses its vehicles inside at its PPOB. Ride the Ducks reported operating 163,365 miles in 2015. Ride the Ducks was not involved in any emergency relief efforts since December 15, 2015. As a result of the September 24, 2015, accident Ride the Ducks changed its route and no longer uses the Aurora Bridge. Ride the Ducks tours now feature two employees. One employee is responsible for the operation of the vehicle and one is responsible for the tour narration.

PRE-INVESTIGATION:

On June 24, 2016, an appointment letter and safety questionnaire was emailed to Ride the Ducks at Ryan@ridetheducksofseattle.com <mailto:Ryan@ridetheducksofseattle.com> explaining the investigation process, the records that would need to be reviewed and the information the carrier would need to make available. The records and documents that were requested were as follows:

Accident Information:

A list of all accidents for the past 365 days from date of review.

1. Including: driver's full name;
2. Accident date;
3. Number of injuries or fatalities;
4. Number of vehicles towed due to disabling damage.
5. Indicate whether or not driver was cited for a moving violation.

Qualification Files:

Qualification files for all drivers used within the past 12 months.

If they had drivers assigned to other locations, be prepared to identify each driver's status.

1. Terminal location;
2. Local vs. long haul;
3. Type of equipment operated;
4. Company or leased.

Insurance & Economic Documentation:

A current copy of valid insurance.
A current copy of Form MCS-150.
A current copy of your Washington state authority.

Equipment Maintenance:

All maintenance files and records for each unit, including leased units.



	RIDE THE DUCKS OF SEATON U.S. DOT #: 1905507	Review Date: 08/04/2016
---	--	----------------------------

State #: ES-146

Part C

Files and records including evidence of annual inspections, repair receipts, maintenance schedules, certifications or qualifications of persons performing annual inspections and brake repair and adjustments.

Copies of daily vehicle inspection reports, (DVIR's) for the last three months.

Drug and Alcohol Records:

All administrative records related to alcohol and controlled substances testing.

If you are enrolled with a consortium, obtain the current list of drivers for your company.

Other records including:

1. Annual report for previous year;
2. Pre-employment test results for all drivers hired in the last 365 days;
3. Random selection list and test results;
4. Educational materials provided to drivers;
5. Company written drug and alcohol policy.

Ride the Ducks completed the safety questionnaire and emailed it back on July 4, 2016. Ride the ducks was cooperative and made all records available.

CDLIS (DRIVER LICENSE) CHECK:

20 commercial driver licenses were checked through CDLIS on July 6, 2016. Each driver had at least a class C commercial driver license with a passenger endorsement. 15 of the driver licenses checked are non-excepted intrastate and five of the 20 are non-excepted interstate. See part 383 for details.

AUTHORITY

Ride the Ducks is a for-hire passenger carrier operating in intrastate commerce and has a valid Charter and Excursion Bus Certificate, ES-146 issued by the commission. Ride the Ducks operates under the USDOT number 1905507. On September 28, 2015, the commission ordered an emergency suspension of Ride the Ducks' excursion service carrier authority in Docket TE-151906, Order 01. The commission subsequently entered Order 05 and lifted the suspension on December 22, 2015. Order 05 did not lift the suspension of Ride the Ducks' "Stretch Ducks." Ride the Ducks resumed operations in January 2016 and is not currently operating any "Stretch Duck" vehicles. The "Stretch Duck" license plates have been removed from the vehicles.

INSURANCE

Ride the Ducks is a for-hire passenger carrier operating in intrastate commerce and is required to maintain a minimum level of public liability of \$5,000,000. Insurance was checked through the commission's SharePoint Portal. Ride the Ducks maintains \$5,000,000 coverage. There has been no lapse in coverage since December 15, 2015. See Part 387 for details.

RED FLAG DRIVERS:

No Red Flag drivers were found at the start of the investigation.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW

This is a follow-up comprehensive investigation therefore a Drug and Alcohol Supplemental Review is not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW

Ride the Ducks does not transport hazardous materials.


INVESTIGATION:

Parts 171, 172, 173, 177, 178, 180, & 397 Hazardous Materials

Ride the Ducks does not transport any hazardous materials.

Part 376 Lease and Interchange of Vehicles



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
Part C		

Ride the Ducks does not lease vehicles.

Part 380 Special Training

Ride the Ducks does not operate long combination vehicles (double trailers exceeding 80,000 lbs. GVWR) in commerce and was not checked for LCV driver training certification. Ride the Ducks has entry-level drivers and had entry-level driver certificates on file for all eight drivers checked.

Part 382 Controlled Substances and Alcohol Use and Testing

Ride the Ducks is currently enrolled in a random controlled substance and alcohol testing program with Aurico Reports, Inc. (Aurico). Aurico is located at 116 W. Eastman Street Arlington Heights, IL 60004. The contact at Aurico is Joe Conerty. Mr. Conerty's telephone number is (312) 698-0275. Mr. Conerty was contacted on July 8, 2016, to obtain the following information:

1. 2016 pool summary.
2. A list of drivers in the pool at each time a selection was made (1st and 2nd quarter 2016).
3. A list of drivers tested in the 1st and 2nd quarter of 2016 including results.
4. A list of drivers currently in the pool.
5. A list of drivers who tested positive in the 1st and 2nd quarter of 2016.
6. The date the company enrolled in the program.

Mr. Conerty informed staff he does not have access to the requested information and these types of requests typically go directly to the client or employer as they have specific reports they can pull with the exact information being requested. Aurico has a program named E-Screen which allows Ride the Ducks staff to pull (but not modify) records such as summaries and test results. Ride the Ducks can add or remove drivers as needed. Staff requested drug testing information from Ride the Ducks and observed Ms. Singbeil pull the information from E-Screen. Draws are made quarterly for random drug testing. Ms. Singbeil is notified of the random selections. The following formula is used to determine how many tests are required:

Controlled substance tests required equals 25 percent of the average driver positions per quarter divided by testing periods. Alcohol tests required equals 10 percent of the average driver positions per quarter divided by testing periods. Ride the Ducks had the following number of drivers in its testing pool as follows.

Drivers in pool at the time of 1st quarter draw: 19
Drivers in pool at the time of 2nd quarter draw: 25

From January 1, 2016, through June 30, 2016, Ride the Ducks performed 25 total random tests. During the first quarter of 2016 seven drug tests and three alcohol tests. During the second quarter of 2016 10 drug tests and five alcohol tests. If Ride the Ducks continues to test at the current rate it will satisfy the 25 and 10 percent requirements outlined in CFR Part 382.305(b)(1). For example, if Ride the Ducks employed an average of 40 drivers per quarter through 2016 it will be required to perform three drug tests and one alcohol test per quarter.

According to the "Randoms Statistics Report for 2016" Ride the Ducks completed nine of the 10 drug tests selected and four of five alcohol tests selected. Ms. Singbeil provided documentation that the tests showing as "not complete" were in fact complete. Ms. Singbeil is working with Aurico to update the data in the report. Test results were provided for those tests. According to Ms. Singbeil Ride the Ducks set its testing rates at 35 percent for controlled substances and 15 percent for alcohol. Ms. Singbeil is responsible for handling Ride the Ducks' drug and alcohol testing program and is specifically named as the Drug Employee Representative (DERR) in Ride the Ducks' drug and alcohol policy. Ms. Singbeil received at least 60 minutes of training on alcohol misuse and controlled substance and provided a certificate. Megan Lee tested with "Negative" and "Dilute" results on March 31, 2016. Ride the Ducks sent Ms. Lee for another test on April 2. The results of that test are negative. Reginald Brandon tested with "Negative" and "Dilute" results on April 25, 2016. Ride the Ducks sent Mr. Brandon for another test on May 4, 2016. The results of that test are negative. CFR Part 40.197(b) states if an employer receives a negative test that was dilute and the MRO directs the employer to conduct a recollection under direct observation the employer must do so immediately otherwise the employer may, but is not required to, direct the employee to take another test immediately. No positive tests were identified. No reasonable suspicion tests were conducted.

Ride the Ducks hired 17 CDL drivers since December 15, 2015. The pre-employment test results of five drivers Matthew





Part C

Barrett, Sarah Chido, Jack Dearth, Jeremy Gollyhorn, and Ryan Hawkins were checked to verify the drivers did not operate a CDL vehicle prior to Ride the Ducks receiving a negative test result for that driver. The drug test results compared to the driver's record of duty status (RODS) show that no driver operated a commercial motor vehicle before Ride the Ducks received negative drug test results.

Jeremy Gollyhorn was re-hired on February 15, 2016. A negative pre-employment test result was verified on February 18, 2016. Mr. Gollyhorn's timecard shows he was a "driver" on two occasions prior to February 18, 2016. The timecard shows the word "driver" and has the letter "D" next to Mr. Gollyhorn's name. Staff contacted Mr. Johnson to inquire about the pre-employment test. Mr. Johnson stated Mr. Gollyhorn previously worked for Ride the Ducks and Mr. Gollyhorn wanted to ensure he was paid driver wages as opposed to training wages. Staff requested Mr. Johnson submit supporting documentation that would show Mr. Gollyhorn was in training. On July 14 Mr. Johnson submitted internal email correspondence between himself and scheduling staff at Ride the Ducks. The emails indicate Mr. Gollyhorn was in training. On February 18 Mr. Johnson emailed scheduling staff at Ride the Ducks "... They should finish training today. Mizrain is a driver - he will be good to go. Gollyhorn is a driver - waiting on drug test results he hasn't driven yet ..." On February 18 Mr. Johnson emailed "... Gollyhorn is good! ..." Mr. Johnson states Mr. Gollyhorn was in classroom study on those days including entry-level driver training, drug and alcohol program training, and other discussion topics for those returning to duty. No violation was recorded.

Matthew Barrett was hired on June 6, 2016. A negative pre-employment test result was verified on June 2, 2016. No records were discovered indicating Mr. Barrett operated prior to June 2. Jack Dearth was hired on February 29, 2016. A negative pre-employment test result was verified on February 26, 2016. No records were discovered indicating Mr. Dearth operated prior to February 26. Sarah Chido was re-hired on February 15, 2016. A negative pre-employment test result was verified on February 12, 2016. No records were discovered indicating Ms. Chido operated prior to February 12. Ryan Hawkins was hired on January 11, 2016. A negative pre-employment test result was verified on January 26, 2016. Mr. Hawkins time record shows he has time recorded for January 11, 2016. Mr. Johnson confirmed that Mr. Hawkins was in entry-level driver training, and drug and alcohol program training on that day. Mr. Hawkins was not driving prior to Ride the Ducks receiving the negative drug test result.

The previous investigation identified a violation of CFR Part 382.601(b)(11) and states Ride the Ducks' drug and alcohol policy was missing CFR information regarding the effects of drug and alcohol usage and generally spoke to USCG regulations. The current policy has updated language which includes USCG and FMCSA requirements. Ride the Ducks was involved in one recordable accident. No citation was issued to a CMV driver for a moving traffic violation arising from the crash, therefore Ride the Ducks was not required to administer a post-accident drug test.

Part 383 Commercial Driver's License

The license history of 20 CDL drivers currently employed by Ride the Ducks was checked. Checks were conducted through CDLIS. All drivers were properly licensed with at least a Class C CDL and Passenger endorsement for the vehicles being operated. The previous investigation identified a violation of CFR Part 383.37(b) due to Ride the Ducks allowing a driver to operate with a suspended CDL. In that case, the driver had an expired medical certificate which led to a suspended CDL. No repeat violations of CFR Part 383.37(b) were identified.

Part 387 Financial Responsibility

Ride the Ducks had continuous insurance coverage from December 15, 2015, through July 11, 2016. From December 15, 2015, through April 15, 2016, Ride the Ducks was insured through T.H.E. Insurance Company under policy number ELP001117402. The Form E on file at the commission shows Ride the Ducks has public liability limits of \$5,000,000 and its vehicles are insured effective April 15, 2016, by National Continental Insurance Company under Policy CPW55289616. Ride the Ducks was unable to produce a copy of the Form E at the time of the review. Ride the Ducks provided a copy of a Form F. The Form F shows primary liability limits of \$5,000,000. Ride the Ducks' insurance agent is Kim Bell. The telephone number is (417) 841-3210. Staff contacted Ms. Bell on July 7, 2016, and requested a loss run report for all incidents since December 15, 2015. A copy of the loss run was provided on July 12. The loss run report shows one recordable accident on March 31, 2016. Other accident information on the loss run was reviewed to determine if the accidents or claims were recordable accidents. No other recordable accidents were discovered.

Part 390 General

Ride the Ducks was involved in one recordable accident since December 15, 2015. The accident took place on March 31, 2016, in Duck 7. One of the vehicles involved in the accident was towed and no one received a citation. Ride the Ducks has





RIDE THE DUCKS OF SEATTLE
U.S. DOT #: 1905507

State #: ES-146

Review Date:
08/04/2016

Part C

an accident register on file showing the accident. The previous investigation identified a violation of CFR Part 390.15(b)(1) for form and manner of the accident register. The accident register is now in compliance according to CFR Part 390.15(b)(1). On March 31, 2016, Duck 7 was inspected at 4203 9th Ave SW, Seattle, WA by Rodger Bleiler with the Seattle Department of Transportation (SDOT). The vehicle passed inspection and no defects were noted.

Ride the Ducks' MCS-150 was updated on June 24, 2016, however the Vehicle Miles Travelled (VMT) was last updated in 2014. Motor carriers are required to update their MCS-150 every two years according to a specific schedule. Ride the Ducks is required to update its mileage no later than July 2016. Ride the Ducks was informed the mileage is required to be updated when filing the MCS-150. Ride the Ducks updated the MCS-150 form on July 11, 2016, to include the 2015 mileage. No violation of 390.19(b)(2) was recorded. Ride the Ducks vehicles are properly marked in accordance with CFR 390.21.

Part 391 Qualification of Drivers

Ride the Ducks currently employs 25 CDL drivers and used 32 CDL drivers since December 15, 2016. A sample size of eight driver qualification (DQ) files were checked. William Elmer, Ryan Hawkins, Paul Langer, Robert Merry, Curt Nakon, Randal Nelson, James Stork, and Brandon Wooden were reviewed. The sample includes drivers that were terminated and re-hired due to the suspension of Ride the Ducks' operating authority, a mechanic/driver, a driver involved in an accident, long term, and newly-hired drivers.

The employment application of Paul Langer is incomplete. Mr. Langer was hired on March 21, 2016. The employment application did not include employment history for the previous three years, CFR Part 391.21(a). Mr. Langer's application does not specify whether or not his previous employment was subject to the FMCSRs. A violation of CFR Part 391.21(a) was recorded in the previous investigation because Ride the Ducks failed to ensure the applications had the date of birth for all employees. The application makes reference to Mr. Langer's resume. Each of the driver files had a road test or equivalent.

Ride the Ducks is required to have drivers furnish an annual list of violations, review the violations, and obtain drivers annual abstracts once every 12 months. Mr. Elmer, Mr. Hawkins, Mr. Langer, Mr. Merry, and Mr. Stork were hired in the past six months, therefore the annual abstracts, annual reviews, and annual list of violations are not yet required. Mr. Nakon's and Mr. Nelson's records were reviewed by Ride the Ducks on January 6, 2016. Mr. Wooden's records were reviewed on September 7, 2015, and not yet required.


Each of the eight drivers checked had a current medical certificate on file. Ride the Ducks noted the medical certificates were issued by members of the National Registry of Certified Medical Examiners by printing out the National Registry Website and noting the printout. The entire period from December 15, 2015, through July 11, 2016 was reviewed and no medical certificate violations were discovered.

In accordance with FMCSA Memorandum MC-ECS-2012-004 two driver's medical certificates were required to be verified. Both medical certificates were confirmed valid and it was verified the doctors are listed on the national registry.

Name: Ryan Hawkins
Date of Birth: February 18, 1979
License Number: HAWKIRW211CQ
ME's License/Certificate Number: 10004996 WA
Date of Issuance of the MEC: July 1, 2016
National Registry Identification Number: 5482162385
Phone Number: (206) 784-0737
Date and Time Contacted: July 11, 2016 @ 11:19AM
Results MEC Check: Confirmed

Name: Paul Langer
Date of Birth: January 22, 1962
License Number: LANGEPZ382B2
ME's License/Certificate Number: 60463242 MO
Date of Issuance of the MEC: March 11, 2016
National Registry Identification Number: 3557616253
Phone Number: (206) 706-9001
Date and Time Contacted: July 11, 2016 @ 12:08 PM



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
Part C		

Results MEC Check: Confirmed

Part 392 Driving of CMV's and Authority

Ride the Ducks is an intrastate carrier and required to submit an annual report each year and pay regulatory fees. Ride the Ducks submitted its annual report and paid its regulatory fees for 2015 on April 26, 2016. Ride the Ducks is not required to pay UCR fees.

Part 395 Hours of Service

Since December 15, 2015, Ride the Ducks has employed 32 CDL drivers. Ride the Ducks currently employs 25 drivers. Seven drivers' hours of service records were checked for a period of 30 days within the past six months. A total of 210 Records of Duty Status (RODS) were checked. The records of drivers Mr. Elmer, Mr. Gollyhorn, Mr. Hawkins, Mr. Langer, Mr. Merry, Mr. Nakon, and Mr. Nelson were reviewed. Ride the Ducks operates under the exemption found in CFR Part 395.1(e) (100 air-mile radius) which allows motor carriers to use timecards in place of logbooks. The exemption states the driver of a passenger-carrying commercial motor vehicle must have at least eight hours off duty between each 12 hours on duty, the driver must be released from work within 12 consecutive hours, the driver cannot drive more than 10 hours following eight consecutive hours off duty, and the driver must operate within a 100 air-mile radius of the normal work reporting location. The motor carrier is required to retain the records for six months. The records must include the time the driver starts for duty each day, the total hours the driver is on duty each day, the time the driver is released from duty each day, and the total time for the preceding seven days for drivers used for the first time or intermittently. Ride the Ducks operates every day of the week and is not permitted to allow a driver to be on duty 70 hours in any period of eight consecutive days.

Mr. Nakon was involved in an accident in March 2016. The 30 day period prior to the accident was reviewed. A 30 day period in April 2016 was reviewed for the other six drivers. RODS were checked by comparing payroll, timecards, logbooks, timesheets, fuel receipts, and a tours worked spreadsheet.

On April 2 Mr. Elmer was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation, CFR Part 395.8(h)(5). On April 9 Mr. Merry was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation. On April 17 Mr. Nelson was not released from work within 12 hours and created a logbook. The logbook does not list at each change of duty status the name of the city, town, or village, with state abbreviation.

Ride the Ducks created a fuel use spreadsheet that lists which driver fueled and on what date they fueled. Staff compared the fuel spreadsheet to driver timesheets. On 74 occasions staff determined time was recorded as required on the driver timesheet when a driver fueled. CVISN was not used for false record checks. No false records were discovered. No 10, 15, or 70 hour violations were discovered. None of the drivers sampled had an Out-of-Service violation listed on the carrier profile since December 15, 2015.

Part 393 & 396 Maintenance and Inspection

Maintenance on Ride the Duck vehicles is performed at Ride the Ducks' PPOB. Ride the Ducks started using a specialized program in 2011 for its maintenance needs. The program has built in reminder capabilities, parts inventory tracking, and CDL or medical certificate renewal reminders. In general Ride the Ducks begins with the manufacture recommendation for maintenance of its vehicles. The program can be adjusted to increase the frequency of a specific maintenance item. For example, if the manufacturer recommends changing the oil every 5,000 miles Ride the Ducks might begin changing the oil every 5,000 miles but modify the program to a higher or lower mileage as needed. The program would alert maintenance staff at the requested mileage. The program monitors parts based on miles, hours, and days. Each morning maintenance staff checks the program and a list of reminders shows which specific vehicles are due for service, what parts are low or missing, and which vehicle is due for a 90 day inspection. According to maintenance staff Ride the Ducks performs a 240 hour inspection of its vehicles every 90 days.

Mechanics conduct a pre-trip inspection the night before a vehicle is operated. If for some reason a vehicle is placed out of service an email is distributed to all of the parties involved in safety, including dispatch. Ride the Ducks uses a whiteboard to show the status of each vehicle. A tire company comes in once a month to check the PSI of the Ride the Ducks vehicles. Maintenance is responsible for monitoring tire tread and notifies the lead mechanic if tread is getting low.



	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
---	---	----------------------------

State #: ES-146

Part C

The maintenance files of Duck 7, 11, 14, 15, and 16 were selected for review. Each of the maintenance files had a current annual inspection as follows:

- Duck 7 - Annual inspection performed by Reginal Brandon on November 8, 2015.
- Duck 11 - Annual inspection performed by Reginal Brandon on October 26, 2015.
- Duck 14 - Annual inspection performed by Mitchell Barker on October 12, 2015.
- Duck 15 - Annual inspection performed by Mitchell Barker on October 6, 2015.
- Duck 16 - Annual inspection performed by Mitchell Barker on September 30, 2015.

Inspector qualifications as required by CFR Part 396.19(a)(1) and brake inspector qualifications as required by CFR Part 396.25(d) were collected for Mr. Brandon and Mr. Barker.

Bus pushout windows, emergency doors, and emergency door marking lights are required to be checked at least every 90 days. Ride the Ducks uses a "Duck Emergency Exit Inspection" worksheet. The Daily Vehicle Inspection Report (DVIR) shows that drivers and mechanics check the, "... condition of entryway door(s)" and "... verify side curtain operation and release handles. . ." each time the vehicle is operated. The vehicles do not have "push-out" windows.

A total of 150 DVIRs from Duck 7, 11, 14, 15, and 16 were reviewed (30 each). The reviewed DVIRs were within 90 days from the start of the review. A Ride the Ducks mechanic completes a pre-trip inspection of the vehicle the night before it is operated. The mechanic initials and signs the pre-trip column. The driver comes on duty in the morning and performs another pre-trip inspection prior to operating the vehicle. The driver also initials and signs the pre-trip column of the DVIR. The driver reviews the DVIR from the prior day and signs the current DVIR verifying that any defects noted on the previous day were repaired or need not be repaired for safe operation of the vehicle. At the completion of the day's tours the driver performs a post-trip inspection. The driver initials and signs the post-trip column of the DVIR. The driver records any defects in a box at the bottom of the DVIR. A mechanic reviews the DVIR that night and make any necessary repairs. Repairs are recorded in a box on the right side of the DVIR. If parts are needed for the repair the mechanic will generate a work order using the specialized program referenced earlier in this report. If a vehicle is found to have an out of service defect the vehicle is "red-tagged."

All of the DVIRs that had a defect noted were certified as repaired or not needed for safe operation of the vehicle. The next driver signed the DVIR to verify repairs were completed or not needed. Work orders were reviewed to ensure that repairs were made. No violations were discovered.

On March 31, 2016, Duck 7 was inspected at 4203 9th Ave SW, Seattle, WA by Rodger Bleiler with the SDOT. The vehicle passed inspection and no defects were noted. Ride the Ducks provided a copy of the Driver/Vehicle Examination Report retained in the vehicle file. The SDOT inspection was taken from the profile and four additional level seven vehicle inspections were completed. Duck 11, 14, 15, and 16 were inspected and passed inspection. In the most recent investigation a violation of operating a CMV without proof of a periodic inspection was recorded. All four vehicles inspected had proof of a periodic inspection.

CLOSING INTERVIEW

The closing was performed on August 4, 2016 at the Ride the Ducks PPOB. From the commission Mathew Perkinson and Sandi Yeomans were present. From Ride the Ducks Brian Tracey, Ryan Johnson, Michele Coffman, and Margaret Singbeil were present. This investigation is an unrated review. The violations were discussed with Ride the Ducks.

DOCUMENTS GIVEN TO THE CARRIER

A copy of the investigation was provided to Ride the Ducks.

FOLLOW-ON ACTION:

No new violations of the laws or regulations outlined in Docket TE-151906 Order 08 were identified. A follow-up compliance review will be scheduled in February 2017. Order 06 requires commission staff to conduct another compliance review within one year and again after two years from the date of the Order.



<small>WASHINGTON</small>  <small>UTILITIES AND TRANSPORTATION COMMISSION</small>	RIDE THE DUCKS OF SEATTLE U.S. DOT #: 1905507	Review Date: 08/04/2016
--	---	----------------------------

State #: ES-146

Part C

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
		Failure Code:
Verified by:		Date:

